

## City of Port Colborne Council Meeting Agenda

**Date:** Tuesday, July 12, 2022  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
 66 Charlotte Street, Port Colborne

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	In order to speak at a Council meeting, individuals must register no later than 12 noon on the date of the scheduled meeting. To register, complete the online application at <a href="http://www.portcolborne.ca/delegation">www.portcolborne.ca/delegation</a> , email <a href="mailto:deputyclerk@portcolborne.ca">deputyclerk@portcolborne.ca</a> or phone 905-835-2900, ext. 115.	
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<b>22.</b>	<b>Confidential Items</b>	
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22.1.	Minutes of the closed session of the June 28, 2022 Council Meeting	
22.2.	Chief Administrative Office Report 2022-106, a proposed or pending acquisition or disposition of land by the municipality or local board	
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23. Procedural Motions
24. Information items
25. Adjournment



**City of Port Colborne**  
**Council Meeting Minutes**

**Date:** Tuesday, June 28, 2022  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

**Members Present:** R. Bodner, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor

**Member(s) Absent:** M. Bagu, Councillor  
E. Beauregard, Councillor  
D. Kalailieff, Councillor

**Staff Present:** S. Luey, Chief Administrative Officer  
B. Boles, Director of Corporate Services/Treasurer  
C. Kalimootoo, Director of Public Works  
S. Lawson, Fire Chief  
S. Tufail, Acting Deputy Clerk (minutes)  
N. Rubli, Acting City Clerk

**1. Call to Order**

Mayor Steele called the meeting to order at 6:31 p.m.

**2. National Anthem**

**3. Land Acknowledgment**

**4. Proclamations**

**4.1 Rail Safety Week, September 19-25, 2022**

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

That September 19 to 25, 2022 be proclaimed as Rail Safety Week, in the  
City of Port Colborne

Carried

**5. Adoption of Agenda**

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

That the agenda dated June 28, 2022 be confirmed, as amended.

Carried

**6. Disclosures of Interest**

**6.1 Councillor R. Bodner -Sherkston Shores Golf Cart Access, 2022-144**

The Councillor has declared a direct pecuniary interest as he has a  
business inside of Sherkston Shores Resort.

**7. Approval of Minutes**

**7.1 Regular Meeting of Council- June 14, 2022**

Moved by Councillor A. Desmarais  
Seconded by Councillor F. Danch

That the minutes of the regular meeting of Council, held on June 14, 2022  
be approved as presented.

Carried

**8. Staff Reports**

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

That items 8.1 to 8.3 be approved, and the recommendations contained therein  
be adopted.

Carried

**8.1 Canal Days Marine Heritage Festival – Paid Parking Model, 2022-117**

That Corporate Services Department Report 2022-17 be received; and

That the by-law in Appendix “A” of Corporate Services Report 2022-17 be approved.

**8.2 Recommendation Report for a Zoning By-law Amendment for a Vacant Lot on Neff Street, 2022-146**

That Development and Legislative Services Department Report 2022-146 be received; and;

That Council approve the Zoning By-law Amendment attached as Appendix A, to amend the subject lands from Fourth Density Residential ‘R4-61’ to Downtown Commercial ‘DC-68’.

**8.3 2022 – 2023 General Insurance Program, 2022-149**

That Corporate Services Department Report 2022-149 be received; and

That Council delegate authority to Staff to negotiate the 2022-2023 general insurance program and for the CAO and Director, Corporate Services/Treasurer to execute the related documents.

**9. Correspondence Items**

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That items 9.1 and 9.2 be received for information.

Carried

**9.1 Niagara Peninsula Conservation Authority - Board of Directors Meeting Highlights - May 20, 2022**

**9.2 Municipal Engineers Association - The Retention of Professional Engineers at Ontario Municipalities**

**10. Presentations**

**11. Delegations**

**12. Mayor's Report**

A copy of the Mayor's Report is attached.

**13. Regional Councillor's Report**

**14. Staff Remarks**

**15. Councillors' Remarks**

**15.1 Chlorination of Water (Bruno)**

Councillor Bruno expressed appreciation towards staff for addressing a resident's concern in regards to the chlorination of water on Sheba Crescent.

**15.2 Niagara Regional Transit (Danch)**

In response to Councillor Danch's request to address long waiting periods for the Niagara Regional Transit, the Director of Corporate Services/Treasures advised Council that there is any ongoing conversation with the Niagara Region and possible solutions are being explored.

**15.3 Port Cares' Ribbon Cutting Ceremony (Desmarais)**

Councillor Desmarais informed Council that she attended a ribbon cutting ceremony on June 22 hosted by Port Cares, that unveiled their new outdoor space and entrance/addition.

**15.4 Homelessness Presentation (Desmarais)**

Councillor Desmarais informed Council that she attended an event hosted by the Niagara Region for a discussion on homelessness in post pandemic Niagara.

**15.5 NS&T Railway Historical Plaque (Wells)**

Councillor Wells informed Council that the historical plaque erected by the Niagara Division of the Canadian Railroad Historical Association that pays tribute to the history and importance of railroads in Port Colborne was unveiled on June 27, 2022.

**16. Consideration of Items Requiring Separate Discussion**

**16.1 Affordable Housing Strategy – Project Update, 2022-103**

Tim Welch and Ryan Taylor, consultants from Tim Welch Consulting Inc. provided a presentation and responded to questions received from Council.

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

That Chief Administrative Officer Report 2022-103 be received for information.

Carried

**16.2 CIP Comprehensive Review – Project Update, 2022-102**

Luciano P. Piccioni, President of RCI Consulting provided a presentation and responded to questions received from Council.

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That Chief Administrative Officer Report 2022-102 be received.

Carried

**16.3 Linear Asset - Capital Asset Management Plan, 2022-147**

Richard Pinder, Engineer from GM BluePlan Engineering Limited, provided a presentation and responded to questions received from Council.

Moved by Councillor G. Bruno

Seconded by Councillor R. Bodner

That Corporate Services Department Report 2022-147 be received; and

That the Linear Asset – Capital Asset Management Plan in Appendix B of Corporate Services Report 2022-147 be approved.

Carried

**16.4 44th Annual Canal Days Festival Request for Road Closures, Parking Restrictions, and Patio Extensions, 2022-139**

Moved by Councillor G. Bruno

Seconded by Councillor H. Wells

That Corporate Services Department Report 2022-139 be received;

That the recommendations of Corporate Services Report 2022-139 be approved, and that Council approve all road closures and parking restrictions encompassed in this report;

That Canal Days be deemed as a municipally significant event for the purpose of applying for a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario (AGCO);

That Council has no objection to the proposed temporary extension of the liquor licensed areas from The Lock Wood Oven Pizza, The Port Colborne Legion, and the Canadian Corps Association;

That Staff be directed to confirm that all businesses that have patio extensions on municipal property file a certificate of insurance (COI) with no less than \$5,000,000 general and liquor liability naming the Corporation of the City of Port Colborne as additional insured, and listing the St. Lawrence Seaway Management Corporation, Her Majesty the Queen in Right of Canada, Transport Canada, as an additional insured in accordance with the City's Festivals & Events Insurance Requirements; and

That Council exempt the participants of the Canal Days Marine Heritage Festival from the Noise By-Law #4588/119/04 and not be required to apply for the variance in accordance with Section 4(3) Schedule 2(2).

Carried

#### **16.5 City Signage Strategy, 2022-141**

Moved by Councillor G. Bruno

Seconded by Councillor A. Desmarais

That Chief Administrative Officer Report 2022-141 be received;

That the Signage Strategy for year one, including park and welcome signage, be approved; and

That Marketing & Communications staff provide an annual update to Council on the Signage Strategy.

Carried

#### **16.6 Sherkston Shores Golf Cart Access, 2022-144**

Councillor R. Bodner declared a conflict on this item. (The Councillor has declared a direct pecuniary interest as he has a business inside of Sherkston Shores Resort).

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

That Chief Administrative Officer Report 2022-144 be received.

**Amendment:**

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

That the Chief Administrative Officer be directed to speak to Sherkston Shore Management to clearly define access for the residents and have that commitment for access in writing; and

That a report be brought back to Council.

Carried

- a. **Written Delegation material from Carol Domenicucci-Resident**
- b. **Written Delegation material from Darren Boltz-Resident**
- c. **Verbal Delegation from Ingrid Copland and Jay Cardwell-Residents**
- d. **Written Delegation material from McCreadie family-Residents**

**16.7 2021 Development Charge Summary, 2022-129**

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

That Corporate Services Department Report 2022-129 be received for information.

Carried

**16.8 Draft Boulevard and Snow Removal By-law, 2022-70**

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

That Community Safety and Enforcement Department Report 2022-70 be received;

That the draft Boulevard and Snow Removal By-law attached as Appendix A to Community Safety and Enforcement Report 2022-70, be approved; and

That By-law 6902/50/21, being a By-law a By-law to Establish a System for Administrative Penalties for Non-Parking Offences within The City of Port Colborne, be amended, to remove and replace Schedule 'F' as attached as Appendix B to Community Safety and Enforcement Report 2022-70, be approved.

Carried

## **17. Motions**

### **17.1 Motion to request a Temporary Moratorium on all Aggregate Extraction license applications**

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

Whereas the City is comprised of 12,196 hectares of land with approximately 14% or 1,778 hectares identified as Mineral Aggregate and total farmland in the Niagara Region has decreased by 2.1% or 4,660 acres since 2011 and in Port Colborne farmland area in this same period has decreased by 10.7%; and

Whereas the City acknowledges the need to protect the access to strategic mineral aggregate resources and plan for future growth, the City is equally concerned about the potential loss of Prime Agricultural Land from its inventory of good, productive agricultural lands; and

Whereas Ontario currently has over 5,000 licensed pits and quarries located throughout the province that are able to meet the expected near term needs of Ontario's construction industry and growth; and

Whereas applications continue to be submitted without a definitive justification or rationalization for the need of additional supply; and

Whereas aggregate pits and quarries can be destructive and threatening to natural environments such as wood lots, habitats of endangered species and resources such as aquifers as is the case in Port Colborne; and

Whereas pits and quarries can have negative impacts on host communities in terms of noise, air pollution, greenhouse gas emissions and truck traffic.

1. Now therefore be it resolved that the City of Port Colborne hereby respectfully request the Ontario government impose an immediate



temporary moratorium on all new aggregate mining applications pending the formation of an independent panel and broad consultation process including First Nations, affected communities, independent experts and scientists to chart a new path forward for aggregate mining in Ontario which:

- Proposes criteria and processes for determining the need for new and expansion of aggregate licenses;
- Recommends updated policies and restrictions for aggregate mining below the water table to be consistent with the Provincial Policy Statement and reflect current groundwater sciences;
- Develops new guidelines for reprocessing in order to ensure sustainable strategic aggregate supplies;
- Recommends a fair levy for aggregate mining that includes compensation for the full environmental and infrastructure maintenance costs to the local community of extraction and distribution of aggregate;
- Provides greater consideration to the input by local municipalities to lessen the impacts from aggregate operations and associated truck traffic through their communities;
- Proposes revisions to application procedures which fully honour First Nations' treaty rights;

2. Be it further resolved that a copy of this resolution be sent to the Honourable Doug Ford Premier of Ontario, the leaders of all Provincial Parties, Minister of Natural Resources and Forestry, the Honourable Ted Arnott MPP, AMO, Region of Niagara, Local Regional Area Municipalities and the Niagara Peninsula Conservation Authority.

**Amendment:**

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

**Now therefore be it resolved that the City of Port Colborne hereby respectfully request the Ontario government impose an immediate temporary moratorium on all new aggregate mining application received as of July 1, 2022.**

Lost

- a. **Delegation Material from Mr. Doug Tripp, Reform Gravel Mining Coalition**

- b. Verbal Delegation in favour from Cindy Mitchell President, Niagara Water Protection Alliance**

**18. Notice of Motions**

**19. Minutes of Boards & Committees**

**19.1 Port Colborne Historical & Marine Museum Board Minutes, May 17, 2022**

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

That the minutes of the Port Colborne Historical and Marine Museum Board meeting held on May 17, 2022, be approved as presented.

Carried

**20. By-laws**

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

That items 20.1, 20.2 and 20.4 be enacted and passed.

Carried

**20.1 By-Law to Establish a Permitting System for the Parking of Vehicles on Designated Highways and Parking Lots**

**20.2 By-Law to amend Zoning By-law 6575/30/18 respecting the lands legally known as Part of Lot 2 on Block A on Plan 762 , municipally known as a vacant lot on Neff Street**

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

**20.3 By-Law to Regulate the Maintenance and Protection of the Boulevards and for Requirement of Maintenance of Boulevards Snow and Ice Clearance from Sidewalks and Roofs of Buildings**

Moved by Councillor F. Danch  
Seconded by Councillor A. Desmarais

That the By-law to regulate the maintenance and protection of the boulevards and for requirement of maintenance of boulevards snow and

ice clearance from sidewalks and roofs of building be passed and enacted.

Carried

**21. Confidential Items**

Moved by Councillor G. Bruno

Seconded by Councillor A. Desmarais

That Council do now proceed into closed session in order to address items 21.1 to 21.3.

Carried

**21.1 Minutes of the closed session of the June 13, 2022 Council Meeting**

**21.2 Corporate Services Department Report 2022-122, Labour Relations or Employee Negotiations**

**21.3 Corporate Services Department Report 2022-136, Personal Matters about an Identifiable Individual, including municipal or local board employees and Labour relations or employee negotiations**

**22. Procedural Motions**

**23. Information items**

**24. Adjournment**

Council moved into Closed Session at approximately 10:45 p.m.

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

Mayor Steele adjourned the meeting at approximately 11:30 p.m.

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William C. Steele, Mayor

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Nicole Rubli, Acting City Clerk



**PORT COLBORNE**

# Mayor's Report

June 28, 2022 Council Meeting

## Great Lake St. Lawrence Cities Initiative Annual General Meeting

Last week I had the privilege of attending the Great Lakes St. Lawrence Cities Initiative Annual General meeting held in St. Catharines, under the direction of their Chair, Mayor Walter Sendzik.

This organization brings together 128 cities on both sides of the border to discuss mutually important issues to advance the protection and restoration of the Great Lakes and St. Lawrence River.

Members of the Cities Initiative work together and with other levels of government and stakeholders to improve infrastructure, programs and services and to increase investments that protect and restore our globally significant freshwater resource.

By working together, we can preserve and enhance the quality of life and economic well-being of the people of the region.

I was asked to lead a plenary session about cruising on the Great Lakes which was attended by over 60 attendees.

We had great discussions and it is always interesting to hear what is happening around the great lakes.

## Grand Opening of Complete Hockey Factory

On Saturday I attended the grand opening of Complete Hockey Factory with owner Todd Griffith. His indoor hockey centre is located on Clarence Street next to 7-11. Todd has been working with hockey players helping them achieve their full potential on and off the ice since 2017 and this new centre provides indoor opportunities for individuals to come out and work on their skills year-round.

## Budweiser CanAm Challenge

I also visited the marina on Saturday and saw 50 teams participate in the Budweiser CanAm Challenge, returning to Port Colborne after a two year hiatus.

It's great to see fishermen from Canada and US fishing the waters of Lake Erie for walleye.

### St. Jean Baptiste Celebrations

On Sunday, along with our Museum Curator Michelle Mason, we attended the St. Jean Baptiste celebrations with our francophone community from across Niagara, at Club Richelieu in Welland.

Michelle is bilingual and as such it affords our museum the opportunity to connect and improve resources and access to the heritage of our French community.

This goal connects with the city's strategic community pillar to support the city-wide investment in recreational and cultural spaces, as well as the museum's vision to "serve our community and preserve the history and marine heritage of Port Colborne and Humberstone." Attending these celebrations was just the start.

The museum board of management and staff are looking to launch an oral history project of our French speaking seniors, a Filmfest of these oral history interviews and develop a pop-up exhibit that would travel to our bilingual and French speaking schools, institutions and service organizations in Port Colborne.

More details on how you can participate in this project will be released soon.

### Affordable Housing Strategy Open House

Another reminder that Tim Welch Consulting, the consulting firm hired to complete the City of Port Colborne's affordable housing strategy, will be joining city staff to host an open house on Tuesday, July 5, from 7 to 9 p.m. at the L.R. Wilson Heritage Research Archives, 286 King Street.

The city's new affordable housing strategy is expected to provide council and staff with an analysis of economic and demographic datasets as well as insight into the barriers or issues that have impacted and currently impact the affordable housing supply in Port Colborne.

It will also forecast the rate of Port Colborne's housing needs and make recommendations to improve affordability for groups with the greatest needs.

The consultants will lead the open house with a short presentation about housing needs in Port Colborne, followed by opportunities for attendees to browse posterboards, ask questions, and provide input on the vision, goals, and recommendations of the affordable housing strategy.

The open house will be split into two identical sessions, one beginning at 7 p.m., with doors opening at 6:30 p.m., and the other at 8 p.m. Space is limited and the 7 p.m. time slot is almost full. Online registration is required at [www.portcolborne.ca/affordablehousingstrategy](http://www.portcolborne.ca/affordablehousingstrategy).

Thank you and stay safe.

**City of Port Colborne**  
**Public Meeting Minutes**

**Date:** Tuesday, June 14, 2022  
**Time:** 5:00 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:** S. Luey, Chief Administrative Officer  
S. Lawson, Fire Chief  
D. Landry, Manager of Planning Services  
S. Tufail, Acting Deputy Clerk  
N. Rubli, Acting City Clerk  
C. Roome, Planner

**1. Call to Order**

Mayor Steele called the meeting to order at approximately 5:01 p.m.

**2. Adoption of Agenda**

**3. Disclosures of Interest**

**4. Statutory Public Meetings**

**4.1 Building Application Fees Review, 2022-100**

## **Purpose Of Meeting**

The purpose of the meeting is to review the process for establishing building permit user fees and present the proposed new building permit fees.

## **Presentation**

Jim Bruzzese from BMA Management, the consultant retained by the City to undertake the building fee review provided a presentation detailing the process undertaken to complete the review.

The recommendations of the review are:

- That the 2022 fees be approved based on the calculated full cost of service
- an annual inflationary increase be applied to all building permit fees to help ensure that fees keep pace with changes in the cost of service
- a full analysis of building services cost and the fees charged be conducted every five years at a minimum.

## **Questions of Clarification to Planning Staff/Applicant**

Councillor Bruno asked about market growth and what the process would be in correlation to fees. Is the five-year recommendation an absolute?

Mr. Bruzzese explained how process maps are undertaken which is the calculation of number of hours for each activity for a building permit. If activity levels increase due to increase of housing development, it could warrant an extra staff as an example. Annual inflationary increases mentioned are to cover salary and wage increases. A review at least every five years is recommended but can occur more often.

Councillor Bruno inquired if having surpluses are the only method to build a reserve.

Mr. Bruzzese responded no, you can build a reserve into the cost and transfer to the reserve. With the predicted growth spurts there may be some surpluses that could be transferred to the reserve.

Councillor Bruno asked for clarification on the recovery plan if the City is not to grow as anticipated.

Mr. Bruzzese explained the five-year review timeframe is a minimum recommendation and can occur at any point. Council has the ability to review the fee calculation should there be concerns.

Councillor Danch asked if Regional fees would increase.

Ms. Landry explained the proposed fee is at the local level for building permits. Only development charges are applied at both the local and Regional levels.

Councillor Bagu asked about Bill 109 and if it would affect the building permit fees.

Ms. Landry explained that Bill 109 does not apply to building permit fees.

Councillor Bodner asked if a consulting company is required to undertake a review of building permit fees or if internal staff could do the review.

The CAO stated that the goal is to have it completed in-house by creating a template first.

Moved By Councillor F. Danch

Seconded By Councillor D. Kalailieff

That Development and Legislative Services Department Report 2022-100 be received for information.

Carried

#### **4.2 Public Meeting Report for Proposed Zoning By-law Amendment at 1498 Wilhelm Road, 2022-127**

##### **Purpose Of Meeting**

The purpose of this meeting, pursuant to section 34 of the Planning Act, is to consider an application initiated by Christopher Wilson for the lands known as Lot 5 on Concession 2, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 1498 Wilhelm Road.

The application for the Zoning By-law Amendment proposes to change the zoning from Agricultural (A) to Agricultural Purposes Only (APO) and Agricultural Residential (AR). A special provision of the by-law is being sought to permit a reduced lot frontage of the parcel to be zoned AR.

##### **Method Of Notice**

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



property owners within 120 meters of the lands on May 25th, 2022. Public meeting signs were also posted on the property no later than May 25th, 2022. Meeting details have been provided along with the Council Agenda on the City's website and under "Current Applications".

### **Presentation Of Application For Zoning By-Law Amendment**

Mr. Roome, City Planner presented the following:

The application for Zoning By-law Amendment proposes to change the zoning from Agricultural (A) to Agricultural Purposes Only (APO) and Agricultural Residential (AR). A special provision of the by-law is being sought to permit a reduced lot frontage of the parcel to be zoned AR. The Zoning By-law Amendment is being requested as a part of a farm consolidation and an anticipated condition of severance application B09-22-PC.

### **Questions Of Clarification To Staff/Applicant**

There were no questions of Staff or the Applicant.

Moved By Councillor H. Wells

Seconded By Councillor R. Bodner

That Planning and Development Report 2022-127 be received for information.

Carried

## **5. Procedural Motions**

## **6. Information Items**

## **7. Adjournment**

Mayor Steele adjourned the meeting at approximately 5:46 p.m.

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William C. Steele, Mayor

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Nicole Rubli, Acting City Clerk



**Subject: Physician Recruitment Activities - 2nd Quarter Update**

**To: Council**

**From: Chief Administrative Office**

Report Number: 2022-142

Meeting Date: July 12, 2022

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**Recommendation:**

That Chief Administrative Office - Economic Development and Tourism Services Report 2022-142 be received for information.

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**Purpose:**

The purpose of this report is to provide an update on Physician Recruitment within the Niagara region and for the City of Port Colborne. This report will accompany a presentation at the July 12, 2022 Council meeting by Jill Croteau, Physician Recruitment & Retention Coordinator at Regional Health Initiatives, Niagara Region Public Health.

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**Background:**

Since January 2021, as directed by the Chief Administrative Officer (CAO), the City's Economic Development Officer (EDO) has been tasked with managing the Physician Recruitment file and related outreach and partnerships. The Port Colborne Health Services Committee has not met since March 2020 due to COVID-19 restrictions. During this time, the CAO and EDO have been ensuring that the important work on this file continues. This report serves as a follow-up report to the March 8, 2022, update to Council.

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**Discussion:**

The City's EDO continues to attend the Regional Physician Recruitment Committee meetings led by Jill Croteau who is the Physician Recruitment and Retention

Coordinator for Niagara Region. These meetings are attended by Economic Development Officers from other Niagara municipalities.

Port Colborne's CAO and EDO continue to have regular meetings with Ms. Croteau as part of the City's Family Physician Incentive Agreement with the Niagara Region regarding the provision of Family Physician Recruitment services.

The City supported and attended the McMaster Family Medicine Graduation Dinner on June 17, 2022 and will be supporting and attending the McMaster Resident Welcome to Niagara Day on July 4, 2022.

As previously reported on March 8, 2022, an offer was made in December 2021 to an interested family physician who is planning to set-up practice in the City commencing in the fall of 2022.

In addition, an offer was made to another family physician with plans to join the Port Colborne community in August/September of 2022.

City staff and Ms. Croteau will make these introductions at the July 12<sup>th</sup> Council meeting.

---

### **Financial Implications:**

Both new family physicians will be accessing the Physician Recruitment Incentives provided in the City of Port Colborne Physician Recruitment Incentive Policy. The Physician Recruitment Incentive will be paid from a combination of the encumbrance reserve and the 2022 Operating Budget for Physician Recruitment.

---

### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
- People: Supporting and Investing in Human Capital

---

### **Conclusion:**

Economically vibrant communities where citizens can live, work, and play are healthy communities and Physician recruitment is an important part of the economic development mix of successful communities. The City of Port Colborne continues to work with Niagara Region's Physician Recruitment & Retention Coordinator and

neighbouring municipalities on joint initiatives and special events to support this process.

---

### **Appendices:**

- a. Presentation - Jill Croteau CHRL, Physician Recruitment & Retention Coordinator, Regional Health Initiatives, Niagara Region Public Health

Respectfully submitted,

Bram Cotton  
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### **Report Approval:**

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

# Physician Recruitment Update

Date: July 12, 2022

Jill Croteau, Physician Recruiter, Niagara Region



## Niagara Physician Recruitment

Report 2022-142  
Appendix A



# Recruitment – Marketing

## **Marketing and Branding**

- New website is being constructed to give doctors more of a full service approach [niagaradocs.ca](http://niagaradocs.ca)
- New marketing material with a fresh new look and feel has been created and additional resources are being added
  - onboarding tools
  - Steps to start working in Niagara
- The website will also hold demographics and planning data so that everyone has access to up to date physician statistics



# Recruitment – Engagement

## Engagement

- NH and NPR Meet and Greet event featuring MD Financial
- The McMaster R2's graduation dinner on June 17th at Rockway Vineyard.
- The McMaster R1's had their Welcome to Niagara Day on July 4th .
- The Niagara Physician Recruitment Committee continues to support lunches at the campus to offer local support and answer community questions.
- I'll be attending Washington FMX, which is a national US conference for Family Medicine. This will assist with the face-to-face engagement efforts in follow up to the multiple US advertisements that I have posted.
- I will also be attending the FMRQ in September in Montreal for Quebec FM Residents.

# Recruitment – New Physicians

- We are welcoming 16 new physicians to the Niagara Region in 2022 who will start in Family Medicine throughout the course of the year.
- 8/9 residents remain in the area in a variety of different roles.
- We are excited to introduce 2 new physicians to the City of Port Colborne and would like to thank them for being present tonight, to introduce themselves.
- Thank you to Dr. Remington, for your continued support in recruitment and teaching residents. This has been a vital part of attracting physicians to South Niagara.

Dr. Jason Van Soelen and Dr. Raven Mancini will be joining Dr. Jeff Remington and Dr. Joe Fraelic at Niagara South Medical.

The word "Welcome" is written in a large, stylized, cursive font. The letters are primarily green with a blue outline and a 3D shadow effect, giving it a bubbly and friendly appearance.





**Subject: 2021 Corporate Services Annual Report**

**To: Council**

**From: Corporate Services Department**

Report Number: 2022-160

Meeting Date: July 12, 2022

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**Recommendation:**

That Corporate Services Department Report 2022-160 be received.

---

**Purpose:**

This report is provided to Council as an update on the activities of Corporate Services.

---

**Background:**

The Director of each department has been tasked with providing Council with a year in review and look ahead. This review is provided to Council with insight into various activities and functions that each department provides within the City structure.

---

**Discussion:**

The year in review and look ahead is provided by way of the presentation attached as Appendix A.

---

**Internal Consultations:**

The activities and functions in the year-end review and look ahead have been made possible thanks to the support of departments across the City.

---

### **Financial Implications:**

There are no financial implications associated with this report.

---

### **Public Engagement:**

This report supports accountability and transparency.

---

### **Strategic Plan Alignment:**

Governance: Communications, Engagement, and Decision-Making

---

### **Conclusion:**

This Corporate Service year in review and look ahead be received for information purpose.

---

### **Appendices:**

- a. Corporate Services Year in Review and Look Forward Presentation

Respectfully submitted,

Bryan Boles, CPA, CA, MBA  
Director, Corporate Services/Treasurer  
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### **Report Approval:**

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

# Corporate Services Department

July 12 , 2022

## Our Focus

- Customer
- Value
- Simplicity
- Our People



Information  
Technology

Financial Services



To provide an exceptional small-town experience in a big way.



Human Resources

Recreation

Customer Services

# Corporate Services

---

- Multi-Year Focus
  - Affordability
  - Self sustaining entities plus Niagara South Coast Tourism Association (NSCTA) and Canal Days
  - Sponsorships, partnership, philanthropy
  - User Fees
  - Growth
  - Asset Management Planning
  - Environment
  - Risk Management
  - Data Management (Cloud first strategy, linking financial and non-financial data)
  - Smart City
  - Employer of Choice
  - Culture and core competency development
  - Accessibility standards
  - Community building
  - Parks and Recreation master plan implementation
  - Self serve customer service

# Recreation: Anchored in success

---

Operationalized the City's major recreation facilities administering numerous permits to provide safe programming opportunities for residents, youth groups, and visitors.

- Vale Health & Wellness Centre - return of minor hockey program for boys and girls
- TA Lannan Sports Complex - youth soccer and baseball, and adult softball
- Sugarloaf Marina
- Nickel & Centennial Cedar Bay Beaches
- Tennis and Pickleball

Cross departmental collaboration through the Recreation Implementation Committee with guidance from the Parks & Rec Master Plan

Return to in-person Events; Moonlight Flicks and reverse lighted Santa Claus Parade, Big Bass Champion Fishing Tournament. Numerous other virtual events were also offered.

Staff development and training.

New Sports Wall of Fame at the VHCW, new lobby at the Marina.

# Recreation: Deckhands in action

---

## Vale Health & Wellness Centre

- 45 annual permits, leagues, camps, and tournaments facilitating over 30,000 participants and visitors at the VHWC campus
- YMCA – return to operations with a new membership pricing model with options for a la carte programming drop-in programs, day passes, and swimming lessons

## Nickel Beach

- 8,967 beachfront parking passes representing over 35,000 visitors
- 4,155 #PORTicipate passes issued to date

## Sugarloaf Marina

- 525 seasonal boaters
- 620 transient boaters
- 310 seasonal boat ramp passes
- 1,170 daily boat ramp passes

New CSRs at the VHWC and Marina resulting in an enhanced level of customer service



# Recreation: Propelling forward

---

- #PORTicipate Pass evolution to include additional incentives for residents including free recreation public programs and free Canal Days parking
- Nickel Beach project development including new washroom facilities, operations of Splashtown inflatable water park, and a Niagara resident beach pass
- Sugarloaf Marina - new larger storage yard, update policies, boater contracts and waivers, new fee schedule for slips and storage, update signage, and marina grounds beautification
- Canal Days; new #PORTicipate Sponsorship Package, new City and Rec Zones incorporated in the West St. footprint, partnership with the BIA for an artisan vendor area
- Track usage across all recreation facilities to identify capacity and potential need for growth and expansion due to anticipated population increase through new housing developments
- Continue work with Parks & Rec Sub-Committee identifying park infrastructure upgrades and potential surplus lands to allocate for development



# Customer Service: Anchored in success

- Internal Knowledgebase for Customer Service
- Policy & Procedure Review for Customer Service
- Improved Telephone System for Operations Centre and By-law division
- Intranet introduced (The Bridge)
- Customer Service high call driver messaging introduced
- Centralized certificate of insurance tracking
- Dedicated shared Operations inbox and email address
- Customer Service break schedule to have appropriate coverage for citizen inquiries.
- Introduced Virtual City Hall
- Introduced the ability to take credit card payments online and in-person at City Hall for Water, Tax, Parking and Invoices
- Collaborated with multiple departments to launch NRT on Demand.
- Improved service levels for Citizens who contact City Hall by phone.
- Implemented target timelines in the CRM tool to increase service levels for work orders completed by departments.

# Customer Service: Deckhands in action

## Customer Service

- 6040 (60%) Citizen inquiries resolved by Customer Service on First Contact
- 18,110 total number of calls received by Customer Service division
- 2 minutes 45 seconds average conversation time
- 90.7% of all calls received by Customer Service answered in the first 20 seconds
- 8% abandonment rate on calls to Customer Service

## City Wide (CRM Tool)

- 10,035 total number of service requests
- 1,640 total number of workorders
- Largest source of service requests are generated by Phone (7,312)
- Top 5 Service Request Type: Tax Bill inquiry, Water Bill inquiry, PORTicipate pass inquiry, COVID-19 inquiry, Beach Refund/Cancellation request
- Top 5 Work Order Types: Water line flushing, Stone shoulder maintenance, Hydrant inspections, Curb box repair

## Self Serve

- 263 Virtual City Hall accounts
- 1,063 Paperless billing accounts to date vs approximately 9,000 accounts
- 261 online service request submitted by Citizens via portcolborne.ca
- \$30,515.35 total amount of credit card payments
- Pre-authorized payments: 2021 Tax – 2193, Water – 1063 ; 2022 Tax – 2455, Water 1481



# Customer Service: Propelling forward

- Virtual City Hall – E-billing incentive
- Pre-authorized payment incentive
- E-Commerce payment forms on the City’s website
- Online donations and donation receipts
- City Wide – Mobile Application
- 2022 PORTicipate pass program
- Email subscription marketing
- Internal knowledgebase for all City Staff
- Website governance
- Convert all PDF forms online to be fillable PDF forms
- Quality model for Customer Service
- Reviewing office functions to prevent unnecessary duplications in work/functions
- Customer service integration at VHWC and the Marina
- Bang The Table – citizen engagement platform

# Financial Services: Anchored in success

- Budget Development
  - Format & Timing
- Policy Development
  - Procurement Policy & Templates
- Financial Reporting
  - New Year-end Surplus/(Deficit) Report
  - Audited Financial Statements
  - Tri-Annual Reporting to Council
  - New Internal Financial Reports
  - Phase 2 – New Account Structure
- Billings
  - Storm Sewer Boundary Change
  - Monthly Water Billings
  - Pre-Authorized Payment (PAP) for Water and Wastewater Billings
- Updated User Fees

# Financial Services: Deckhands in action

---

- Total Budget = \$44,203,496
- Invoices Issued
  - 18,022 Tax
  - 48,636 Water
  - 200 Other (note: more non-tax and water billings are direct pay)
- 68,505 Payments Received
- Vendor Payments
  - 8,172 Invoices Processed
  - 3,521 EFT Payments Issued
  - 1,262 Cheque Payments Issued
- 1,163 Journal Entries Recorded



# Financial Services: Propelling forward

- Budgeting
  - Business Plan Document to Support Budget Development
  - Multi-Year Budget for Corporate Services
  - Updated Asset Management Plan
- Financial Reporting & Analysis
  - Phase 3 – New Account Structure
  - Development of New Internal Financial Reports
  - Analyze Overhead Allocation Methodology
  - Analyze Bulk Water Operations
  - Property Tax Review
- Procurement
  - Purchasing Card Contract Review
  - Purchasing Card Process Review
  - Online Procurement
  - Insurance Review
- User Fee Reviews/Updates
  - Building
  - Cemetery
  - Planning

# Human Resources: Anchored in success

- Rolled out SMART goal setting process for all staff
- Finalized Competency Based Performance Development Program, and associated training program with a May roll out
- Implemented Applauz online recognition program
- Re-established CUPE joint job evaluation committee, which meets weekly to complete the job evaluation process
- Updated and improved the onboarding program to LinkedIn learning rollout to help create a learning culture and provide ongoing learning opportunities
- Utilization of HR Downloads System for Corporate Training and onboarding
- Ongoing COVID-19 policy development and workplace monitoring





# Human Resources: Deckhands in action

---

- Budget
  - Personnel Budget – \$17.4 million
  - 39% combined of Levy and Rate Budget
- Health and Safety
  - 7 workplace accidents (no lost time)
  - 1 vehicle incident
- Staffing
  - 156 FTEs
- 216 Headcount (includes Volunteer Fire and Council Members)
- Recruitment
  - 57 Internal moves
  - 53 external hires
  - 8 retirements





# Human Resources: Propelling forward

- City-wide succession plan
- Leadership Development Program
- Establishment of a Diversity and Inclusion Committee
- AODA Compliance – Accessible Documents and Customer Service
- Creation and implementation of diversity and inclusion plan
- Bi-Annual Workplace Survey in September 2022
- Establishment of a Wellness Committee to focus on wellness initiatives in the workplace
- Creation of a Corporate Negotiation strategy for future rounds of Collective Bargaining



# Information Technology: Anchored in success

- Implemented a computer system back-up processing and storage repository
- Upgrades to the City's access control (card access to facilities) and surveillance software to the latest versions
- Lifecycle replacement of workstations (desktops, laptops, tablets, displays, printing fleet, and associated equipment)
  - Leverage collaborative purchasing opportunities (e.g. MGS VOR, OECM)
- Upgrade and lifecycle replacement of network infrastructure (routers, firewalls, switches, wireless access points) at various City facilities
  - Wireless Internet access implemented for Market Square/King George Park
- Updated mobile device guidelines policy
  - Paving the way for migrating cellular services to Rogers – leveraging the MGS VOR pricing model
- Supported the implementation of Virtual City Hall

# Information Technology: Deckhands in Action

---

- 1,550 requests for IT assistance from staff
- 1.2 million emails received
  - 43% blocked – spam related
  - 1% blocked – malicious/virus related
- Fostering cloud-first approach for business applications
  - 52% Cloud – was 26% in 2021
  - 48% On-premises – was 73% in 2021



# Information Technology: Propelling forward

- Continuing to work with divisions to evolve business applications with a cloud-first strategy and integrations between systems
  - Culmination of the legacy Domino System Review – data migration strategy underway
- Enabling and leveraging Microsoft cloud services
- Support the data management needs of the organization
  - Enterprise Resource Planning
  - Combining financial and non-financial information to support decision making
- Modernizing meeting room technology, including audio/visual improvements in Council Chambers and Committee Room 3
- Upgrade and lifecycle replacement of network infrastructure (routers, firewalls, switches, wireless access points) at various City facilities
  - Deploying improved connectivity and wireless Internet access at City facilities
- Increasing capacity and security for remote access in support of the City's work from home policy
- Video Surveillance program to protect municipal facilities and patrons, discourage illegal or inappropriate behaviour including vandalism or other actions that may violate laws and regulations

Thank you





**Subject: City Properties – Surplus Declaration**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2022-119

Meeting Date: July 12, 2022

---

**Recommendation:**

That Chief Administrative Office Report- Economic Development and Tourism Services Division 2022-119 be received for information.

That Council declare the City-owned parcels outlined in Appendix A as surplus.

That Council delegate authority to the Chief Administrative Officer (CAO) to dispose of properties outlined in Appendix A and enter into purchase/sale agreements in accordance with the Sale of Surplus Land Policy, subject to legal review by the City's solicitor and financial review by the Director of Corporate Services/Treasurer.

---

**Purpose:**

The purpose of this report is to provide information on City-owned parcels and seek approval from Council to declare them surplus.

---

**Background:**

In the fall of 2020, the Economic Development and Tourism Services Division created a City Real Estate Initiative focused on identifying property that could be declared surplus and marketed for residential, commercial, or industrial development.

The goal of the City Real Estate Initiative is to attract investment and new residents to the City of Port Colborne; have vacant properties redeveloped and revitalized; facilitate public-private partnerships to create more affordable housing units; expand the municipal tax base to maintain core programs and services; and maximize the value of City properties while achieving social, economic, and environmental benefits.

Phase one of the City Real Estate Initiative generated \$602,284.42 in net proceeds. This phase included the sale of one commercial lot and five residential lots owned by the City. Staff indicated that the financial legacy from the sale of these properties is not solely in the net proceeds of sale but rather the future contribution to the tax, water, wastewater, and storm sewer base. Phase two, which is ongoing, included the sale of 235-241 Welland Street for \$325,000. Phase two will also include the sale of an infill lot on Borden Avenue in Q4 of 2022.

This report is regarding phase three which focuses on small irregular shaped parcels owned by the City that are surplus to operational needs, but may have value to adjoining landowners.

---

## **Discussion:**

Staff have identified several smaller parcels across Port Colborne that have the potential of being sold. In some instances, residents contacted the City to inquire about purchasing municipal property that abuts their property. As shown in Appendix A, there are numerous City-owned parcels that are vacant and are not required by the City. The maps of each parcel are outlined in Appendix B that show an approximate size of each property.

By declaring each of these parcels as surplus, staff can move forward with next steps in accordance with the City's Sale of Surplus Land Policy and sell to adjoining property owners, if any. Currently, there is no benefit for the City to retain these parcels as most of these are not serviced, are irregular shapes, and/or are too small for any development. Selling these parcels to interested buyers will contribute to the success of the City's Real Estate Initiative and provide additional property to some residents.

---

## **Internal Consultations:**

The Economic Development and Tourism Services Division consulted with various department including Legislative Services, Planning and Development, Fire Department, Public Works/Engineering, Parks, Corporate Services, and Office of the CAO on the disposition of City Real Estate.

---

## **Financial Implications:**

There are no financial implications during the selling process other than the time dedicated to the projects by staff. The purchase price for these parcels would include / cover the legal and survey costs, and a value for the parcel based on a per square foot range provided by a certified land appraiser.

---

## Public Engagement:

City parcels that are identified as surplus are brought to Council in open session. City land for sale is posted on the City's website, promoted on MLS, and shared with a database of investors maintained and updated regularly by the Economic Development and Tourism Services Division. Through the City's website and LinkedIn account, staff have marketed surplus parcels for residential, commercial, or industrial development. For the smaller irregular shaped parcels referenced in Appendix A, staff have mailed letters to property owners to determine their interest in purchasing specific parcels of land and have maintained an ongoing dialogue with them through e-mail and phone conversations.

---

## Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
  - Value: Financial Management to Achieve Financial Sustainability
  - Governance: Communications, Engagement, and Decision-Making
- 

## Conclusion:

This report gives an update on the status of various surplus properties and seeks Council's approval to have them all declared surplus. Additionally, staff seek Council's approval to delegate authority to the Chief Administrative Officer (CAO) to dispose of the properties and enter into purchase/sale agreements in accordance with the Sale of Surplus Land Policy, subject to legal review by the City's solicitor and financial review by the Director of Corporate Services/Treasurer.

Staff have identified various City-owned parcels that are vacant and remain idle. As part of the City Real Estate Initiative, staff see an opportunity to sell these parcels to adjoining property owners.

---

## Appendices:

- a. List of surplus properties
- b. Maps of surplus properties



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 review and approval by the Chief Administrative Officer.

LIST OF SURPLUS PROPERTIES	
ADDRESS	ROLL NUMBER
Property adjacent to 52 Elm Street	271101002200101
Property adjacent to 216 Linwood Avenue	271101002200101
Property adjacent to 399 Catharine Street	271103002910200
Corner of Amelia Street & Canal Bank Road	271102001622300
Corner of Durham Street & Davis Street	271102000817600
Property adjacent to 17 Jefferson Avenue and 457 Sugarloaf Street	N/A



Property adjacent to 52 Elm Street



Property adjacent to 216 Linwood Avenue



Property adjacent to 399 Catharine Street



Amelia Street and Canal Bank Road



Durham Street and Davis Street



Property adjacent to 17 Jefferson  
Avenue and 457 Sugarloaf Street

**Subject: Merkel Road Property – Surplus**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2022-158

Meeting Date: July 12, 2022

---

**Recommendation:**

That Chief Administrative Office-Economic Development and Tourism Services Report 2022-158 be received; and

That Council declare the Merkel Road property, legally described as CON 1 PT LOT 13 LALLOUET; SKETCH LOT 51 L and shown in Appendix A, as surplus to the City's need.

---

**Purpose:**

The purpose of this report is to request that Council declare a City-owned Merkel Road property legally described as CON 1 PT LOT 13 LALLOUET; SKETCH LOT 51 L which is identified in Appendix A as surplus to City needs.

---

**Background:**

The Economic Development and Tourism Services Division (EDTS) has undertaken a review of City-owned property to identify potential surplus lands that could be made available to support development opportunities and expand the City's tax base. The Merkel Road property is one such property.

The subject parcel is .355 acres and is zoned RU (Rural). Currently Niagara Region's standard for septic is a minimum of 1 acre. Although less than an acre, the subject property would be considered an "existing" property and not a new property. As such, it would be accommodated by the Region with regards to the minimum lot size for septic and any future property owner would need to work closely with the Niagara Region to meet their requirements for septic and natural heritage if they were interested in developing a single-family home on the property.

**RU Permitted uses:**

- a) Accessory Agricultural Activities;
  - b) Agriculture Use;
  - c) Agri-tourism and Value-Added Uses;
  - d) Cannabis Production Facility;
  - e) Conservation Uses;
  - f) Dwelling, detached existing at the date of the passing of this By-law as a principal use on a new lot;
  - g) Dwelling, detached as a principal use on an existing lot of record;
  - h) Kennel; and
  - i) Uses, structures and buildings accessory thereto
- 

**Discussion:**

During the EDTS review of City Real Estate, this property was identified as having some potential for development and this would increase the City tax base. This City property is currently not generating any taxes for the City. The possible disposition of this land can accomplish both of the stated objectives of the review.

---

**Internal Consultations:**

City Planning staff in consultation with Niagara Region, determined the septic requirements of a minimum 1 acre could be accommodated for this smaller lot.

Public Works confirmed that the roadway on which the property sits is a private road.

---

**Financial Implications:**

There are no financial implications at this time. Any future expenses such as an appraisal, and legal costs would be funded from the sale of this property.

---

**Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
- Attracting Business Investment and Tourists to Port Colborne

### **Conclusion:**

It is recommended that Council declare the Merkel Road property as surplus to the City's need. Staff will come back to Council with an update report outlining proposals for review and direction at a future meeting.

---

### **Appendices:**

- a. Merkel Road Map
- b. RU (Rural) Zoning

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 review and approval by the Chief Administrative Officer.





## Legend

 Parcel Fabric



50.8 0 25.40 50.8 Meters

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## Notes

## **Section 15: Rural (RU)**

---

### **15.1 General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Rural (RU) Zone except in accordance with the applicable provisions of Sections 2, 3 and 15.
- b) In addition to Section 15.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### **15.2 Permitted Uses**

- a) Accessory Agricultural Activities;
- b) Agriculture Use;
- c) Agri-tourism and Value Added Uses;
- d) Cannabis Production Facility;
- e) Conservation Uses;
- f) Dwelling, detached existing at the date of the passing of this By-law as a principal use on a new lot;
- g) Dwelling, detached as a principal use on an existing lot of record;
- h) Kennel;and
- i) Uses, structures and buildings accessory thereto

### **15.3 Zone Requirements**

- |                               |                             |
|-------------------------------|-----------------------------|
| a) Minimum Lot Frontage       | 30 metres or as existing    |
| b) Minimum Lot Area           | 0.4 hectares or as existing |
| c) Minimum Front Yard         | 8 metres                    |
| d) Minimum Interior Side Yard | 5 metres                    |
| e) Minimum Corner Side Yard   | 8 metres                    |
| f) Minimum Rear Yard          | 8 metres                    |
| g) Maximum Lot Coverage       | 10 percent                  |
| h) Maximum Height             | 11 metres                   |



#### **15.4 Zone Requirements – Agriculture Uses**

a)	Minimum Lot Frontage	30 metres or as existing
b)	Minimum Lot Area	as existing
c)	Minimum Front Yard	8 metres
d)	Minimum Interior Side Yard	5 metres
e)	Minimum Corner Side Yard	8 metres
f)	Minimum Rear Yard	8 metres
g)	Maximum Lot Coverage	10 percent
h)	Maximum Height	11 metres

#### **15.5 Zone Requirements – Dwelling Detached**

a)	Minimum Lot Frontage	30 metres or as existing
b)	Minimum Lot Area	as existing
c)	Minimum Front Yard	8 metres
d)	Minimum Interior Side Yard	5 metres
e)	Minimum Corner Side Yard	8 metres
f)	Minimum Rear Yard	8 metres
g)	Maximum Lot Coverage	10 percent
h)	Maximum Height	11 metres

#### **15.6 Zone Requirements – Accessory Structures to Dwellings**

a)	Maximum Lot Coverage	1 percent, provided the lot coverage or all buildings and structures on the lot does not exceed 10 percent
b)	Minimum Side Yard	3 metres except the minimum side yard abutting a street shall be 7.5 metres
c)	Minimum Rear Yard	3 metres except the minimum side yard abutting a street shall be 7.5 metres

- |    |                                  |          |
|----|----------------------------------|----------|
| d) | Minimum Distance from a Dwelling | 3 metres |
|----|----------------------------------|----------|

### 15.7 Zone Requirements – Kennels

- |    |  |   |
|----|--|---|
| a) | Minimum Lot Area   | 1.6 hectares  |
| b) | Minimum Lot Frontage   | 75 metres   |
| c) | Minimum Front Yard   | 50 metres or behind the front building line of the main building on the lot, whichever is greater |
| d) | Minimum Side Yard  | 25 metres   |
| e) | Minimum Rear Yard  | 30 metres   |
| f) | Minimum Distance to Adjacent Dwellings   | 160 metres  |
| g) | Maximum Lot Coverage   | 20 percent  |
| h) | Kennels shall be permitted in an accessory structure and may include an enclosed outdoor exercise area or pen. |   |

### 15.8 Zone Requirements – Cannabis Production Facility

- |    |  |   |
|----|--|---|
| a) | Minimum Lot Frontage                     | 75 metres   |
| b) | Minimum Lot Area                         | Permitted only on an existing lot having a minimum size of 3 hectares |
| c) | Maximum Lot Coverage                     |   |
|    | i) Lots less than 5 hectares             | 30 percent  |
|    | ii) Lots 5 hectares to 10 hectares       | 10 percent  |
|    | iii) Lots greater than 10 hectares       | 5 percent   |
| d) | Minimum Front Yard                       | 30 metres   |
| e) | Minimum Interior Side Yard               | 16 metres   |
| f) | Minimum Corner Side Yard                 | 30 metres   |
| g) | Minimum Rear Yard                        | 30 metres   |
| h) | Minimum Separation to Sensitive Land Use | 150 metres  |

- i) Where a lot line of a lot containing a Cannabis Production Facility abuts a sensitive land use, then that part of said lot directly adjoining such lot line shall be used for no purpose other than a landscape buffer having a minimum width of 1.5 metres, measured perpendicularly to said lot line.
- j) Outside storage of goods, materials or other supplies is not permitted.
- k) Where a building or structure consists of more than 40% glass and where artificial lighting is required an opaque fence shall be provided and maintained adjacent to every portion of any lot line that abuts a sensitive land use.
- l) 1 parking space shall be provided for every employee on the largest shift.
- m) Servicing for the facility shall be designed by a Qualified Professional, identifying the source of irrigation water, water quantities required and the effects of same on the groundwater table and nearby wells.



**Subject: Equipment Purchase Opportunity - 2022 - 157**

**To: Council**

**From: Public Works Department**

Report Number: 2022-157

Meeting Date: July 12, 2022

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**Recommendation:**

That Public Works Department- Road & Park Operations Report 2022-157 be received;

That Council approve the purchase of a Road Grader; and

That Council approve a transfer of \$274,752 from the Tangible Capital Asset Reserve to fund the purchase of a Road Grader.

---

**Purpose:**

The purpose of this report is to seek approval from Council to purchase a piece of road maintenance equipment that is currently being rented on an annual basis through the City's operating budget.

---

**Background:**

In 2019 the City entered into a three year rental agreement with Brandt Tractor Ltd. for the supply of a Road Grader to aid the City's winter control and road grading programs. The agreement for this equipment is expiring in July 2022 and Brandt Tractor has presented an offer for the City to purchase the equipment for \$270,000 plus applicable taxes.

The City of Port Colborne utilizes a road grader during winter control operations to clear snow in the rural area and uses the equipment to push snow from the roadside towards property lines to create additional storage for future snow events.

The grader is also used to complete the road grading program on stone and clay roadways in the spring and summer. The machine is used to scarify, then mix and level

additional stone to prevent potholes from quickly resurfacing and provides a lasting, even surface that drains properly.

This equipment is currently funded from the City's Equipment Rental account in the operating budget.

## Discussion:

Due to the contract expiry of this rental unit, staff have reviewed the potential to continue renting/leasing in the future or if purchasing a unit will result in greater efficiencies and/or cost savings to the City.

The original price of the equipment, at the time of entering the contract was \$545,000. As of June 30, 2022, the City will have paid \$160,093 towards rent for the unit which has provided three rental periods at seven months each. Brandt Tractor Ltd. has valued the used piece of equipment at \$345,000 but has offered to sell the equipment with plow for \$270,000 plus applicable taxes to the City of Port Colborne. The same road grader with attachments purchased new would cost approximately \$624,000 plus applicable taxes.

Owning the asset will save the annual rental fees and there will also be a value at the end of the machine's life. Although there are great benefits to owning an asset, there are operating expenses that come with typical repairs, and maintenance which the City would be responsible for.

The City's fleet staff have reviewed the equipment and concluded that based on the unit's proposed use, the City can expect this unit to be in service for another 17 years. The chart below provides an overview of the costs to rent or purchase this equipment over the next 17 years.

	12 Month Rental	7 Month Rental for Winter Control & Road Grading	Purchase Unit at End of Rental Period
Annual Cost	Varies	Varies	-
One Time Cost	-	-	\$274,752
Annual Maintenance	-	-	\$7,500 x 17 years = \$127,500
Asset Value at End of Life	-	-	(\$60,000)
<b>Cost over 17 Years</b>	<b>\$2,555,900*</b>	<b>\$1,490,900*</b>	<b>\$342,252</b>

\*Total cost over 17 years is based on a 5% increase per year from the 2021-2022 season.

**Internal Consultations:**

Supervisory staff have discussed the purchase of this equipment and analyzed its strengths, and weaknesses. This equipment has supplemented the City's winter control and road grading programs as expected and staff are satisfied with its performance.

Staff have discussed future winter equipment rental programs with major manufacturers including Toromont CAT and John Deere who have informed that their companies will be leaving the winter control rental business which leads to the City renting winter equipment from a third party which has the potential to drive the annual rental costs higher than indicated within this report.

---

**Financial Implications:**

The overall price to purchase this piece of equipment is \$274,752 including tax. Staff are proposing to fund the purchase of this unit through the Tangible Capital Asset Reserve. Purchasing this equipment will reduce the Equipment Rental Budget by \$54,950 and increase the Fleet Maintenance Budget by \$7,500. Staff are further proposing the difference of \$47,450 (\$54,950 less \$7,500) be transferred to the Tangible Capital Asset Reserve for the next six years, starting in 2023, to replenish the reserve. Should the City experience a surplus in the coming years, Staff will look to recommend replenishing this reserve sooner.

---

**Conclusion:**

From time-to-time opportunities for cost saving measures present themselves and the opportunity to purchase this piece of equipment is a prime example. By purchasing this equipment, staff will be able to provide, at a minimum, the same level of service at a reduced cost.

---

Respectfully submitted,

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Tim Anderson  
Fleet Supervisor  
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### **Report Approval:**

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

**Subject: Recommendation Report for Proposed Zoning By-law  
Amendment on the Borden Avenue Road Allowance, File  
D14-04-22**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2022-153

Meeting Date: July 12, 2022

---

**Recommendation:**

That Development and Legislative Services Department – Planning Services Report 2022-153 be received; and

That the Zoning By-law Amendment attached as Appendix A be approved, amending the zoning of the subject lands to R1 (First Density Residential) and R1-69, being a special provision of the First Density Residential zone.

---

**Purpose:**

The purpose of this report is to provide Council with an update and recommendation regarding a Zoning By-law Amendment application initiated by the City of Port Colborne for the former Borden Avenue road allowance.

The Zoning By-law Amendment application proposes to add the R1 (First Density Residential) zoning category to the subject lands as a result of Council's decision to close a portion of the Borden Avenue road allowance through By-law 6990/28/22. Through the closing of the road allowance, Council also declared the lands surplus and directed Economic Development staff to work with adjacent property owners regarding encroachment concerns.

Through staff's ongoing discussions regarding this application, it has been determined that at least one single-detached building lot could be marketed, fronting on Knoll Street. The eastern portion of the subject lands is proposed to have a special zoning provision of R1-69 to allow for a reduced lot frontage from 15m to 12m. This could potentially permit an additional lot to be created on the Steele Street frontage should the encroachment concerns be adequately addressed. This special provision is being



added to keep the option open should Council desire to add an additional lot through the future land transfer process. In order for these potential lots to be considered “buildable”, the Zoning By-law Amendment is required as there is currently no zoning on the property. It is important to note that because the land was formerly a road allowance, no specific zoning category has ever been assigned to the land.

---

## Background:

### Location

The subject lands are located in between Knoll Street (to the west) and Steele Street (to the east). As mentioned, the lands are a former portion of a road allowance that was recently closed by Council.

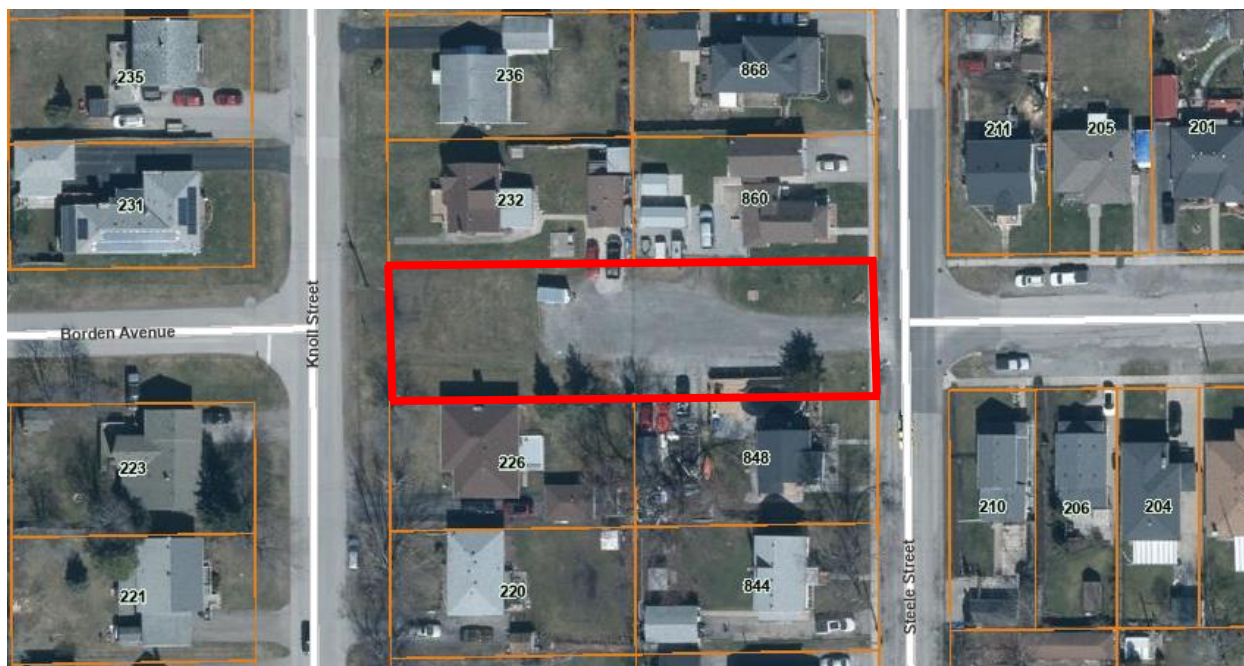


Figure 1: Location of subject lands highlighted in red, from Niagara Navigator 2020.

### Surrounding and Existing Land Uses

The subject lands are currently vacant. The lands surrounding the subject property in all directions are predominantly low-density residential, consisting of single-detached dwellings.

## **Discussion:**

### **Planning Documents**

Planning staff reviewed this application with consideration of several planning documents including the *Planning Act*, R.S.O, 1990, as amended, the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*. For an application to be supported by Staff, it must conform to or be consistent with the aforementioned plans.

### **Planning Act**

Section 2 of the *Planning Act* outlines matters of provincial interest.

Section 3 of the Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Act allows for the consideration of a zoning by-law amendment.

### **Provincial Policy Statement (2020)**

The *Provincial Policy Statement* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses and should efficiently use land and resources.

Staff are satisfied that the proposed Zoning By-law Amendment is consistent with the PPS. The application proposes to make use of existing infrastructure and efficiently use surplus lands in the city. A future owner of the subject lands would be eligible to add an accessory dwelling unit, should they desire, allowing for an additional dwelling unit and a gentle increase in density to be accommodated.

### **Growth Plan for the Greater Golden Horseshoe (2019)**

Much like the PPS, the Growth Plan also directs and encourages development in settlement areas. The subject lands are located in the “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan policies support the achievement of complete communities that are designed to support healthy and active living and meeting people’s needs for daily living throughout their lifetime.

Staff are satisfied that the proposed Zoning By-law Amendment conforms to the Growth Plan. The proposed application supports the priorities of the Growth Plan through gentle intensification.

### **Regional Official Plan**

The subject property is located within the Built-up Area, according to the Regional Official Plan (ROP). Objective 4.A.1.2 states that a significant portion of Niagara's future growth should be directed to the Built-up Area through intensification. Intensification includes all forms of development that occur within the Built-up Area and is generally encouraged. Staff are satisfied that the proposed Zoning By-law Amendment conforms to the ROP.

### **City of Port Colborne Official Plan**

The subject property is located within the Urban Residential designation according to the City's Official Plan (OP). Residential uses are permitted within the Urban Residential designation with proposed developments being evaluated based on policies within Section 3.2.1. The addition of one or two residential building lots in this area would be an example of a Low Density Residential development and more specifically evaluated under Section 3.2.1 a) which states low density development will: be developed at a density of 12 to 20 units per hectare. Staff have completed a calculation of the proposed building lots and can confirm that the density achieved will be roughly 16 units per hectare for the western lot, and roughly 20 units per hectare for the eastern lot. The number will vary slightly depending on the property sizes established through a future land sale, however staff are confident the density would still be achieved.

Staff are of the opinion that the proposed Zoning By-law Amendment conforms to the Official Plan.

### **Port Colborne Zoning By-law 6575/30/18**

The subject property currently has no zoning according to Zoning By-law 6575/30/18, as it is a former portion of the Borden Avenue road allowance. This amendment is being sought to add the R1 (First Density Residential) zoning to the subject lands. The R1 zone will allow for one single detached dwelling to be constructed on one lot. Additionally, the R1-69 zone, being a special provision of the First Density Residential zone allowing a reduced minimum lot frontage of 12m, is being sought for the eastern portion of the land. Due to some encroachment concerns raised by the City, Economic Development staff will be working with abutting property owners on the Steele Street side to reach an agreement regarding lands that could potentially be merged with their properties. Additionally, staff have recognized that while working out these encroachment concerns, there may be an opportunity to create one or two residential building lots. Planning staff are confident that the proposed R1 zoning will fit in with the

existing neighbourhood both with any future building lots and any lands that may be added to adjacent properties.

---

### **Internal Consultations:**

Notice of Public Meeting was circulated on April 28, 2022, 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 objection to the proposed application.

#### **Drainage Superintendent**

No objection to the proposed application.

#### **Niagara Peninsula Conservation Authority**

No objection to the proposed application.

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### **Financial Implications:**

There are no financial implications associated with this report.

---

### **Public Engagement:**

Notice of Public Meeting was circulated via regular mail to property owners within 120m of the subject property in accordance with the *Planning Act* and Ontario Regulation 545/06 on April 27, 2022, and also provided on the City's website under "Current Applications". A Public Meeting was also held on May 17, 2022. As of the date of preparing this report, no comments from the public have been received. Additionally, no members of the public attended the Public Meeting to provide oral submissions.

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### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
- Governance: Communications, Engagement, and Decision-Making

## **Conclusion:**

Based on the review of the application and applicable Provincial, Regional and City planning policies, Planning staff are of the opinion that the proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan and Regional Official Plan and represents good planning. Staff recommend that the Zoning By-law Amendment attached as Appendix A be approved.

---

## **Appendices:**

- a. Zoning By-law Amendment
- b. Aerial Image of Subject Lands

Prepared by,

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Senior Planner  
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Respectfully submitted,

Denise Landry, MCIP, RPP  
Manager of Planning  
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## **Report Approval:**

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

The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of the Borden Avenue Road allowance lying between Knoll Street to the west and Steele Street to the east, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as a part of the Borden Avenue Road allowance.

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 “A8” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A to First Density Residential (R1) and R1-69, being a special provision of the First Density Residential (R1) zone.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R1-69

Notwithstanding the provisions of the First Density Residential (R1) zone, the following regulations shall apply:

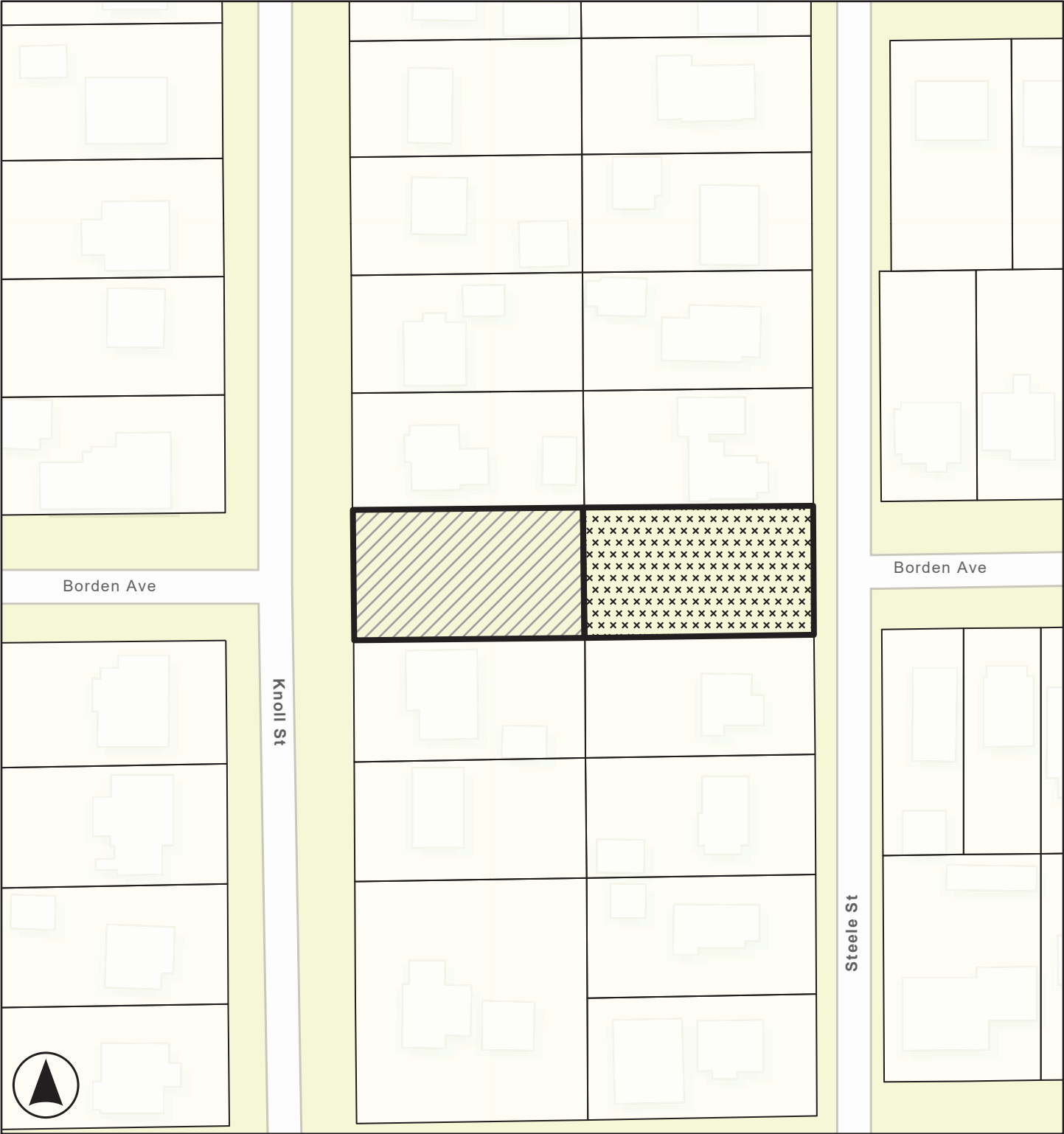
a) Minimum Lot Frontage 12 metres



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      , 2022.

\_\_\_\_\_  
William C Steele  
Mayor

\_\_\_\_\_  
Nicole Rubli  
Acting Clerk



<p>This is Schedule "A" to By-law No _____</p> <p>Passed _____, 2022</p> <p>_____</p> <p>Mayor</p> <p>_____</p> <p>Clerk</p>	<div>  - Lands to be rezoned to R1 </div> <div>  - Lands to be rezoned to R1-69 </div>
	<p>June 2022</p> <p>File No. D14-04-22</p> <p>Drawn by: DS - City of Port Colborne Planning Division</p>





## Legend

- Streets Labels
- Provincial
- Regional
- Municipal/Private Roads
- - Unimproved Roads
- == Future/Planned Roads
- Parcel Fabric

50.8 0 25.40 50.8 Meters

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Notes



**Subject: Restricted Acts of Council (Lame Duck Provisions)**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2022-152

Meeting Date: July 12, 2022

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**Recommendation:**

That Development and Legislative Services Department Report 2022-152 be received;  
and

That the Bylaw in Appendix A attached to Report 2022-152, being a By-law to temporarily provide the Chief Administrative Officer the ability to conduct certain business in the event Council is restricted pursuant to Section 275 of the *Municipal Act, 2001* be approved.

---

**Purpose:**

The purpose of this report is to provide Council with information provided under Section 275 of the *Municipal Act, 2001* (the *Act*), and to propose a By-law to temporarily provide the Chief Administrative Officer with the ability to conduct certain business after Nomination Day if Council actions are restricted by “lame duck” status.

---

**Background:**

Section 275 of the *Act* provides that a Council’s actions are restricted after Nomination Day (August 19, 2022) or the Election Day (October 24, 2022), if the new Council will include less than three-quarters of the members of the outgoing Council. This is commonly referred to as the “Lame Duck Provisions”

More specifically, the following provisions apply to the two different periods:

**First Period** – After Nomination Day but before Election Day. If less than 75% of the incumbent members of Council have been certified as candidates and have not been acclaimed to office, the restrictions set out in the *Act* will apply. For Port Colborne, this

would apply if less than seven members of the existing Council are nominated for the next term of Council.

**Second Period** – Election Day to November 14, 2022 (last day of the current term of Council). If the election results in less than 75% of the incumbent Council Members returning to Council, the restrictions set out in the *Act* will apply. For Port Colborne, this would apply if less than seven members of the existing Council return to serve in the next term of Council.

If Council is in a “lame duck” position, the Council is not permitted to take the following actions pursuant to Section 275(3) of the *Act*. These restrictions include:

- (a) the appointment or removal from office of any officer of the municipality;
- (b) the hiring or dismissal of any employee of the municipality;
- (c) the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- (d) making any expenditures or incurring any other liability which exceeds \$50,000.

Exceptions to clause “c” and “d” above do not apply if the disposition or liability was included in the most recent budget adopted by Council before Nomination Day in the election.

Section 275 of the *Act* does not prevent any person or body from exercising any authority of the municipality that has already been delegated to the person or body prior to Nomination Day. This section of the *Act* also does not prevent a municipality from taking any action in the event of an emergency.

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## Discussion:

Councils are permitted to delegate their authority listed in Section 275(3) to maintain operations during a restricted acts period. This delegation is required prior to the period coming into effect. As there is a possibility that the City is at risk for the “lame duck” status, Staff recommend that delegated authority to the Chief Administrative Officer be exercised for the responsibilities listed in Section 275(3) of the *Act*. If the restricted acts section of the *Act* does not apply, the By-law would have no effect.

In the event there becomes a need for the Chief Administrative Officer to exercise any of the authorities delegated under this section of the *Act*, an Administrative Report on the matter will be provided at the end of the restricted acts period.

---

**Internal Consultations:**

The Chief Administrative Officer was consulted on this report and concurs with the recommendation.

---

**Financial Implications:**

There are no financial implications associated with this report however, if the delegated authority is required during the applicable time period, there is the possibility that expenditures or other liabilities which exceed \$50,000 may be incurred.

If the delegated authority is used to terminate employment, unbudgeted expenses could be incurred.

The delegated authority may result in the sale of real or personal property owned by the City which has a value exceeding \$50,000 at the time of disposal.

---

**Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Governance: Communications, Engagement, and Decision-Making
- 

**Conclusion:**

Staff recommend the delegated authority By-law be approved, to allow certain business of the municipality to move forward in the event Council enters a “lame duck” period.

---

**Appendices:**

- a. By-law

Respectfully submitted,

Nicole Rubli  
Acting City Clerk  
(905) 835-2900 ext. 106  
nicole.rubli@portcolborne.ca

### **Report Approval:**

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

The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a By-law to Delegate Authority  
During any Restricted Period following Nomination Day

**WHEREAS** section 275(3) of the Municipal Act restricts certain actions of the Council of a local municipality once it can be determined that any of the circumstances set forth in paragraphs 1, 2 or 3 of section 275(1) of the Municipal Act will apply to the new Council of the City;

**AND WHEREAS** subsection 275(6) of the Municipal Act provides that nothing in section 275 prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to Nomination Day for the election of the new Council;

**AND WHEREAS**, pursuant to section 23.1 of the Municipal Act, a municipality is authorized to delegate its powers and duties under the Municipal Act or any other Act to a person or body, subject to the restrictions set out in Part II of the Municipal Act;

**AND WHEREAS** to ensure the efficient and effective management of the City of Port Colborne during any Restricted Period, it is prudent that Council delegate certain authorities to the Chief Administrative Officer;

**NOW THEREFORE** the Council of the City of Port Colborne enacts as follows:

1. In this By-law:

“**City**” means the Corporation of the City of Port Colborne, Ontario and its geographical boundaries;

“**City Clerk**” means the Clerk for the City of Port Colborne as appointed by Council;

“**Chief Administrative Officer**” or “**CAO**” means the Chief Administrative Officer for the City of Port Colborne as appointed by Council;

“**Council**” means the Council for the City of Port Colborne;

“**Municipal Act**” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“**Nomination Day**” means the deadline to file a nomination with the Clerk under the Municipal Election Act, 1996 as amended;

“**Restricted Period**” means the period commencing Nomination Day when any of the circumstances set forth in section 275(1) of the Municipal Act apply and end at the last day of the current term of Council.

2. The delegations of authority outlined in this By-law are in addition to any other delegations of authority established by other City by-laws, resolutions, policies, and otherwise at law. In the event of any inconsistency between this By-law and any other City by-law, the provision that delegates the broader authority shall prevail to the extent of the inconsistency.

3. During the Restricted Period, the CAO shall have the authority with respect to the following matters:

- (a) the appointment or removal from office of any officer of the municipality;
- (b) the hiring or dismissal of any employee of the municipality;
- (c) the disposition of any real or personal property of the municipality which

has a value exceeding \$50,000 at the time of disposal; and

(d) making any expenditures or incurring any other liability which exceeds \$50,000.

4. During the Restricted Period, the CAO shall be authorized to fund estimates more than the budget for individual capital projects through budget appropriation transfers between capital projects and/or through reserves funding and/or through debenture issue(s).
5. The authorities delegated to the CAO pursuant to this By-law include the authority to negotiate, finalize, and execute all necessary contracts and agreements and any ancillary documents required to give effect thereto in a form satisfactory to any necessary parties and to take all necessary steps and actions to exercise the delegated authorities.
6. The City Clerk shall advise Council in writing when the Restricted Period has commenced.
7. The Chief Administrative Officer shall submit a report to Council advising of any events relating to the exercising of this delegated power at the end of the Restricted Period.
8. This By-law shall come into force on the day it is passed and expire on the date of the inaugural meeting of the new term of Council.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_.

---

William C. Steele  
Mayor

---

Nicole Rubli  
Acting City Clerk



**Subject: 2021 Purchasing Summary**  
**To: Council**  
**From: Corporate Services Department**

Report Number: 2022-130

Meeting Date: July 12, 2022

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**Recommendation:**

That Corporate Services Department Report-Financial Services 2022-130 be received for information.

---

**Purpose:**

The purpose of this report is to provide council with a summary of the City's 2021 purchasing activities.

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**Background:**

The current Purchasing Policy was approved through report 2021-323 on December 13, 2021. This policy was developed to support the City in obtaining competitive pricing for purchased goods and services in an efficient, timely, and cost-effective manner in accordance with current laws and regulations.

The City's Purchasing Policy includes a requirement to submit an annual summary of the City's procurement activities to Council.

Looking forward, City staff plan to expand this report to include goods and services scheduled for a future public procurement process as well as statistics on collaborative purchasing arrangements and vendor geography.

---

**Discussion:**

This 2021 Purchasing Summary highlights purchasing activities at a summarized level.

During 2021, City purchases, excluding payroll, property taxes and utilities, were \$15,583,148. These purchases were made from 2,345 different vendors, with individual purchases ranging from \$7 to \$908,681.

The top 10 vendors by total purchases are as follows:

Vendor	Amount (\$)
MCAVOY BELAN & CAMPBELL	908,681
RANKIN CONSTRUCTION INC.	787,609
TOROMONT CAT	630,726
16506661 ONTARIO INC	581,691
DIAMOND EARTHWORKS CORPORATION	395,847
SULLIVAN MAHONEY LLP	338,737
SIGNATURE CONTRACTORS	312,041
CIRCLE P PAVING INC	298,979
ULTRAMAR ENERGY-PARKLAND FUEL CORP	286,830
YMCA OF NIAGARA	280,340
Other	10,761,670
<b>Total</b>	<b>15,583,148</b>

A summary of 2021 and year-to-date 2022 procurement activities can be found in Appendix A.

Helping facilitate these procurement methods was the implementation of the electronic procurement platform Bids and Tenders in April of 2022. The use of an electronic bidding platform will streamline processes, reduce internal administrative labour in the distribution and collection of bids, and encourage more competition on bidding processes.

The City is currently investigating a new purchasing card program that will leverage technology to automate the reconciliation process including electronic workflow approvals.

### **Internal Consultations:**

The rollout of the new purchasing policy has been a coordinated effort across the City lead by the City's Purchasing Specialist and Public Works

### **Financial Implications:**

There are no financial implications associated with this report.



**Public Engagement:**

Through the application of the Purchasing Policy, City staff engage in public procurement to obtain competitive pricing for goods and services in an efficient, timely, and cost-effective manner.

---

**Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Value: Financial Management to Achieve Financial Sustainability
  - Governance: Communications, Engagement, and Decision-Making
- 

**Conclusion:**

That Corporate Services Department Report 2022-130 be received for information.

---

**Appendices:**

- a. Summary of 2021 and Year-to-Date 2022 Procurement Activities

Respectfully submitted,

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Chuck MacLean  
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[chuck.maclean@portcolborne.ca](mailto:chuck.maclean@portcolborne.ca)

**Report Approval:**

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

Appendix A - Summary of 2021 and Year-to-Date 2022 Procurement Activities

Procurement Activity (2021)

Type	Description	Vendor	Value (\$) - no HST	Extensions
RFT	Equipment/Operator Rental (2021)	Multiple	60,000.00	No
RFP	Annual Line Painting Program	Apex Pavement Markings	50,400.00	No
RFP	Equipment - Hydraulic Excavator	Toromont CAT	479,918.00	No
RFP	Building Demolition - 72 Nickel Street	Budget Demolition	33,196.00	No
RFP	Supply and Replacement of Windows at City Hall	King Contrators	69,785.00	No
RFP	Vale Health and Wellness Centre Pylon Ground Sign Replacement	Signature Sign & Image	60,346.00	No
RFP	Engineer Office Partition Walls	IMT Modular Partitions	26,584.00	No
RFQ	Public Works Yard Building Demoltion -11 King Street	Tri-Phase Group Inc	85,134.00	No
RFP	Erie Street Watermain Replacement Design	Associated Engineering	218,244.00	No
RFP	Project Management Services	CIMA Canada Inc.	147,600.00	No
RFT	Multi-Use Trail Repair	Diamond Earthworks Corp	247,868.00	No
RFP	Waterfront & Cruise Ship Dock Architects	J.P. Thomas Architects Ltd.	228,000.00	No
RFP	Rental fo Articulated Tractor for Winter Sidewalk Maintenance	Amaco Construction Equip	24,000.00	4 years
RFP	Consulting Services for Infrastructure Needs Study and Integrated Asset Mgmt Plan	GM BluePlan Engineering	493,682.00	No
RFP	Investigation of Innovative Stormwater Managemment Solutions- Omer Drainage	No Bids	N/A	N/A
RFT	Equipment/Operator Rental(2022)	Various	60,000.00	No
RFP	Private Property Inflow Inspections, Education & Remediation Services	GM BluePlan Engineering	190,000.00	No
RFP	Nickel Beach Washroom Trailers	Turkstra Modular Building	408,565.00	No

Procurement Activity (2022 to date @ June 15/2022)

Type	Description	Vendor	Value (\$) - no HST	Extensions
RFT	Watermain Replacement on Erie Street	Stone Cast Contracting	1,068,429.00	No
RFT	Construction of (3) Concrete Pads- Sugarloaf Marina, HH Knoll Park,	Stolk Construction	146,790.00	No
RFP	Design Services for Tennesse Avenue Pillars/Gates/Walls & Firelane Pillars	Wood Environment & Infrastructure Solutions	45,350.00	No
RFQ	Sewage and Trash Pump Trailers (2)	Rain for Rent Canada	162,708.00	No
RFQ	Multi-Purpose Debris Collection Vehicle	NexGen Municipal Inc	202,217.00	No
RFP	Urban Forest Assessment and Mangement Plan	N/A - In Process	TBD	TBD
RFT	Asphalt Repair	R. Giffin Construction	40,000.00	4 Years
RFT	Annual Sidewalk and Curb Repair	CTC Contracting	150,000.00	No
RFT	City Hall Elevator Modernization	To be awarded	99,000.00	No
RFT	City Wide Roadside Grass Mowing	The Greenfield Group	29,464.00	3 years
RFQ	Equipment/Operator Rental (2022)(Re-Issue)	Various	60,000.00	No
RFQ	Asphalt Hot Box Trailer	Amaco Equipment	56,180.00	No
RFQ	Non-Intrusive Sewer Flow Monitoring Equipment	Link Utility Technologies	86,646.00	No
RFQ	Cube Van	To be awarded	91,560.00	No
RFP	HR Management & Information Systems Review	To be awarded	40,000.00	No
RFT	City Wide Line Painting	Apex Pavement Markings	52,000.00	No
N/A	ECDM Plan Update	Blackstone Energy Services	31,650.00	No

- RFP Request for Proposal
- RFQ Request for Quote
- RFT Request for Tender

**Subject: Implementing Pre-consultation Planning Fees**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2022-155

Meeting Date: July 12, 2022

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**Recommendation:**

That Development and Legislative Services Department – Planning Division Report 2022-155 be received; and

That the proposed pre-consultation fees be approved as outlined in Report 2022-155 be added to Schedule R of the User Fees and Charges By-law No. 6949/95/21; and

That the updated Schedule R of the User Fees and Charges By-law be included in a future amendment to By-law No. 6949/95/21

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**Purpose:**

The purpose of this report is to receive Council approval on the implementation of a pre-consultation fee for planning applications.

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**Background:**

City staff retained BMA Management Consulting Inc. (BMA) in November of 2021 to undertake a review of the City's building and planning application fees as they have not been reviewed in several years. The building fees review has proceeded to a public meeting and will be brought forward for Council consideration in summer of 2022.

Bill 109, More Homes for Everyone Act received Royal Assent on April 14, 2022. The Bill, most notably, as detailed in Report 2022-94 revised Section 34 of the *Planning Act* to include new rules that require municipalities to refund application fees if a decision on a site plan application, zoning by-law amendment (ZBA) or combined ZBA and official plan amendment (OPA), is not reached within the legislated timeframes. The

requirement to return fees if applications are not processed within the specified timeframes will take effect January 1, 2023.

The implementation of the refunding of planning fees has triggered the need for planning staff to further review fees and processes for site plan applications, zoning bylaw amendments and official plan amendment applications. Through this review, new fees and processes will be established with the intention of expediting the planning process and reducing the risk of having to return planning application fees. Planning staff will be reporting back to Council on process and fee changes by the end of 2022.

---

## **Discussion:**

While this review is underway, planning staff are proposing the implementation of a pre-consultation meeting fee. Pre-consultation meetings are required for most planning applications. Internal staff from planning, engineering, building, fire and economic development and external agencies including the Niagara Region, the Niagara Peninsula Conservation Authority and Bell attend the meeting along with the applicant to discuss planning proposals. The purpose of the meeting is to outline all of the plans, studies, reports, fees etc. that are required to submit a complete development application. After the meeting, the city planner on the file sends a comprehensive set of notes to the applicant as a record of the meeting and to assist them with completing the necessary work. Currently, there is no pre-consultation application fee charged. Collectively, staff spend a number of hours on each application from preparing for the meeting, attending the meeting and putting together the notes that are sent to the applicant.

Staff are recommending that a fee of \$500 be charged for major planning applications (Plans of subdivision/ Condominium, Official Plan Amendments, Zoning Bylaw Amendments, Site Plan Control) and a \$250 fee be charged for minor planning applications (minor variances, consents). If the pre-consultation meeting includes more than one application type, only one fee will be applied (the higher of the two fees). If the applicant applies within 18 months from the date of the pre-consultation meeting the pre-consultation meeting fee will be reduced from the overall application fee. By charging a fee, this will help to reduce the number of applicants who may not be committed to moving forward in the planning process. By reducing the overall application fee by the pre-consultation fee, if applied for within 18 months from the date of the pre-consultation meeting acts as an incentive for applicants to get the application submitted.

An internal scan of local municipal fees indicates that at least seven of the twelve municipalities in the Region charge for pre-consultation.

Staff are proposing that the pre-consultation fee be applied to all applications submitted as of August 1, 2022.

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## Financial Implications:

Charging for pre-consultation meetings will assist in covering the costs to operate the planning division. In the past few years, approximately 30% of pre-consultation meetings ended up applying for planning approval. By charging for pre-consultation, the intent is that those who apply and pay the fee are more likely to submit a planning application.

In 2021, 77 pre-consultation meetings were held. Of those, an average of 30% of applicants who attended a pre-consultation meeting submitted a planning application.

In the new proposed fee structure for pre-consultation meetings, the application fees would then be reduced by the already paid pre-consultation fee (\$500 or \$250). The remaining 54 pre-consultation fees that do not submit a planning application would help to offset the planning divisions operating expenses (approximately \$21,000).

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## Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
  - Attracting Business Investment and Tourists to Port Colborne
  - Value: Financial Management to Achieve Financial Sustainability
- 

## Conclusion:

Staff recommend that Council approve the inclusion of a pre-consultation fee into the fees bylaw to promote applications that have merit and to offset the cost of staff time preparing and attending the pre-consultation meetings.

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Respectfully submitted,

Denise Landry, MCIP, RPP  
Manager of Planning Services

905-835-2900 x203  
Denise.Landry@portcolborne.ca

**Report Approval:**

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



**Subject: Grants Update**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2022-128

Meeting Date: July 12, 2022

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**Recommendation:**

That Chief Administrative Office - Economic Development and Tourism Services Report 2022-128 be received for information.

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**Purpose:**

The purpose of this report is to update Council on the status of funding applications written and submitted by the Economic Development and Tourism Services Division from January 1, 2021, to June 30, 2022.

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**Background:**

The Economic Development and Tourism Services (EDTS) Division, established in the fall of 2020, was tasked with identifying and pursuing grant opportunities at the Federal, Provincial, and Regional levels. These funding opportunities help to finance City projects that may not proceed without support from senior levels of government and this funding assistance takes pressure off the City's capital budget. This further benefits the taxpayers as previously committed dollars can be directed to other priority projects.

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**Discussion:**

Since January 2021, the Economic Development and Tourism Services Division has submitted 22 applications and to date has been approved for a total of \$2,326,925.38 in grant funding from the Federal, Provincial, and Regional governments. A total of 16 applications have been approved and monies have been received at the time of this report.

This grant funding supports various projects, on both a small and large scale, including tourism development, West Street renewal, community economic development, and assisting with financing City-building projects including the new waterfront centre. A list of all funding applications (i.e., received, pending, denied) is included in the Appendix A of this report.

Staff will continue to monitor grant opportunities and submit applications if they align with and support priority projects. As the City continues to grow and welcome new residents, it will be important for staff to pursue grant opportunities that support the infrastructure needs of the City, invest in public facilities, and continue to develop Port Colborne.

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### **Internal Consultations:**

The preparation of grant applications are collaborative projects within the EDTS division. Staff from other departments are consulted including Corporate Services, Public Works, and Office of the CAO.

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### **Financial Implications:**

For some grant programs, the City is required to provide a funding contribution for the project and these amounts are already approved in the capital budget (e.g., Rural Economic Development and Canada Community Revitalization Fund). For other grant programs, a financial contribution from the City is not required and it is a direct grant and fully funded by the program (e.g., Digital Main Street and My Main Street).

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### **Public Engagement:**

Not applicable.

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### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
- City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
- Value: Financial Management to Achieve Financial Sustainability
- Governance: Communications, Engagement, and Decision-Making



**Conclusion:**

This report provides an update on the status of funding applications written and submitted by the Economic Development and Tourism Services Division over approximately 18 months (January 1, 2021, to June 30, 2022). 22 applications have been submitted and to date the City has been successful with 16 applications that have secured a total of \$2,326,925.38 in grants for the City to support strategic projects and initiatives. Staff will continue to monitor and capitalize on grant opportunities that align with the strategic direction of the organization and the City.

---

**Appendices:**

- a) List of Funding Applications

Respectfully submitted,

Rob Fucile

Economic Development and Tourism Projects Assistant

905-835-2900 x. 506

[Rob.Fucile@portcolborne.ca](mailto:Rob.Fucile@portcolborne.ca)

Gary Long

Manager of Strategic Initiatives

905-835-2900 x.502

[Gary.Long@portcolborne.ca](mailto:Gary.Long@portcolborne.ca)

**Report Approval:**

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



FUNDING APPLICATIONS  
ECONOMIC DEVELOPMENT & TOURISM SERVICES

PROGRAM	DATE SUBMITTED	AMOUNT	STATUS
Ontario Summer Experience Program	Jan. 21, 2021	\$3,723	Received
Municipal Modernization Program (MMP) – Intake 2	March 15, 2021	\$97,500	Received
Canada Community Revitalization Fund	July 21, 2021	\$750,000	Received
Digital Main Street 3.0	July 21, 2021	\$18,862	Received
Rural Economic Development (RED) Program	Oct. 1, 2021	\$77,520	Received
Niagara Region – LAM Fund 2021	Sept.-Oct. 2021	\$15,000	Received
My Main Street – Local Business Accelerator Program	Oct. 13, 2021	\$57,500	Received
Municipal Modernization Program (MMP) – Intake 3	Oct. 19, 2021	\$267,630	Received
My Main Street – Community Activator Program (Year 1)	Nov. 1, 2021	\$13,299	Received
Niagara Region Buy Local Micro Grant	Nov. 19, 2021	\$9,490	Received
SWODF	Dec. 10, 2021	\$1,500,000	Denied
My Main Street – Community Activator Program (Year 2)	Jan. 31, 2022	\$38,500	Denied
Tourism Relief Fund	Feb. 2, 2022	\$500,000	Pending

Tourism Economic Development & Recovery Fund	Feb. 10, 2022	\$7,500	Pending
Ontario Summer Experience Program	Feb. 15, 2022	\$3,689	Received
Ontario Site Readiness Program	March 1, 2022	\$25,000	Confirmed
Strategic Priorities Infrastructure Fund	March 11, 2022	\$827,712.38	Confirmed
Investing in Canada Infrastructure Program (ICIP)	March 30, 2022	\$155,181	Pending
Tourism Partnership of Niagara	March 31, 2022	\$100,000	Received
Digital Main Street 4.0	April 21, 2022	\$50,000	Confirmed
Niagara Region – Public Realm Investment Program	April 22, 2022	\$5,000	Denied
Niagara Region – LAM Fund 2022	April 26, 2022	\$10,000	Confirmed



**Subject: Canal Days Funding Opportunity**

**To: Council**

**From: Corporate Services Department**

Report Number: 2022-163

Meeting Date: July 12, 2022

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**Recommendation:**

That Corporate Services Department – Recreation Division Report 2022-163 be received; and

That Director of Corporate Services be directed to execute the agreement for the FACTOR Music Festival Reopening Fund grant.

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**Purpose:**

Recreation staff applied to a grant offered by the Federal Government intended to support the reopening of Music Festivals in Canada. The City of Port Colborne was successful in receiving \$35,000 in funding from this program.

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**Background:**

The Factor Music Festival Reopening Fund is seeking to aid professional music festivals to stimulate their economic recovery by supporting the presentation of their events and encouraging the return of in-person audiences.

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**Discussion:**

On July 5<sup>th</sup>, 2022 staff were made aware that the City was successful in receiving a \$35,000 grant through Canada Music Fund.

Recreation staff will direct the funding from the Factor Grant to off-set costs related to the Canal Days Concert Series. Eligible expenses include fees for Canadian artists,

staging costs, equipment rental, marketing, administrative expenses, and cost associated with public safety and compliance.

---

### **Internal Consultations:**

Recreation staff have communicated this successful grant application with communications staff to ensure that the City provides the proper recognition to the Federal Government as outlined in the grant policy.

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### **Financial Implications:**

As a result of this successful grant application the city will be receiving \$35,000 towards the Canal Days Marine Heritage Festival Budget. There are no additional funds required from the City as part of the funding agreement.

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### **Public Engagement:**

No public engagement involved.

---

### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
  - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
  - Value: Financial Management to Achieve Financial Sustainability
  - Governance: Communications, Engagement, and Decision-Making
- 

### **Conclusion:**

In conclusion, Recreation staff were successful in applying to the Factor Music Festival Reopening Fund. The City will receive \$35,000 from the Federal Government as a result of the successful grant application.

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### **Appendices:**

- a. Factor Grant Funding Agreement

b. Bylaw to execute Agreement

Respectfully submitted,

Luke Rowe  
Event & 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 review and approval by the Chief Administrative Officer.

## FINANCING AGREEMENT

### MUSIC FESTIVAL REOPENING FUND 2022

This agreement (the “**Agreement**”) dated as of July 5<sup>th</sup>, 2022

Between: The Foundation Assisting Canadian Talent on Recordings (“**FACTOR**”), a non-profit organization duly incorporated on June 17, 1982 under the laws of Canada, 247 Spadina Avenue, Third Floor, Toronto, Ontario M5T 3A8 Canada

And: The City of Port Colborne, (“**Applicant**”), a(n) Corporation, **Address:** 66 Charlotte Street, Port Colborne, Ontario L3K 3C8

#### PREAMBLE:

FILE: 346269

AMOUNT GRANTED: CDN \$35,000.00

PROJECT: FR - The City of Port Colborne

#### WHEREAS:

- A. FACTOR has developed a funding program entitled “*Music Festival Reopening Fund 2022*” (the “**Program**”), as fully described in the FACTOR guidelines and rules entitled “*Music Festival Reopening Fund 2022*” (the “**Rules**”), which may be found at the following link:

[https://factorportalprod.blob.core.windows.net/portal/Documents/Emergency\\_Support\\_Fund/Festival%20Reopening/FACTOR\\_Festival\\_Reopening\\_Program\\_Guidelines.pdf](https://factorportalprod.blob.core.windows.net/portal/Documents/Emergency_Support_Fund/Festival%20Reopening/FACTOR_Festival_Reopening_Program_Guidelines.pdf)

- B. The Applicant has sought financial support from FACTOR for the project (the “**Project**”) identified in an application filed online at live.factor.ca (the “**Application**”) pursuant to the Guidelines;
- C. FACTOR, after reviewing the Application, has accepted the Application and approved a financial contribution to the Applicant in the amount granted as set out above in the Preamble (the “**Contribution**”);

**FOR VALUABLE CONSIDERATION**, the receipt and sufficiency of which acknowledged, the parties agree as follows:

1. **FINANCING:** Subject to the terms and condition of this Agreement, FACTOR grants to the Applicant the Contribution.
2. **REPRESENTATIONS AND WARRANTIES:** The Applicant represents and warrants to FACTOR and agrees as follows:
  - a. it has the legal power and authority to enter into this Agreement without the consent of any third party;
  - b. it is legally entitled to perform its obligations under this Agreement;

- c. if the Applicant is a sole proprietorship, partnership, limited partnership or corporation, it is registered and in good standing in its applicable jurisdiction;
- d. it has obtained all of the rights and authorizations required for all applicable recording activities and, as applicable, the acquisition of necessary for synchronization licenses;
- e. all of the information contained in the Application is accurate, truthful, correct and complete;
- f. it is currently and shall at all times act in strict compliance with the Guidelines;
- g. there are no legal proceedings nor threat of imminent proceedings nor outstanding judgments or other claims of any type against the Applicant except as those disclosed in writing to FACTOR prior to FACTOR's approval of the Contribution;
- h. it is currently and shall at all times comply with all applicable laws, contracts, rules and regulations related to the business of the Applicant;
- i. it is in compliance with all applicable respects federal, provincial/territorial and municipal laws and regulations, including without limitation, related guidelines in respect of environmental issues;
- j. it is in good standing with the Crown pursuant to any agreements concluded with the Minister of Canadian Heritage (the "**Minister**"), any other federal minister or the third party administrators of FACTOR;
- k. it has not failed to disclose any important fact or information regarding its legal or financial standing that could: (i) affect its ability to satisfy its obligations under this Agreement; (ii) make it ineligible under the Rules; or (iii) have an impact on its right to receive the Contribution in the amount determined by FACTOR based on the information provided.

**3. APPLICANT OBLIGATIONS:** The Applicant agrees and undertakes to:

- a. comply with the terms and conditions of this Agreement and the Program pursuant to the Guidelines, as they may be amended by FACTOR in its sole discretion from time to time;
- b. not breach any copyright, trademark or other intellectual property rights of any third party and fully satisfy all contractual obligations to authors, composers, translators, technicians, other workers and Canadian project service providers;
- c. ensure the Project that is the subject of the Application and any related promotional materials do not contain any elements that may be hateful, obscene, pornographic or notably sexual, denigrating towards a particular group or display excessive or gratuitous violence, or any other offensive content that is hateful or defamatory in nature or otherwise breach the Criminal Code;
- d. ensure that the Project is conducted in a healthy workplace that is respectful and free from any form of harassment, poor treatment or discrimination of employees and independent contractors;



- e. ensure that this Agreement is performed in compliance with all applicable laws, regulations, decrees, standards and guidelines and that all subcontractors involved in the Project are subject to the same obligations;
- f. communicate to FACTOR at the outset and conclusion of the Project all of the sources of financing expected, confirmed and obtained for the Project, it being agreed that the Applicant must never be financed for more than 100% of the Project costs;
- g. provide, on demand, all financial or other information and any documentation that FACTOR may reasonably require relating to the Project in accordance with this Agreement and the Guidelines, including, amongst other things: (i) progress reports; (ii) a summary table showing all expenses incurred; (iii) proof of payments and receipts; (iv) a balance sheet of income and costs relating to the Project; and (v) a Project completion report;
- h. refund to FACTOR forthwith the applicable amount of the Contribution if, following the review of the completion report and supporting records by FACTOR, it appears that the Contribution or payments made exceed the eligible expenses incurred by the Applicant;
- i. advise promptly and in writing to FACTOR the occurrence of any default under this Agreement or any change related to the Applicant's representations or warranties herein or in the Application.
- j. respect the appeals policy of FACTOR, as applicable;
- k. immediately inform FACTOR of any fact or occurrence that risks compromising the success of the activities of Applicant or its capacity to comply with the obligations under the present Agreement, including but not limited to the cancellation of the Project by reason of health measures;
- l. until such time as the completion of the obligations of the Applicant under this Agreement, the Rules and the Application and any subsequent documentation, the Applicant shall notify FACTOR within ten (10) days of any changes to the corporate structure or business ownership such as an amalgamation, reorganization, change to its name, or any material matter that may affect the Applicant's eligibility under FACTOR, or that may in any way affect the Applicant's capacity to fully perform the Applicant's obligations under this Agreement.
- m. indemnify and save harmless FACTOR from all costs, professional fees, losses or damages resulting directly or indirectly from any claims, action or proceedings relating to this Agreement;
- n. provide access to chartered accountants under instruction from FACTOR or the Minister of Canadian Heritage to examine the Applicant's accounts, books and records for the purposes of auditing compliance with this Agreement. The Applicant must retain its accounts, books and records relating to the financial support received from FACTOR for at least five (5) years following completion of the Project for the purposes of audit. If the Applicant wishes to dispute the results of an audit, notice must be given to FACTOR within seven (7) days of the delivery of the inspection report and such information under

dispute shall be submitted to board of FACTOR for review and determination and the board of FACTOR's decision on the matter under dispute shall be final.

4. **VALUES AND CONDUCT:**

- a. Respect and cooperation are fundamental values of FACTOR in step with its value of *Interaction* that it endeavours to promote in all its relations with Applicants. Consequently, it is an integral condition of the relations between the parties that the Applicant undertakes to demonstrate and maintain at all times conduct marked by respect and cooperation in all of its interactions with FACTOR, its leaders, officers, employees, representatives, agents and other personnel. The Applicant acknowledges and agrees that no harassing behaviour of any types, physical, mental or otherwise nor any conduct constituting intimidation, bullying or otherwise undermining the aforementioned values in any interactions will be tolerated.
- b. The Applicant and FACTOR mutually agree that their conduct will promote respect of each other and will contribute to upholding the highest standards of fairness and discipline promoted by FACTOR relating to its values of integrity and competence.
- c. Any breach by the Applicant of the obligations set out in sections 4a and 4b above will constitute a material breach under this Agreement.

5. **ACKNOWLEDGEMENT OF FINANCIAL ASSISTANCE:** The FACTOR logo and Canada wordmark, unless it is already present, must appear side-by-side, but separately on any promotional item, publicity material, press release, homepage of a website, video, or any other form of communication in writing, print or electronic format. Where is space and circumstances allow, the following acknowledgement sentence must also be added on the website of the Applicant: "this project has been made possible in part by the government of Canada. Ce projet a été rendu possible en partie *grâce* au gouvernement du Canada". The factor logo and the Canada Wordmark must have similar size and prominence as other logos. In addition to what is previously mentioned, the Applicant undertakes to comply with all the obligations set out in the FACTOR Logo and Acknowledgment Guide Live.pdf (windows.net) (the "**Acknowledgement Guide**"). Acknowledgement of factor and the government of Canada must be verbally announced during any performance. The "**Canada Wordmark**" means the Government of Canada logo. The style and use of the Canada Wordmark is outlined in the Acknowledgement Guide.

6. **DEFAULT:** The Applicant is automatically in default if:

- a. it does not satisfy any of its obligations under this Agreement, including without limitation, the failure to pursue and complete the Project, unless approved in advance in writing by FACTOR;
- b. it declares bankruptcy, becomes insolvent, is placed into receivership, makes recourse to any law relating to debtors in bankruptcy or insolvency or is the subject of an order made or resolution adopted pertaining to the judicial liquidation of its commercial activities or enterprise;
- c. it makes or has made, directly or by the agency of its representatives, a false or misleading declaration, statement, representation or warranty;

- d. it has forged or imitated a signature, falsified or forged any document required under this Agreement or in the Application or used to establish payment or the receipt of a payment for the costs of the Project.
7. **REMEDIES:** If the Applicant is in default of this Agreement and such default is not cured within ten (10) days from Applicant's receipt of notice from FACTOR describing the default, FACTOR may, among other things, terminate this Agreement, cease any payments hereunder and require from the Applicant immediate reimbursement of the Contribution, pursue any of its available rights and remedies and/or suspend all financial support to Applicant. All of FACTOR's rights and remedies shall be cumulative and the pursuit of one remedy shall not be deemed a waiver of any other remedy either at law or in equity. A waiver by FACTOR of any term or condition of this Agreement in any instance shall not be deemed or construed to be a waiver of such term or condition for the future or any subsequent breach thereof.
8. **ENTIRE AGREEMENT:** The preamble to this Agreement, any documents signed by the Applicant and provided to FACTOR, the Application and the Rules (collectively, the "**Project Documents**") all form an integral part of this Agreement and shall be incorporated into this Agreement by this reference, it being acknowledged and agreed that the Program and Rules may be subject to modification from time to time by FACTOR in its sole discretion. Any default by the Applicant under any of the Project Documents shall constitute and be deemed to be a default under all of the Project Documents. Any amendment or modification to this Agreement must be in writing and signed by authorized representatives of both parties, except for amendments to the Program or Guidelines, which FACTOR may make unilaterally in its sole discretion from time to time.
9. **GENERAL:**
  - a. The Agreement shall be effective as of the date first written above and shall expire when the parties have entirely satisfied their respective obligations hereunder.
  - b. FACTOR may assign, in whole or in part, this Agreement. The Applicant may not assign this Agreement, whole or in part, to any other party without the prior written consent of FACTOR.
  - c. FACTOR is not the agent of the Minister or of her Majesty in right of Canada.
  - d. The Applicant shall not, under any circumstances, hold itself out or be deemed an agent of FACTOR or of the Minister. The Applicant has no right or authority to engage or bind FACTOR or the Minister in any manner.
  - e. The Program is at all times subject to the availability of funds to FACTOR. It shall not be a breach hereunder, nor shall FACTOR be held liable for any damages in the event that FACTOR must delay or terminate its obligations under this Agreement due to the delay, suspension or substantial reduction of funding, advances, subscriptions or contributions in a manner unforeseen by the Minister or the sponsoring broadcasters. Subject to any written agreement to the contrary with FACTOR, the obligations of the Applicant under the Project Documents shall in no way be deemed to be amended or modified in the event of a reduction of total Contribution.

- f. This Agreement shall be governed by and interpreted in accordance with the laws of the province of Ontario and the federal laws of Canada applicable therein. Nothing in this Agreement is intended to, or shall be deemed to, constitute a partnership, joint venture or employee/employer relationship between the parties. This Agreement shall enure to the benefit of the parties and their respective successors, assigns, heirs, executors and personal representatives, as applicable.

**IN WITNESS WHEREOF**, the parties have signed this Agreement as of the date first written above.

## The Foundation Assisting Canadian Talent on Recordings

By: Meg Symczyk

By:   
Authorized Signatory

**APPLICANT:**

***If Corporation:***

Name of Corporation: \_\_\_\_\_

By: \_\_\_\_\_

*Authorized Signatory*

***If Partnership or Sole Proprietorship  
(d/b/a):***

Print Name: \_\_\_\_\_

By:

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***If Individual:***

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Print Name: \_\_\_\_\_

The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a By-law to Authorize Entering into an Agreement with the Foundation  
Assisting Canadian Talent on Recordings (“FACTOR”)

Whereas at its meeting of July 12, 2022 the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of the Corporate Services Department], Report No.2022-163, Subject: Canal Days Funding Opportunity; and

Whereas Council is desirous of entering into an agreement with the Foundation Assisting Canadian Talent on Recordings (“FACTOR”), for the purposes of a financing agreement; 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 an agreement with the Foundation Assisting Canadian Talent on Recordings (“FACTOR”), for the purposes of a financing agreement.
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 12 day of July, 2022.

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William C. Steele  
Mayor

---

Nicole Rubli  
Acting City Clerk

## **NOTICE OF ADOPTION Niagara Official Plan**

The Council of the Regional Municipality of Niagara adopted the Niagara Official Plan under Section 17(22) of the *Planning Act, 1990* on June 23, 2022 by By-law No. 2022-47. Once the Minister of Municipal Affairs and Housing approves the Niagara Official Plan, it will come in to force and effect, replacing the existing Regional Official Plan.

The new Niagara Official Plan was prepared pursuant to Section 26 of the *Planning Act, 1990* to comprehensively apply provincial policy and plans, while also addressing Regional priorities and providing direction for local community planning.

This notice of adoption is issued pursuant to Section 17(23) of the *Planning Act, 1990*.

### **PURPOSE AND EFFECT**

The Niagara Official Plan is a long-term land use planning document that shapes and defines our community to the year 2051, with policies that set out what we protect, where and how the region will grow, and policy tools for success. The plan addresses matters such as protection of the natural environment, agriculture, source water, aggregates and petroleum, and cultural heritage and archaeology. It establishes a regional urban structure to strategically manage growth, and facilitates intensification, attainable and affordable housing, and identification of employment areas for protection. Tools such as district and secondary planning, subwatershed planning and urban design, along with supporting infrastructure and transportation systems, are important to growing sustainably and achieving complete and vibrant communities.

### **MORE INFORMATION**

Information regarding the Niagara Official Plan is available in the Planning and Development Services Department at Niagara Region, 1815 Sir Isaac Brock Way, Thorold, ON, L2V 4T7, Monday to Friday between 8:30 am and 4:30 pm after July 4, 2022 and at <https://www.niagararegion.ca/official-plan>. Questions regarding the Niagara Official Plan may be directed to David Heyworth, Manager of Long Range Planning, by email at [David.Heyworth@niagararegion.ca](mailto:David.Heyworth@niagararegion.ca) or phone at 905-980-6000 x3476.

### **WRITTEN AND ORAL SUBMISSIONS**

All statutory written and oral submissions made on the Niagara Official Plan have been reviewed and suggestions incorporated, where appropriate. For further information on how consultation on the proposed Niagara Official Plan for the public meeting was addressed, please refer to the relevant appendices in Information Report PDS 14-2022 and Recommendation Report PDS 17-2022 on the Niagara Official Plan website noted above.

## **RIGHT TO APPEAL – 2022**

The decision of the Council of the Regional Municipality of Niagara to adopt the Niagara Official Plan is not subject to appeal.

## **APPROVAL AUTHORITY**

Under Section 17(1) of the *Planning Act, 1990*, the Minister of Municipal Affairs and Housing is the approval authority for the Niagara Official Plan adopted under Section 17(22) of the *Planning Act, 1990*. The adopted Official Plan will be forwarded to the Minister as required by Section 17(31) of the *Planning Act, 1990* for a decision.

Any person or public body will be entitled to receive notice of the decision from the approval authority if a written request is made. Requests to be notified of the decision should be sent by mail to:

Regional Director, Central Region  
Ministry of Municipal Affairs and Housing  
777 Bay Street, 13th Floor  
Toronto ON M7A 2J3  
Tel: 416-585-7041  
Fax: 416-585-6882

Dated this 29th day of June 2022.

July 5, 2022

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

Dear Mayor Steele and Members of Council:

We are writing today to express our concern with a motion and related comments that were made at Council's meeting on June 28<sup>th</sup> with respect to a moratorium on future aggregate approvals in Ontario.

The Ontario Stone, Sand & Gravel Association represents 280 aggregate producers and suppliers in Ontario who collectively represent the majority of the 164 million tonnes of aggregate consumed annually in the province to build and maintain Ontario's infrastructure needs. OSSGA works in partnership with government and the public to promote a safe and competitive aggregate industry contributing to the creation of strong communities in the province.

An important part of our mandate is to correct misinformation about the industry. 'NIMBY' groups present themselves as watchdogs of industry, but all too often offer observations and recommendations which meet their own agendas – and most important, do not reflect the broader community and business interests.

As an example, the Reform Gravel Mining Coalition campaign calling for a moratorium on all new aggregate sites is based on mistruth, exaggeration and information designed to alarm your constituents, and you as Mayors and Councillors and senior municipal officials. Even though the motion was defeated, we'd like to put the record straight.

Stone, sand and gravel is what our modern world is made from. Calling for a moratorium is like saying no to future generations. It's turning off the tap to economic prosperity, affordable housing, immigration and infrastructure.

There were literally too many untruths presented at the meeting to address here – so we have chosen just a few to illustrate how statistics and incomplete information can be used to propagate mistruths:

We all need aggregate. If you support affordable housing (as Mr. Wells did in his comments), then you must support sand and gravel. If you support new schools, hospitals and roads, then you need to support sand and gravel. In the next 20 years 4 million more people will be calling Ontario home. To support that growth we need an estimated 4 billion tonnes of aggregate. It is estimated that the industry has current licences to supply approximately 10 years of that need. That's a good thing – because it takes 10 years on average to licence a new site. Applications being submitted today will serve the needs of future generations of Ontarians.



The industry does NOT consume 5,000 new acres of land per year. The Reform Gravel Mining Coalition has misrepresented statistics it gleaned from The Ontario Aggregate Resources Corporation (TOARC) production statistic reports. Since 1998 the areas of the province subject to the ARA has increased by more than a third. As the jurisdiction of the ARA grew the existing sites in those areas were issued licences, and these new higher numbers were reported by TOARC. The vast majority of these new licences were existing sites that became subject to the *Aggregate Resources Act*. The Coalition erroneously took an average from 1998 not understanding that these were not new sites. This is just one example of how the Coalition has misrepresented statistics.

In the past 5 years, 77 new sites have been approved, and 300 sites have been closed and fully rehabilitated. The reality is we are not replacing our close-to-market supply of aggregate sites.

The aggregate industry is governed by a robust legislative framework. In addition to the *Aggregate Resources Act*, the industry is governed by and goes above and beyond to comply with more than 24 other pieces of legislation and volumes of regulation. Extensive consultation is already built into the approval process for aggregate production.

Today in Niagara County the 13 surrendered former gravel sites reported by [TOARC](#) have been returned to a variety of land uses: more than 18% to residential, nearly 12% to agriculture and yes, 44% to the beautiful golf courses in the region that attract both local and international tourists each year.

A call for a moratorium is short-term thinking. Imagine 25 years ago the Province had subscribed to “no more aggregate production, not in my back yard” thinking. Imagine the additional stress that would have put on today’s housing crisis or how much more crowded our schools, roads and hospitals would be?

For more than 100 years the existing aggregate market has provided Ontario with a steady supply of low-cost aggregate that has built the Province. No government that supports economic growth, affordable housing or immigration in this Province should support a moratorium on the bedrock of our economy.

We trust these comments are helpful. We understand that you and your constituents may have questions or concerns about the aggregate industry. We’re here to help. More information about the aggregate industry can be found at [GravelFacts.ca](#) or you may reach out to us at any time to answer any questions you may have.

Regards,



Norm Cheesman  
Executive Director

c.c. Scott Luey, Chief Administrative Officer  
Amber LaPointe, City of Port Colborne

Encl. Please also find attached a municipal newsletter that was distributed in May, 2022.

# THE IMPORTANCE OF CLOSE-TO-MARKET PITS AND QUARRIES IN ONTARIO

May 2022

— a response to the Reform Gravel Mining Coalition

## ISSUES

- 1** Ontario needs a stable, close-to-market supply of stone, sand and gravel. Aggregate is an essential ingredient to our modern world. It's in the buildings where we live and work. It's in the roads and sidewalks we drive and walk on. It's used in water purification processes, and in the manufacture of everything from paper and paint to chewing gum.
- 2** The gravel industry is a clean, safe industry. No chemicals are used in the processing of aggregate. The greatest environmental impact is in the trucking of aggregate to the job site. That's why the environmentally smart answer is close-to-market pits and quarries.
- 3** Ontario's current application process for gravel mining is one of the most rigorous in the world: It...
  - ☐ Is governed by the *Aggregate Resources Act*, its regulations, standards and policies and inspections.
  - ☐ Includes the requirement to comply with 24 additional pieces of legislation.
  - ☐ Includes multiple peer reviewed studies for air, noise, hydrogeology, traffic, agriculture, cultural heritage, and more.
  - ☐ Requires the submission of detailed rehabilitation plans — for each phase of the site, as well as final rehabilitation — prior to the issuance of a licence.
  - ☐ Requires the Minister to consider whether adequate consultation with Indigenous Peoples has been carried out.
  - ☐ Includes public consultation requirements under the *ARA* as well as municipal zoning applications.
  - ☐ Requires many more permits once the licence is approved: Environmental Compliance Assessments, Permits to Take Water, permits under the *Endangered Species Act*...
  - ☐ Requires annual compliance assessment reporting and on-going monitoring.

## RECENT AGGREGATE POLICY REVIEW

- 1** Following extensive stakeholder engagement, new legislation was introduced as the *Aggregate Resources Act*, 2018. In 2020 a new round of consultation was undertaken with significant changes to the regulations under the *ARA*. In 2021, new standards were introduced. Today, policies are being updated.
- 2** The *Provincial Policy Statement 2020* was updated to provide clarity that the *ARA* is the appropriate instrument to regulate depth of extraction. The Act was updated to prescribe a new more onerous amendment process for producers who want to go from above to below water extraction. Technical reports are now required (water assessment, natural environment assessment, planning and land use considerations and source water considerations) and the same public consultation, with the ability for objectors to appeal decisions to the Ontario Land Tribunal, as a new pit or quarry application.

## FOUR FACTS ON GRAVEL MINING IN ONTARIO

### FACT #1

#### The industry does NOT consume 5,000 new acres of land per year.

- The Reform Gravel Mining Coalition has misrepresented statistics it gleaned from The Ontario Aggregate Resources Corporation (TOARC) production statistic reports.
- Since 1998 the areas of the province subject to the ARA has increased by more than a third. As the jurisdiction of the ARA grew the existing sites in those areas were issued licences, and these new higher numbers were reported by TOARC. The vast majority of these new licences were **existing sites** that became subject to the *Aggregate Resources Act*.
- The Coalition erroneously took an average from 1998 not understanding that these were not new sites. This is just one example of how the Coalition has misrepresented statistics.
- In the past 5 years, 77 new sites have been approved, and 300 sites have been closed and fully rehabilitated. **The reality is we are not replacing our close-to-market supply of aggregate sites.**

### FACT #2

#### To meet Ontario's future need for aggregate, the Province needs an environmentally responsible close-to-market supply.

- The industry estimates there is a 10-year supply of licenced, quality close-to-market aggregate.
- It currently takes approximately 10 years to approve a new site, that's why applications are being made today for sites that will be needed to supply the needs of future Ontarians.
- Ontario will require nearly 4 billion tonnes of aggregate over the next 20 years to meet the needs of the population growth of more than 4 million projected by the Government of Ontario. Demand of aggregate is expected to increase from 160 million to 190 tonnes per year.
- Not all aggregate is the same. To meet the needs of the construction industry we need a mix of sites, all located close-to-market.
- To reduce GHGs, the most important way to protect the environment is to locate pits and quarries as close to where the resource is needed as possible to reduce truck emissions.

### FACT #3

#### The aggregate industry pays its fair share.

- A decades-old issue with the MPAC valuation system for aggregate has seen several changes in the methodology for calculating values causing frustration for both municipalities and industry. This issue is currently before the courts. But municipalities must recognize that:
  - Each year, the aggregate industry pays, in addition to municipal taxes, \$30+ million dollars in aggregate levies in Ontario, the majority of which goes to municipalities.
  - Aggregate is the only industry to pay such a levy — despite the fact there are 200,000 trucks on the roads in Ontario every day — only 6,000 of which are aggregate trucks.
  - Producers are proud employers in their communities and support hundreds of local charities and local events across Ontario.

### FACT #4

#### We need informed public policy.

- The Reform Gravel Mining Coalition has presented a series of misleading and/or exaggerated claims that hinder an informed discussion about aggregate policy in Ontario.
- No government that supports economic growth, affordable housing or immigration should support a moratorium on the bedrock of our economy. We understand you and your constituents may have questions. We're here to help. Visit [GravelFacts.ca](http://GravelFacts.ca).



The Corporation of the  
**MUNICIPALITY OF TWEED**

255 Metcalf St., Postal Bag 729  
Tweed, ON K0K 3J0  
Tel.: (613) 478-2535  
Fax: (613) 478-6457



Email: [info@tweed.ca](mailto:info@tweed.ca)  
Website: [www.tweed.ca](http://www.tweed.ca)  
[facebook.com/tweedontario](https://facebook.com/tweedontario)

July 4, 2022

Ministry of Agriculture, Food and Rural Affairs  
1 Stone Road West  
Guelph, ON N1G 4Y2

Dear Minister:

Re: Ontario Wildlife Damage Compensation Program

We are writing to you today on behalf of our municipality regarding the administration fees related to wildlife damage claims. This program is necessary to protect our farm producers from the devastating losses incurred when they lose livestock to predators.

At the June 28, 2022 Regular Council Meeting the attached Resolution was passed by Council.

Our Council's concern is the administration fee paid to municipalities to administer the program on the Ministry's behalf which was recently increased from \$30.00 per claim to \$50.00 per claim.

We have recently contracted for a new Livestock Investigator resulting in the following costs directly related to wildlife claims:

Hourly Rate: \$25.00/hour  
Mileage Rate: .50/km

On the most recent invoice for this service there were three wildlife claims with costs as follows:

1. April 28, 2022 – 3 hours + mileage = \$95.00
2. May 5, 2022 – 2.5 hours + mileage = \$75.00
3. May 8, 2022 – 3.5 hours + mileage = \$120.00

There is also time spent by municipal staff in preparing the wildlife claims for submission and monitoring the claims for payment to the livestock owner.

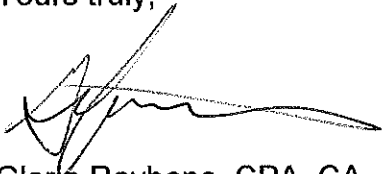
This results in a loss on each wildlife claim for our taxpayers to bear to be able to provide this necessary service to our farm producers.

Ministry of Agriculture, Food and Rural Affairs  
Page 2  
July 4, 2022

We respectfully request that the Ministry consider increasing the administration fee on wildlife claims to help offset the increasing costs associated with Livestock Investigation.

We look forward to hearing from you about this matter at your earliest convenience.

Yours truly,

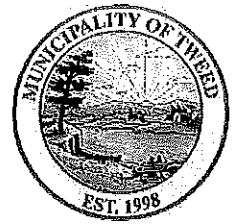
A handwritten signature in black ink, appearing to read 'Gloria Raybone', with a long horizontal flourish extending to the right.

Gloria Raybone, CPA, CA  
CAO/Treasurer

Encl.

cc. Association of Municipalities of Ontario  
Ontario Municipalities

**Municipality of Tweed Council Meeting  
Council Meeting**



**Resolution No.**

442.

**Title:**

Ministry of Agriculture, Food and Rural Affairs

**Date:**

Tuesday, June 28, 2022

---

**Moved by**

Brian Treanor

**Seconded by**

Jacob Palmateer

WHEREAS the Ontario Ministry of Agriculture, Food and Rural Affairs administers the Ontario Wildlife Damage Compensation Program to provide compensation to farm producers for livestock killed by wildlife;

AND WHEREAS Ontario Municipalities administer the Program on behalf of OMAFRA by appointing a Livestock Investigator and staff to work on wildlife damage claims;

AND WHEREAS the costs associated with wildlife damage claims typically exceed the administration fee of \$50.00 per claim as provided to the Municipality by OMAFRA;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Tweed request the Ministry of Agriculture, Food and Rural Affairs to review the administration fee provided to

Municipalities for the administration of the Ontario Wildlife Damage Compensation Program;

AND FURTHER, that this Resolution be circulated to the Association of Municipalities of Ontario (AMO) and all Ontario Municipalities for their consideration and support.

**Carried**

\_\_\_\_\_  
Mayor

*J. Albert*



Office of the Warden, C.A.O. & Clerk  
Hastings County

235 Pinnacle St. Postal Bag 4400, Belleville ON  
K8N 3A9

Tel: (613) 966-1311  
Fax: (613) 966-2574  
[www.hastingscounty.com](http://www.hastingscounty.com)

July 4, 2022

The Honourable Doug Ford  
Premier of Ontario  
Minister of Intergovernmental Affairs  
Premier's Office  
Room 281  
Legislative Building, Queen's Park  
Toronto, ON M7A 1A1

VIA email: [doug.fordco@pc.ola.org](mailto:doug.fordco@pc.ola.org)

Dear Premier Ford:

**Re: Hastings County Council – June 30, 2022 – Expanding Amber Alert System**

---

Please be advised that the Council of the County of Hastings, at its regular meeting held June 30, 2022, passed the following resolution:

Moved by: Councillor Tom Deline  
Seconded by: Councillor Loyde Blackburn

**WHEREAS** we have all become aware of the recent tragic death of Draven Graham, and 11 year old child on the autistic spectrum, after walking away from the family home;

**WHEREAS** the Amber Alert has been very effective in announcing to the public, children who have been abducted and;

**WHEREAS** a similar alert program for those who have special needs who leave family custody would seem to be warranted in the Province of Ontario;

**BE IT RESOLVED THAT** the County of Hastings request the Province of Ontario to develop and implement a community warning program similar to Amber Alert for those persons of special needs or circumstances who leave the caregivers or locations and potentially put themselves at risk;

**AND THAT** copies of this resolution be forwarded to Premier Ford, the leaders of the Opposition Parties in Ontario, the District School Boards, all Hastings County Municipalities, and the local Ontario Provincial Police Service to ask them to support the resolution.

**Carried**

I trust you will find this in order; however should you have any questions or concerns, please do not hesitate to contact me at 613-966-1311, ext. 3205 or via email at [bradleyc@hastingscounty.com](mailto:bradleyc@hastingscounty.com).

Yours Truly,

A handwritten signature in black ink, reading "Cathy Monzon-Bradley". The signature is written in a cursive, flowing style.

Cathy Monzon-Bradley  
County Clerk

Copy: The Honourable Stephen Lecce, Minister of Education to all Ontario School Boards  
Mr. Peter Tabuns, Interim Leader NDP - Leader of Official Opposition  
Mr. Steven Del Duca, Leader of the Liberal Party  
All Ontario Municipalities  
Ontario Provincial Police Local Detachments - Centre Hastings and Bancroft  
Hastings County Member Municipalities



# ONTARIO ENERGY BOARD NOTICE TO CUSTOMERS OF ENBRIDGE GAS INC.

**Enbridge Gas Inc. has applied to dispose of  
the balances of certain deferral and variance accounts.**

**Learn more. Have your say.**

If the application is approved as filed, a typical residential customer of Enbridge Gas Inc. will see the following one-time billing adjustment, effective January 1, 2023:

EGD Rate Zone (former Enbridge Gas Distribution Inc. customers)

- **Residential Rate 1 Sales Service and Direct Purchase** customers will see a one-time billing charge of \$5.01, effective January 1, 2023.

Union Rate Zone (former Union Gas Limited customers)

- **Union South Residential Rate M1 Sales Service** customers will see a one-time billing charge of \$9.34, effective January 1, 2023.
- **Union South Residential Rate M1 Direct Purchase** customers will see a one-time billing charge of \$1.91, effective January 1, 2023.
- **Union North-West Residential Rate 01 Sales Service and Direct Purchase** customers will receive a one-time billing credit of \$17.33, effective January 1, 2023.
- **Union North-East Residential Rate 01 Sales Service and Direct Purchase** customers will see a one-time billing charge of \$7.78, effective January 1, 2023.

**Other customers, including businesses, may also be affected.**

**Under the OEB-approved Earnings Sharing Mechanism, Enbridge Gas Inc. is required to share with customers any earnings that are 150 basis points over the OEB-approved return on equity. Enbridge Gas Inc. says that its 2021 earnings were below the 150 basis point threshold and as a result it is not proposing to share any earnings with customers.**

## THE ONTARIO ENERGY BOARD WILL HOLD A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider Enbridge Gas's application. During this hearing, which could be an oral or written hearing, we will review Enbridge Gas's 2021 earnings and the deferral account balances that are requested for disposition. We will also hear questions and arguments from individuals that have registered to participate (called intervenors) in the OEB's hearing. At the end of this hearing, the OEB will decide whether to approve Enbridge Gas's request to dispose of the deferral account balances.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

## BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process.

- You can review Enbridge Gas's application on the OEB's website now
- You can file a letter with your comments, which will be considered during the hearing
- You can become an intervenor. As an intervenor, you can ask questions about Enbridge Gas's application and make arguments on whether the OEB should approve Enbridge Gas's request. Apply by **July 8, 2022** or the hearing will go ahead without you and you will not receive any further notice of the proceeding
- At the end of the process, you can review the OEB's decision and its reasons on our website

The OEB intends to consider cost awards in this proceeding that are in accordance with the Practice Direction on Cost Awards and only in relation to the following:

1) The review of the following deferral and variance accounts:

*EGD Rate Zone (former Enbridge Gas Distribution Inc.) Accounts*

- Storage and Transportation Deferral Account
- Transactional Services Deferral Account
- Unaccounted for Gas Variance Account
- Average Use True-Up Variance Account
- Deferred Rebate Account
- Transition Impact of Accounting Changes Deferral Account
- OEB Cost Assessment Variance Account
- Dawn Access Costs Deferral Account

*Union Rate Zones (former Union Gas Limited) Accounts*

- Upstream Transportation Optimization Deferral Account
- Unabsorbed Demand Costs Variance Account
- Short-Term Storage and Other Balancing Services
- Normalized Average Consumption Deferral Account
- Deferral Clearing Variance Account Variance Account
- OEB Cost Assessment Variance Account
- Parkway West Project Costs Deferral Account
- Lobo D/Bright C/Dawn H Compressor Project Costs Deferral Account
- Panhandle Reinforcement Project Costs Deferral Account
- Unaccounted for Gas Volume Variance Account
- Unaccounted for Gas Price Variance Account

*Enbridge Gas Inc. Accounts*

- Tax Variance - Accelerated Capital Cost Allowance – Enbridge Gas Inc.
- Integrated Resource Planning Operating Costs Deferral Account

- 2) The review of Enbridge Gas Inc.'s 2021 earnings, earnings sharing calculations and the 2021 Performance Scorecard.
- 3) The review of the methodology for the allocation and disposition of the deferral and variance account balances.

**LEARN MORE**

These proposed charges relate to Enbridge Gas's distribution services. The above referenced billing adjustment will appear as a separate line on your bill. Our file number for this case is **EB-2022-0110**. To learn more about this hearing, find instructions on how to file a letter with your comments or become an intervenor, or to access any document related to this case, please select the file number **EB-2022-0110** from the list on the OEB website: [www.oeb.ca/notice](http://www.oeb.ca/notice). You can also phone our Public Information Centre at 1-877-632-2727 with any questions.

**ORAL VS. WRITTEN HEARINGS**

There are two types of OEB hearings – oral and written. Enbridge Gas has applied for a written hearing. The OEB will determine at a later date whether to proceed by way of a written or oral hearing. If you think an oral hearing is needed, you can write to the OEB to explain why by **July 8, 2022**.

**PRIVACY**

*If you write a letter of comment, your name and the content of your letter will be put on the public record and the OEB website. However, your personal telephone number, home address and email address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.*

*This rate hearing will be held under section 36 of the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B.*



Ontario  
Energy  
Board

Commission  
de l'énergie  
de l'Ontario



**Downtown Port Colborne BIA - Board Meeting  
Wednesday, January 17, 2022 – 7:30 PM  
92 Charlotte Street, Port Colborne  
Virtual Meeting  
MINUTES**

**Attendance:** Jesse Boles, Taylor Mynlieff, Ed Cleveland, Alicja Kniffen, Larry Beverly, Anna Maria Crognale and Councillor Mark Bagu.

**Staff:** Mary-Lou Ambrose-Little.

**Regrets:** Norbert Gieger, Michelle Benest-Tanner and Councillor Donna Kalailieff.

**Welcome**

Jesse Boles, Chair welcome everyone to the meeting and announced that there is a quorum.

**Call to order**

The meeting called to order at 7:42 PM.

**Declaration of pecuniary interest**

None.

**Approval of the meeting agenda**

Motion: "to approve the agenda. Motion by: Alicja Kniffen; Seconded by: Taylor Mynlieff. Carried

**Approval of October 2021 minutes**

Motion: "to approve the minutes of the 2020 AGM." Motion by Jesse Boles; Seconded by: Mark Bagu. Carried

**Business Arising from the Minutes**

There are openings on several committees that need to be filled, i.e., strategic planning, governance, marketing and events. Mary-Lou will contact everyone to select at least one committee to be a part of. Each committee meets about eight times during the year. The Board will also need to appoint a secretary.

**Reports**

Councillor's Report

Mark welcomed the new members. Congratulated everyone joining the Board. He further commented that the volunteers and staff did a great job with the farmers' market.

Staff and Councillors are reviewing the encroachment/patio guidelines in order to set up the final policy. Once this is set it will be much clearer what is expected. Economic Development Officer is consulting with community partners and is in support of formalizing the policy.

Mark commented that the Main Street Ambassadors is a great idea. He likes what he is hearing about City staff and community partners working on joint projects.

Governance

No report

### Marketing/Event

No report but this group will meet in the next two weeks to set the final schedule for 2022 festivals and events.

### Staff Report

A full report is attached for review. Highlights include successful events despite covid, a successful farmers' market season, this also would include Harvest Festival, Falala Ladies' Night, Christmas Open House and Tugboat Santa. All of these events brought shoppers downtown.

### Treasurers Report

No report.

### 2022 Strategic Plan (Staff)

Staff will be trained in strategic planning offered jointly by OBBIA and OMFRA during the next two months. Board members are invited to participate. The course is at no charge.

Motion: "to accept all reports in the block." Motion by Jesse Boles; Seconded by: Mark Bagu. Carried

### **Correspondence**

Issues have arisen with the sailboat lighting purchased last year from Classic Displays, which are being discussed at the present time, which the City purchased them. Steve Shypowskyj is following up with and will report back with the option offered to resolve the issues. Discussions are continued and further updates will be presented at a future meeting.

### **New business**

~ Letter of Employment will be offered to Sarah English, with a start date of February 1, 2022. Sarah will take on the role of Marketing and Events Coordinator. Sarah will be working 20 hours per week. She will be offered a contract with a 90-day probationary period. Starting wage of \$16 per hour; with successful completion of the probationary period, the wage will be increased to \$18 per hour.

Motion: "to offer the contract as presented to Sarah English with a start date of February 1, 2022." Motion by: Jesse Boles; Seconded by: Taylor Mynlieff. Carried.

~ The letter has been received from Grant Thornton to authorize them to have access to the BIA's TD/Canada Trust accounts for purpose of being the yearly auditor.

~ TD E-Commerce platform was discussed with a setup fee of \$149, a 3-year contract and a \$2.85 charge per transaction which seemed a bit high. The consensus was to consider this at a later date and explore other options.

~ Associate membership applications have been received for BBQ Backyard on King Street and Rick & Kiki's Air B 'n B on Sugarloaf. These are businesses outside of the BIA area that wants to be involved. They have no voting rights but benefit from all BIA programs.

~ Jesse brought forward that there is a need to purchase two new computers for the staff and improve the print/copying equipment in the office. Estimated costs of \$1,000 for computers and \$1,500 for photocopier.

Motion: "to authorize the Chair, Treasurer and Executive Director to purchase computers and photocopier."

Motion by: Ed Cleveland; Seconded by: Larry Beverly. Carried

### **Adjournment**

Motion: "to adjourn." Moved by: Mark Bagu; seconded by: Taylor Mynlieff.

8:47 PM

### **NEXT MEETING**

February 1, 2022 7:00 PM

Tentative Virtual Meeting

**Attachments:** Staff Report, 2022 Budget.



**Downtown Port Colborne BIA - Board Meeting  
Tuesday, February 1, 2022– 7:00 PM  
92 Charlotte Street, Port Colborne**

**Attendance:** Jesse Boles, Taylor Mynlieff, Norbert Gieger, Ed Cleveland, Larry Beverly, and Councillor Mark Bagu.

**Staff:** Mary-Lou Ambrose-Little and Sarah English.

**Regrets:** Alicja Kniffen, Anna Maria Crognale, and Councillor Donna Kalailieff.

**Welcome**

Jesse Boles, Chair welcome everyone to the meeting and announced that there is a quorum.

**Call to order**

The meeting called to order at 7:05 PM.

**Declaration of pecuniary interest**

None.

**Approval of the meeting agenda**

Motion: "to approve the agenda. Motion by: Norbert Geiger; Seconded by: Taylor Mynlieff. Carried

**Approval of January 2022 minutes**

Motion: "to approve the minutes of the January Meeting." Motion by Jesse Boles; Seconded by: Mark Bagu.

Carried

**Business Arising from the Minutes**

- Sarah English, Marketing & Events was introduced and welcomed by all.
- Patio Policy beginning developed to better regulate set-up.
- Board Committees, each board member will need to select a committee to participate in.
- There remains the issue of the board selecting a recording secretary for the meetings. When someone volunteers that would be their volunteer position.

**Reports**

Councillor's Report

Staff and Councillors are reviewing the encroachment/patio guidelines in order to set up the final policy. Once this is set it will be much clearer what is expected. Economic Development Officer is consulting with community partners and is in support of formalizing the policy.

Councillors are receiving complaints about parking violations downtown. There have been several incidents where tenants and business owners are parking for extended periods on the downtown streets. By-Laws will be out to enforce 2-hour parking.

Governance

No report

#### Marketing/Event

No report but this group will meet in the next two weeks to set the final schedule for 2022 festivals and events.

#### Staff Report

A full report is attached for review. Highlights include successful events despite covid, a successful farmers' market season, and planning for 4 seasonal events to attract 4,000 to 5,000 visitors to downtown. All of these events will bring shoppers downtown and encourage people to walk around. (Lift Festival, Taste of Port Colborne, Harvest Festival and Winter Wonderland).

Market applications are out to return vendors with a deadline of March 7, 2022. Then new vendors will be invited to participate.

#### Treasurer's Report

No report.

#### 2022 Strategic Plan (Staff)

No report.

Motion: "to accept all reports in the block." Motion by Jesse Boles; Seconded by: Mark Bagu. Carried

#### **Correspondence**

- City staff, Steve Shypowskyj has followed up and Classic Displays will not stand good for their products. The City and the BIA to discuss how to handle this issue.
- BIA Levy Cheque received re 2021.
- Chamber's Staff Benefits postcard received.
- Post Office Box Renewal Notice received and just renewed.

#### **New business**

- Quotes for the computers and printer in the process. Mary-Lou reported that the cost of computers has gone up from when it was budgeted. She has three quotes for local businesses. Jesse is checking on printer costs.
- Several new businesses coming downtown this spring, Clarence and King Street change coming.
- Events Meeting – Monday, February 8th at 7:00 P.M.
- Parking on West Street – tenants parking 24/7, action: By-Laws to patrol.
- Drug & Alcohol Disposal, action: Street Works arranged for the cleanup, done very quickly.

#### **Adjournment**

Motion: "to adjourn." Moved by: Mark Bagu; seconded by: Taylor Mynlieff.

8:30 PM

#### **NEXT MEETING**

March 1, 2022 6:00 PM

Tentative Virtual Meeting

**Attachments:** Staff Report, 2022 Budget.



**Downtown Port Colborne BIA - Board Meeting**  
**Tuesday, March 1, 2022- 6:00 PM**  
**92 Charlotte Street, Port Colborne**

**Attendance:** Jesse Boles, Taylor Mynlieff, Ed Cleveland, Larry Beverly, Anna Maria Crognale, Rosemari Poisson and Councillor Donna Kalailieff.

**Guests:** Monica Mailer Root and Morgan MacLean.

**Staff:** Mary-Lou Ambrose-Little.

**Regrets:** Sarah English, Norbert Gieger, Alicja Kniffen, and Councillor Mark Bagu.

**Welcome**

Jesse Boles, Chair welcome everyone to the meeting and announced that there is a quorum.

**Call to order**

The meeting called to order at 7:05 PM.

**Declaration of pecuniary interest**

None.

**Approval of the meeting agenda**

Motion: "to approve the agenda. Motion by: Taylor Mynlieff; Seconded by: Rosemari Poisson. Carried

**Approval of February 2022 minutes**

Motion: "to approve the minutes of the February Meeting." Motion by Ed Cleveland; Seconded by: Larry Beverly. Carried

**Business Arising from the Minutes**

- Parking Blitz By-Law is enforcing the 2-hour parking limit and complaints have arisen. The new By-Law Officer Matt is explaining to everyone how to avoid beginning fined. He has been very pleasant to everyone. After a long discussion about requesting a change to the by-law, it was the consensus of those present to leave the parking limit to 2 hours. Jesse will request on behalf of the BIA that the actual parking signs be improved as some owners and customers do not see them. There also was a discussion to inform seniors to take advantage of applying for a handicapped sign which provides better parking spots and recommends to the City of Port Colborne, that more designated spots be considered.

Motion: "to continue with two hours free parking and improve the signage in the downtown so that it is clearer to shoppers and further that the Board is not in favour special privileges for the public or parking passes." Motion by Jesse Boles; Seconded by: Taylor Mynlieff. Carried

- Councillor Donna explained that the Patio Policy was taken to Council, not approved and has been sent back to staff for some changes and clarifications.
- Mary-Lou mentioned that Board members pick a committee to volunteer for and there needs to be a recording secretary selected. It was presented that Morgan MacLean would be willing to be the secretary and also become a board member. No other names were brought forward.

Motion: “to appoint Morgan MacLean to the Board of Management and serve as the recording secretary for the board meetings”. Motion by Jesse Boles; Seconded by: Taylor Mynlieff. Carried

## **Reports**

### Councillor’s Report

Councillors are receiving complaints about parking violations downtown. There have been several incidents where tenants, customers and business owners are parking for extended periods on the downtown streets. By-Laws will be out to enforce 2-hour parking.

The City of Port Colborne staff is looking at all the options for West Street, i.e., street closure for a pedestrian mall, closures on holiday weekends, every weekend closures during the summer and one way or two-way traffic. Most people at this meeting aren’t in favour of closures due to the resulting reduced parking options, and the one-way vs two way is a 50% -50% split. Jesse pointed out the closing of St. Paul Street in St. Catharines has not worked well. Most businesses hate it as well as customers trying to access the area.

Some suggestions brought forward include increasing or providing more clear signage along West St, which includes signage directing to the free lots located in Market Square and behind Meridian Credit Union to help increase public awareness of those options.

Additional questions brought forward include cases where a business along West St may be having construction, or service completed that requires a commercial vehicle close to the entrance. Discussed option of working with a bylaw to not have those vehicles indicated not ticketed.

### Governance

No report.

### Marketing

The report from the meeting is attached, social media, marketing and visiting businesses in happening this month.

### Event

The report for the meeting is attached with event dates getting close to the final list. Rev. Jody has added some of the community events happening downtown. Jesse stated that the City of Port Colborne Director Corporate Services/Treasurer has approached with a desire to have the BIA assist with aspects of the 2022 Canal Day Marine Heritage Festival. Bryan is looking for ideas of how the BIA could be involved and Jesse will share those with him. There was lots of support to take on sections of the festival downtown, reduce vendors fees and use sections of Victoria, Charlotte, Clarence Streets, as areas for a variety of vendors. The invitations to local vendors and away from the out-of-town carnival barkers. Other recommendation includes returning to a 3-day festival (Friday, Saturday & Sunday), leaving holiday Monday as a holiday shopping day and not a festival day. This would cut costs in operating the festival and give businesses more opportunities to do well this weekend. Also, provide staff with the opportunity to clean up earlier and reduce staffing costs. HH Knoll Park concert is being planned for this year, it is recommended that there be an entry fee and more food vendors at the park. It is also recommended for FMV for alcoholic beverages to increase the profits of the festival. Jessie & Morgan to dive deeper into Vendor aspects of Canal Days Festival.

LIFT Festival discussed with suggestions made to combine with Harvest Festival in fall of 2022. To extend Harvest Festival as a weekend-long event, with LIFT happening along West St in the evening. This will promote engagement with businesses along West St as well as provide the backdrop for evening enjoyment of Art & Light installations. It was discussed that Fall will provide better evening conditions for viewing of installations and will help create more penetration of Harvest Festival throughout the downtown area.



Harvest Festival & LIFT Festival would then run from Market Square to West St, Clarence & Charlotte.

#### Staff Report

A full report is attached for review. The events are being finalized and working on some new partnerships with the Library, Museum and Roselawn. New businesses coming into downtown as listed in the report. Revel Reality is coming to West Street as is Drum it Up and Lakeshore Travel later this spring and Arlie's Florist will announce its new name soon.

Farmers' Market applications are out to return vendors with a deadline of March 7, 2022. Then new vendors will be invited to participate.

Sarah English is settling in and has provided a progress report tonight.

#### Treasurer's Report

Attached report, Taylor indicated that the 2021 levy cheque was received, farmers market revenue coming in as vendors register for the 2022 season.

#### 2022 Strategic Plan (Staff)

No report.

Motion: "to accept all reports in the block." Motion by Jesse Boles; Seconded by: Taylor Mynlieff. Carried

#### **Correspondence**

- Healthy Communities Grant cheque received but needs to be verified before cashing as this is the original cheque that was lost in the mail and a new cheque has been issued. Mary-Lou to follow up. The cheque is \$36,000 for Lift Festival and amenities downtown.
- Grant Thornton requires a different spreadsheet to complete the audit. Taylor will work with James on this change.

#### **New business**

- Quotes for the computers and printer in the process. Mary-Lou reported that the cost of computers has gone up from when it was budgeted. She has three quotes for local businesses. Jesse is checking on printer costs.
- Discuss options for Mary-Lou & Sarah re: technology costs & reimbursement. Taylor & Jessie to look at options available to either reimburse or provide alternative options moving forward.
- Several new businesses coming downtown this spring, Clarence and King Street change coming.

#### **Adjournment**

Motion: "to adjourn." Moved by: Ed Cleveland; seconded by: Taylor Mynlieff.

8:39 PM

#### **NEXT MEETING**

April 5, 2022 6:00 PM

**Attachments:** Staff Reports, Treasurer's Report



**Downtown Port Colborne BIA - Board Meeting**  
**Tuesday, April 5, 2022– 6:00 PM**  
**92 Charlotte Street, Port Colborne**

**Attendance:** Jesse Boles, Taylor Mynlieff, Morgan MacLean, Anna Maria Crognale, Norbert Gieger and Councillor Donna Kalailieff.

**Guests:** Scott, Trevor & Wyatt

**Staff:** Mary-Lou Ambrose-Little & Sarah English

**Regrets:** Alicja Kniffen, Ed Cleveland, Larry Beverly

**Welcome**

Jesse Boles, Chair welcome everyone to the meeting and announced that there is a quorum.

**Call to order**

The meeting called to order at 6:16 pm

**Declaration of pecuniary interest**

None.

**Approval of the meeting agenda**

Motion: “to approve the agenda. To move up our guest speakers Scott, Trevor, and Wyatt to the beginning of the meeting. Motion by: Anna Maria Crognale Seconded by: Taylor Mynlieff. Carried

**Approval of March 2022 minutes**

Motion: “to approve the minutes of the February Meeting.” Motion by Taylor; Seconded by: Donna. Carried

**Business Arising from the Minutes**

- Discussion around the previous evening’s Events Committee meeting. Jesse summarized discussions had with Bryan Boles, Director of Corporate Services & City Treasurer regarding Canal Days.
- Anna Maria Crognale added a Parking discussion.

Parking for disability permits discussed. Clarification is needed on whether disability permits follow the 2-hour parking rule. Donna provided a point of contact and next steps for Anna Maria Crognale.

Motion: LGBTQ+ Committee to be established with \$2500 in funds to start it off. Motioned by Anna Maria 2<sup>nd</sup> by Taylor Mynlieff. Carried.

**Diversity Day** Scott, Wyatt, and Trevor provided discussion around incorporating Pride festivities as a Diversity Day or Weekend instead of Pride. June 11<sup>th</sup> is suggested as it aligns well with Fort Erie & St Catharines. Engaging the community with a free benefit concert, fun burlesque & music. West St Vendors with a focus on LGBTQ+ partners. Connection with partners such as Justin Preston and the Soaring Eagle fund. Further meetings are to occur to further plan this event.

## **Reports**

### Councillor's Report

Donna shared that she is very excited for the New & Improved Canal Days festival.

### Governance

No report.

### Marketing

Finalized RAK Cards, 1000pk. Two quotes provided. Business Express for \$290 and Think Ink \$169. Jesse declared Conflict of Interest and Norbert chaired.

*Motion:* To proceed forward with Think Ink quote. Motioned by Norbert. 2<sup>nd</sup> by Taylor Mynlieff. Jesse abstained.

*Motion:* To approve new logo Sarah shared. Motioned by Norbert, 2<sup>nd</sup> by Anna Maria Crognale.

Technology discussion for Microsoft 365 and accessibility. Discussion to upgrade package and increase budget to \$2500 to allow for upgrades. *Motioned* by Taylor Mynlieff. 2<sup>nd</sup> by Morgan MacLean. Carried.

### Event

Canal Days meeting summary provided. Meeting Minutes from April 4<sup>th</sup> meeting available. Getting back to Loving Local focus. BIA to handle vendors with both premium and regular spots. Engaging brick & mortar businesses. Morgan to oversee Artisans. Carla & Michael to oversee home-based businesses.

*Motion:* To establish Canal Days committee with Jesse as chair and Morgan as co-chair and Small Business Ambassador. Motioned by Norbert. 2<sup>nd</sup> by Taylor Mynlieff. Carried.

Request for Artists to paint Coal Hatch & Electrical Boxes to be launched in May.

City-wide Community Yard/Trunk Sale on the May long weekend (May 21-22). Looking for community partners to assist in the event. The event includes all residents. Residents can participate from home. Ties in nicely to market happening at Vale Centre on Saturday.

### Staff Report

Discussion around Summer Concert Series and a partnership with the city. The idea is to be tabled for this year but looks to begin in 2023 with planning in the budget.

### Treasurer's Report

Taylor discussed issues with business account operations at TD Canada Trust. Cheques being issued in various names are no longer being approved for deposit. A cheque order was recently placed so not feasible to redo the name at this time. The short-term plan is to stay with TD and look to clean up various names used and reiterate with payors that cheques should be made payable to Downtown Development Board or Downtown Development Board & Farmers Market.

### 2022 Strategic Plan (Staff)

No report.

## **New business**

Introduction of training for Naloxone Kits in High-Risk settings.

Motion for a letter to the province in opposition of it plus an opinion from the Ministry.

Motioned by Taylor Mynlieff, 2<sup>nd</sup> by Anna Maria Crognale.

**Adjournment**

Motion: "to adjourn." Moved by: Taylor; seconded by: Donna  
8:34 PM

**NEXT MEETING**  
May 3, 2022 6:00 PM

**Attachments:** Staff Reports, Treasurer's Report



## PORT COLBORNE

**Meeting  
Environmental Advisory Committee  
April 13, 2022 6:00 p.m.**

**The following were in attendance:**

Staff: Cassandra Banting  
Janice Peyton

Council: Councillor Mark Bagu  
Councillor Harry Wells

Public Members: George McKibbin  
Jack Hellinga  
Katherine Klauck  
Tim Lamb  
Kerry Royer  
Trent Doan  
Tim Hoyle

This was an online Microsoft Teams meeting.

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**1. Call to Order**

George called the meeting to order at 6:00 p.m.

**2. Adoption of the Agenda**

Moved by Harry Wells  
Seconded by Katherine Klauck

That the agenda dated April 13, 2022, be accepted as circulated.  
CARRIED.

**3. Disclosures of Interest**

Nil.

**4. Approval / Review of Previous Meeting Minutes**

Moved by Trent Doan  
Seconded by Jack Hellinga

That the minutes of February 9, 2022, be accepted as written.  
CARRIED.

**5. Items Arising from Previous Minutes**

a) Annual Report 2021

The annual EAC report has been provided to the Clerk. George thanked everyone for their comments.

**6. Climate Change**

a) Climate Change and Port Colborne's Strategic Plan

Trent noted that there is very little regarding climate change in the Strategic Plan.

Good ideas are coming from this committee, but where are they going outside of this group? How can the EAC better assist Council?

George reviewed the report on why we need a climate change statement on Port Colborne's infrastructure within Port Colborne's Strategic Policy. A copy is attached to the minutes.

Moved by Trent Doan  
Seconded by Tim Hoyle

That the EAC report on Climate Change be forwarded to Council.  
That the Port Colborne Strategic Plan be amended to include policies on climate change.  
CARRIED.

Harry commented that Council and staff recognize the need to consider climate change. Harry expressed concern that very little items come to the EAC through Council and staff for comment and he feels that some things are slipping by. He would like to see a process in place to help Council make educated decisions.

Jack referred to Fort Erie's EAC terms of reference; Port Colborne EAC terms of reference is very different.

b) 50by30 Niagara Climate Change Team

Tim advised that he is a member of a group called 50 by 30 Niagara, a group that is pushing for Niagara's 12 municipalities to reduce carbon emissions by 50 percent by 2030 and then to zero by 2050.

There are significant actions that can be taken that are well established, such as, fossil fuel heating and cooling, especially district heating recruits for buildings, walkable communities, public

transportation, and electric vehicles for transportation. 50 by 30 Niagara strongly encourages Niagara region to move assertively in this direction.

50 by 30 Niagara is currently putting together a document to send to the region. Tim will bring the document to EAC when it is complete.

**7. Draft Regional Official Plan and the Provincial Housing Task Force Report**

George advised he has read through the Regional Official Plan and there is a significant section on climate change. Also, there is a release of a housing task force report. Single family zoning designation is changing to include multifamily residential and if this is approved a lot of policies become void. Single family zoning will not be eliminated though.

**8. PC Quarry JART Committee Update**

A copy of this document is attached to the minutes.

**a) Land Use Compatibility**

George provided a summary of the committees review of documentation produced by consultants for Port Colborne Quarry's pit expansion applications and the review being done by the Region's Joint Agency Review team (JART). Comments were provided on the planning, land use compatibility, social impact and the water and wetland updates.

**b) Hydrology**

Submission 2 of documents filed for the Port Colborne Quarries rezoning and OP amendment application to the City of Port Colborne and the Quarry License Application include hydrology and drainage responses. Jack gave a review of the hydrology recommendations and explained the basis of his summary.

Moved by Katherine Klauck  
Seconded by Trent Doan

That the PC Quarry JART Committee update be forwarded to JART at the Regional level and to the PLC at the City level.  
**CARRIED.**

**9. A Request to Comment on Correspondence from the Multi Municipal Turbine Working Group Regarding Ontario's Energy Plan and Wind Turbines**

A copy of correspondence referred to the EAC by Council is attached to the minutes.

George has begun to assemble background material for review and asked for volunteers for a sub-committee to prepare comments.

George, Harry, Katherine, and Trent will prepare a response. When completed, George will bring a draft response to this committee. Jack would like to follow and receive correspondence related to this item.

#### **10. West Street Air Filter Analysis and Budget Clarification**

George advised that some members were considering having an analysis done on Norbert's air filter, as Norbert reported an increase in particulates in the air filter at his residence/business on West Street. George learned that there is no longer an EAC budget that would cover this expense. We have had a budget in the past (\$12-\$15k) and are still funding low flow toilet and tree planting rebates. Harry will take on the task to seek the funds for the filter analysis through DCS Bryan Boles. Jack suggested having other sights analysed such as the Port Cares reach out centre, to get an idea of the air quality in the downtown area and in the East Village. Tim suggested setting up air monitoring stations in certain locations to give a more accurate reading. George advised that he has tried to set this up in the past, without much success. Harry advised that both Vale and MOE have monitoring stations within the area. He will investigate this with some of his contacts. Mark mentioned that he saw a lot of dust coming off a ship that was docked at the grain elevator one morning. Members will continue working on this issue and will report back at the next meeting. Mark reminded the group that budget time is approaching, and he would submit a budget request on behalf of the committee.

#### **11. Draft Urban Forest Management Assessment RFP**

George shared the history of this item with the committee. Specifically, this matter has been addressed by EAC in the past. On November 13, 2019, EAC recommended Council direct Works Department staff "to review previous decisions on boulevard tree planting (Tree Installation Policy, October 2007 and Bylaw Number 6175/01/15 dated 12th January 2015) considering the reasons provided in this report (see Minutes for EAC meeting on November 13, 2019) and report back to Council following this review. Council adopted this recommendation. With the pandemic, Public Works delayed action and indicated to EAC that the review of the boulevard tree bylaw and policy would occur when an urban forestry study was undertaken. The request for urban forestry proposal does not provide for the review EAC requested and Council sought. Further no reason was offered for why this wasn't included. As a practical matter any urban forestry review of public lands will be deficient if the existing bylaw and policy isn't considered.



The draft Urban Forest Management Assessment RFP was forwarded to the committee for comment. George expressed concern that the committee was given a turnaround time of only one week and that the draft RFP did not take into consideration recommendations from the EAC report on boulevard trees of November 13, 2019. A copy of the report is attached to the minutes for reference.

Cassandra advised that she sent the EAC comments back to staff and to the Director of Public Works. She assured the committee that their comments would be considered and that the revised draft RFP will be circulated to the committee for review. Cassandra commented that timing is flexible.

Mark advised that Planning staff confirmed there is software to survey the tree canopy for the entire city, and Mark suggested this be added to the budget for this project. Committee members agreed this should be included in the RFP and agreed with planting native trees. Portal Village could be referenced as an example, as the trees there are well suited to the boulevard. Cassandra will note these suggestions to staff and will include the EAC Report of November 13, 2019 that went before Council, and Council's resolution.

## **12. Other Business**

George advised that the Gathering Place will hold a virtual Earth Day meeting on April 22<sup>nd</sup>.

## **13. Next Meeting /Adjournment**

With no further business to discuss, the meeting was adjourned at 7:45 p.m.  
CARRIED.

The next EAC meeting will be on Wednesday June 8<sup>th</sup> at 6 p.m.

## Why we need a climate change statement on Port Colborne infrastructure within Port Colborne's Strategic Policy.

Jessica Blythe, Environment Sustainability Research Centre, Brock University, provided EAC with a link to an Environment Canada website displaying projections of past and future trends for temperature and precipitation from 1950 through 2021 and beyond assuming a maximum greenhouse gas emissions scenario. This data underlined the work Brock University undertook recently with citizens in participating municipalities within Niagara Region.

Port Colborne did not participate in this effort.

*"For the 1951 – 1980 period, the annual average temperature was 8.4 degrees C; for the 1981 – 2010 it was 9 degrees C. Under a high emissions scenario, annual average temperatures are projected to be **10.9 degrees C** for the 2021 – 2050 period, **12.9 degrees C** for the 2051 -2080 period and **14.3 degrees C** for the last 30 years of this century.*

*"Average annual precipitation for the 1951 – 1980 period was 874 mm. Under a high emissions scenario, this is projected to be **6% higher** for the 2021 – 2050 period, **10% higher** for the 2051 – 2080 period and **14% higher** for the last 30 years of this century."*<sup>1</sup>

The International Panel on Climate Change reports in its 6<sup>th</sup> Assessment Report Summary for Policy Makers *"human induced climate change is already affecting many weather and climate extremes in every region across the globe. Evidence of observed changes in extremes such as heatwaves, heavy precipitation, droughts and tropical cyclones, and, in particular, their attribution to human influence, has strengthened since Assessment Report 5."*<sup>2</sup>

Using the Environment Canada, here is another way of visualizing what that means to Port Colborne. On page 18 of the Summary for Policy Makers, the authors visualize what incremental increases in temperature: 1 degree C; 1.5 degrees C; 2 degrees C; and 4 degrees C mean for 10 year hot temperature and precipitation events using the period of 1850 to 1900 data as benchmarks.

If an extreme temperature and a heavy precipitation events occurred once every 10 years, with a 1 degree C temperature increase, extreme temperature and heavy precipitation events occurred 2.8 times and 1.3 times more frequently. With a 1.5 degree C increase extreme temperature and heavy precipitation events occurred 4.3 and 1.5 times more frequently. With a 2 degree C increase, extreme temperature and heavy precipitation events occurred 5.6 and 1.7 times more frequently. With a 4 degree C increase, extreme temperature and heavy precipitation events occurred 9.4 and 2.7 times more frequently.<sup>3</sup>

<sup>1</sup> [https://climatedata.ca/explore/location/?loc=FCHYP&location-select-temperature=tx\\_max&location-select-precipitation=r1mm&location-select-other=frost\\_days](https://climatedata.ca/explore/location/?loc=FCHYP&location-select-temperature=tx_max&location-select-precipitation=r1mm&location-select-other=frost_days)

<sup>2</sup> Page 8, Intergovernmental Panel on Climate Change, Climate Change 2021, The Physical Science Basis, Summary for Policymakers, 2021

<sup>3</sup> Ibid, page 18, International Panel on Climate Change, 2021

We were not able to find and summarize information on extreme wind events and Lake Erie water levels except to say anecdotally we expect there will be changes as time unfolds.

In order to organize EAC's thoughts about these changes, we spoke to and entertained presentations from the Niagara Coastal collaborative and the Niagara Peninsula Conservation Authority<sup>4</sup>. Here are reasons and infrastructure components into which further examination of the effects of a warming climate are needed in Port Colborne and which we recommend be considered be provided for in Port Colborne's Strategic Plan:

- There should be an assessment and consideration of potentials for extreme events involving: winds; lake water levels; and excessive rainfall events.
- There should be assessment and consideration of storm sewer outfalls which may be below water levels and sewer surcharging of affected storm and combined sanitary sewers where these exist in Port Colborne.
- In low lying areas north of the Lake Erie shoreline are potentially below high Lake Erie lake levels. This is especially the case in areas close to Wignell and Eagle Marsh municipal drains and their outfall controls along Lake Erie. How effective are the control devices during events in which extreme wind, high lake levels and extreme precipitation events occur at the same time?
- The Bessey Quarry and the quarry east of Cement Road drain naturally to a branch of the Eagle Marsh Drain. The entire water table north of the Eagle Marsh Drain can be lowered if the gates are closed and the pump at the gates is run continuously. Is this system put at risk in the future where extreme wind, high lake levels and extreme precipitation events occur and under conditions in which the Eagle Marsh Drain outlet has to be closed during lengthy periods of time due to high Lake water levels?
- What might be the fishery and water quality impacts associated with lengthier periods of time the Wignell and Eagle Marsh outlet controls need to be closed during spawning periods and other times during the years?
- Shoreline erosion and sedimentation pattern are changing as a result of high lake levels and changing precipitation and wind events. These changes require regular removal of sand from the mouth of the Eagle Marsh Drain and municipal storm outfalls into Lake Erie, particularly where the outlets are at times below the water levels. These should be addressed.

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<sup>4</sup> We spoke to Gregory Ford (Niagara Coastal Collaborative) and Kerry Royer and Steve Miller (Niagara Peninsula Conservation Authority). We appreciate their frank presentations. The analysis contained in this report is that of the Port Colborne Environmental Advisory Committee. Any errors or omissions are our responsibility.

- Shoreline morphology needs to be examined and efforts made to estimate what measures are needed to address shoreline erosion, morphology and planting for sustainability.
- The Region of Niagara's draft official plan provides for aggregate extraction within the aquifer north of the shoreline and across the entire municipality. Potentially this may result in a future in which the municipality has a band of abandoned and rehabilitated lakes where extraction took place below the water table. What kind of a future does that pose during high Lake water levels and extreme precipitation and wind events?

These are the reasons for and the considerations we recommend be addressed in the Port Colborne Strategic Plan.

## Port Colborne Quarries JART Committee Update

**Introduction:** Port Colborne's Environmental Advisory Committee has been reviewing documentation produced by consultants for Port Colborne Quarry's (PCQ) pit expansion applications and the review being conducted by the Region's Joint Agency Review Team (JART). Aggregate applications involve many complex studies, policies, approvals and municipal and agency reviews. Joint Agency Review Teams are used to simplify and coordinate municipal and agency review.

What does a JART do? This JART conducts peer reviews of all the technical documentation undertaken by PCQ consultants and offers technical comments on the veracity and appropriateness of that work. Both Regional and City staff are involved in this review. JART reports to Regional Council and the results will be made available to Port Colborne Council. JART comments will assess whether amendments to the Regional and City official plans and the City zoning bylaw are appropriate and if so under what conditions and agreements.

Port Colborne's Environmental Advisory Committee has submitted two sets of comments: an OPPI Fly Rock Advisory; and a December 9, 2021 report on land use compatibility. JART comments on the first submission of technical documents were provided to PCQ in 2021. PCQ's planner and engineers have reviewed those comments and submitted responses. This report examines selected responses including the planning responses (planning, land use compatibility and social impact assessment updates) and those of the hydrogeologist and air and noise engineers.

We are providing comments on the planning, land use compatibility, social impact, and the water and wetland updates. Here is a list of the reports we have reviewed:

- Final Planning Justification Report, Port Colborne Quarries Inc., Pit 3 Extension (Revised January 28, 2022)
- Final Financial Impact Assessment and Economic Benefits, Port Colborne Quarries Inc., Pit 3 Extension (Revised Report), October 20, 2021
- Final Land Use Compatibility/Sensitive Land Use Study, Port Colborne Quarries Inc., Pit 3 Extension (revised December 15, 2021)
- Technical Memorandum, Addendum to the Noise Impact Assessment Report, Port Colborne Quarries Inc., Pit 3 Extension, January 21, 2022
- Technical memorandum, Response to the joint Agency Review Team Letter, Air Quality Impact Assessment – Port Colborne Quarries Inc., Pit 3 Extension, December 10, 2021

In addition to reviewing Ministry of the Environment, Conservation and Parks technical guidance and legislation, the following two documents were referred to:

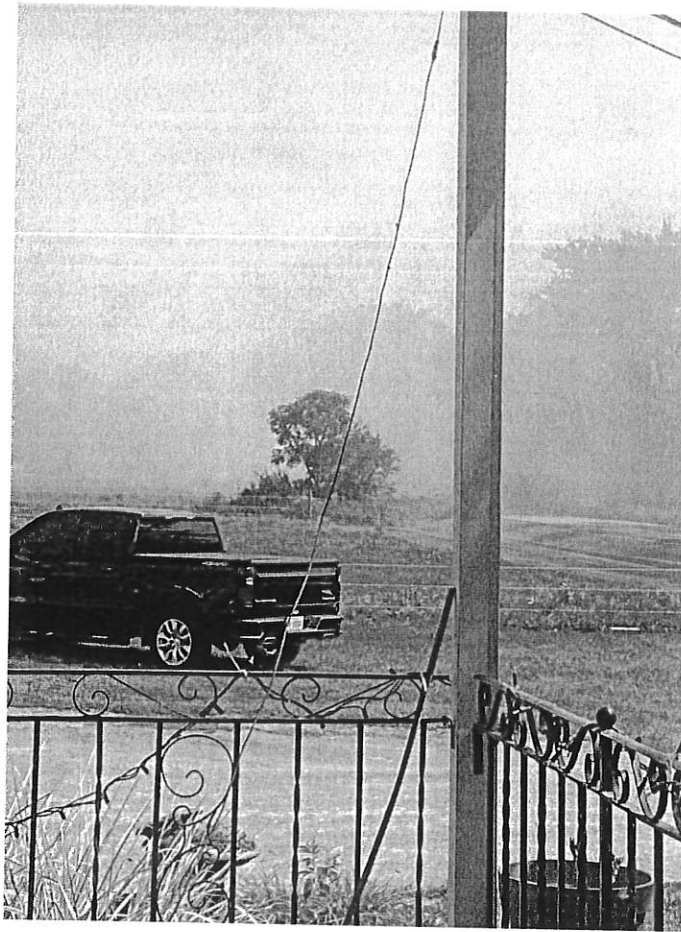
- Guideline for the Implementation of Air Standards in Ontario, Ontario Ministry of the Environment and Climate Change, February 2017
- Procedure for Preparing an ESDM Report, Ontario Ministry of the Environment and Climate Change, March 2018

The first three topics are addressed in this report while water and wetland comments are addressed separately.

**Analysis: Air, Noise and Land Use Compatibility:** Here is a summary of the main points made previously by Port Colborne's EAC:

1. PCQ air, noise and planning consultants use adjoining property not owned by PCQ to buffer the proposed extraction operations from sensitive land uses.
2. The air, noise and planning consultants assume adjoining sensitive residential and other uses will not change over the close to 50 years of extraction these applications provide for.
3. The planning report, and by extension the air and noise analyses do not consider other permitted uses on adjoining lands provided for in the zoning bylaw such as accessory dwellings and home occupations or the relocation of sensitive uses and activities on each lot.
4. If blasting results in fly rock on adjoining properties, the Environmental Protection Act is contravened. There are no Provincial fly rock guidelines presently. MN DMNR staff are developing blasting guidelines for application but these guidelines are unavailable to date to our knowledge.

Concerns about air, noise and land use compatibility are genuine.



This photo was taken along Second Concession Road following a blast on August 27 2021.

Here are our observations and findings from our review of the documentation made available to the public:

**Air analysis:**

1. Reference is made to the air analysis as “conservative”. The analyses undertaken by Golder’s air analysts are required by Ontario Regulation 419 and the MECP Guidance on the preparation of ESDM reports. All facilities which have air emissions are required to do these analyses. These analyses help implement the Province’s air standards.
2. Figure 1: The Ministry’s Framework to Manage Risks under the Regulation (OR 419), on page 7 of Guideline for the Implementation of Air Standards in Ontario sets out the framework. Where Golder’s analysis *“exceeds the air standard but is no greater than the upper risk threshold... the facility must do an assessment and action may be required to reduce exposures.”* MECP *“may request a site specific or technical standard compliance approach.”*



3. Air standards are set at levels where trivial or no environmental and public health risks are expected to occur. Where these standards are exceeded, especially to the degree in which Golder's air analysts project, a discussion of the risks involved is needed.
4. For those air standards Golder's air analysts focus on, substantial exceedances exist for the existing operations and are projected to occur in each of the four phases of the Pit 3 expansion. Many air criteria are exceeded some by more than 300%.
5. These exceedances are also at sensitive receptors (residences) located on adjoining lands for each of the four phases of the Pit 3 expansion. These exceedances are not trivial.
6. Golder's amended air analysis confirms our previous finding that PCQ is using lands beyond the Pit 3 expansion to buffer the extraction from sensitive uses. Further, the amended air analysis confirms there is insufficient lands between the PCQ property boundary and many sensitive residences on adjoining lands for an adequate separation between extraction and many existing sensitive uses to ensure residents are not exposed to air criteria exceedances.
7. Where exceedances such as these occur, the environmental and public health standards for the air criteria standard need to be identified. Further an analysis of the population and uses exposed to the exceedances is needed to clarify who and which uses may be at risk, what that risk level is and what actions may be required to reduce exposures if that risk level is unacceptable. No such analysis exists in the revised planning, land use compatibility, social impact assessment or air analyses.
8. Notwithstanding the Pit 3 expansion is proposed to occur over a period of time of up to 50 years, the exceedances that occur as a result of the existing operations are projected to occur for each of the four phases of the Pit 3 expansion.
9. Where sensitive uses exist, the analysis assume no changes to the existing uses and no provision is made for other uses permitted in the zoning bylaw.
10. Standards have changed as health science knowledge improves. It is reasonable to expect air standards will change over the 50 years it may take for extraction in Pit 3 expansion to be complete. Golder's air analysts do not make provision for these changes.

**Noise analysis:**

1. The amended noise analysis shows many sensitive uses around the Pit 3 expansion will be exposed to noise levels at the limits of those required by NPC 300.
2. The assumptions used in this analysis assumes existing sensitive uses will remain exactly as constructed and used as built for close to 50 years. No provisions in the noise



analysis is made for structural changes to these uses or to the introduction of other uses permitted in the zoning bylaw.

**The Planning, Land Use Compatibility and Social Impact Analyses:**

1. Pit 3 extension involves extraction planned to occur up to 50 years from now if one includes extraction currently taking place in areas licensed currently. The planning analysis does not address changes in existing permitted uses or the introduction of other uses permitted in the zoning bylaw. It also doesn't make provision for changes that may be made by the Province to legally increase densities through legislation amending the Planning Act to where single family residential zoning exists.
2. It is unreasonable to assume static land uses over that period of time. Further it is defective planning to also impose separation distances onto lands not owned by PCQ under these circumstances.
3. The planning, land use compatibility and social impact assessments do not address the environmental or public health rationales for the air standards which are exceeded. Further these analyses do not identify who lives adjacent to the Pit 3 extension and more particularly what risks those residents and uses are proposed in these reports to be exposed to and which among the residents may be most vulnerable to.
4. MECP Environmental Protection Act approvals and compliance policy rely on land use compatibility where Planning Act approvals are made.
5. If the Pit 3 extension zoning bylaw amendment applications are approved as submitted, land use incompatibility will result. This land use incompatibility will compromise air and noise compliance efforts and may result in MECP amending its compliance policies by excluding complaints resulting from land use incompatibility from its compliance efforts. This will mean residents living adjacent to the proposed expansion and the City of Port Colborne will not be able to rely on MECP to enforce its air and noise standards. Rather the City of Port Colborne will need to enact regulations under the Municipal Act to address air and noise nuisances and adverse effects.

**Recommendations:**

1. Redesign of the extraction program is needed so air and noise standards are met at the property boundary.
2. No Planning Act rezoning approvals should be made for the Pit 3 extension unless it can be demonstrated that air and noise standards are and will be met at the PCQ property boundary during the entire length of the proposed extraction.

Submission 2 of documents filed for the Port Colborne Quarries (PCQ) rezoning and OP amendment application to the City of Port Colborne and the Quarry License Application include hydrology and drainage responses. The Technical Memorandum (TM) is the response to JART Hydrology PEER Review Comments. There are concerns with the observations and conclusions with both the content and the missing information in the TM. For simplicity a copy of the TM is provided separately.

- OBSERVATION: The City of Port Colborne does not need a different alignment of the north reach of the East Branch of the Wignell drain for road drainage purposes.
- What is stated numerous times in the TM is that the City is undertaking the review of the realignment of the north extent of the East Branch of the Wignell Drain under the Municipal Drainage Act. What is not provided is that the undertaking was requested by PCQ to facilitate access to a small "finger" of the property to the east of the wetland and woodlands along Second Concession Road at Carl Road.
- It is stated in the TM that the review, and the subsequent realignment, is being conducted under the Drainage Act. Since the review is specifically for the benefit of PCQ, the cost of the review, and the cost of any construction to facilitate future PCQ operations, should under the Drainage Act be entirely the responsibility of PCQ.
- Has the City of Port Colborne consulted with NPCA on the water balance impact on the wetland as a result of the contemplated realignment of the north reach of the East Branch of the Wignell Drain?
- The TM describes the intent to redirect surface drainage of  $156 - 9 = 147$  Ha of the upstream woodland swamp catchment area to around the wetland. Currently the 147 Ha north of Second Concession Road that is tributary to the upper reach of the East Branch of the Wignell drain crosses from the north side to the south side of Second Concession Road at Carl Road. The drainage continues in open channel from the north boundary of the wetland to the south of the wetland and then easterly to the rear of the lots along Miller Road. The described intent is to direct the flow from north of Second Concession Road easterly along the north roadside ditch and cross Second Concession Road to the south side at the eastern extent of the wetland and woodland. This realignment would result in starving the wetland surface, topsoil, and subsoil, and consequently all the vegetation from the cyclic replenishing of moisture at each rainfall event. This is not addressed in any water balance by PCQ, as it assigns the realignment to the City.
- The TM constantly suggests the realignment WILL be constructed. This is an assumption that cannot be made, and is not ecologically nor hydrologically supported.

- During rainfall events the wetland provides several functions for upstream contributions. The precipitation and runoff is firstly attenuated, and secondly, it is filtered and naturally treated. This can be augmented with plantings of appropriate native species.
- The northerly most realignment will allow access to a finger of the proposed license area identified as Phase 3. Phase 1A and 2 will create a second face along the south of the wetland. The existing License 4444 has created a face along the west of the wetland. Phase 3 as proposed would create a third face along the east of the wetland and woodland, resulting in the wetland becoming a peninsula. The realignment of the drain would direct the upstream tributary area away from the wetland. Retaining the existing upstream drain location will maintain the natural drainage and existing water balance in the wetland, less the below grade seepage to the open faces.
- The JART and Matrix Peer Review comments and questions were not adequately answered in the TM to satisfy the wetland protection concerns.



## PORT COLBORNE

Development and Legislative Services  
Clerk's Division

9.  
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Port Colborne, Ontario L3K 3C8 · [www.portcolborne.ca](http://www.portcolborne.ca)

T 905.835.2900 ext 106 F 905.834.5746  
E [nicole.rubli@portcolborne.ca](mailto:nicole.rubli@portcolborne.ca)

April 1, 2022

Environmental Advisory Committee

**Re: Multi Municipal Wind Turbine Working Group – Ontario's Energy Plan and Wind Turbines**

Please be advised that, at its meeting of March 22, 2022 the Council of The Corporation of the City of Port Colborne resolved as follows:

That correspondence from the Multi Municipal Turbine Working Group regarding Ontario's Energy Plan and Wind Turbines, be referred to the City of Port Colborne's Environmental Advisory Committee to investigate and bring an update forward at a future council meeting.

A copy of the above noted correspondence is enclosed for your reference.

Sincerely,

Nicole Rubli  
Acting City Clerk

**From:** Julie Reid <[deputyclerk@arran-elderslie.ca](mailto:deputyclerk@arran-elderslie.ca)>  
**Sent:** March 2, 2022 5:39 PM  
**To:** City Clerk <[cityclerk@portcolborne.ca](mailto:cityclerk@portcolborne.ca)>  
**Cc:** [JBurch-CO@ndp.on.ca](mailto:JBurch-CO@ndp.on.ca); [minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)  
**Subject:** Letter re: Ontario's Energy Plan and Wind Turbines on behalf of te MMWTWG

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

March 2, 2022

City of Port Colborne  
[cityclerk@portcolborne.ca](mailto:cityclerk@portcolborne.ca)

**RE: Ontario's Energy Plan and Wind Turbines**

Dear Mayor and Council:

I am writing to share information compiled by the Multi-Municipal Wind Turbine Group (MMWTWG) on recent plans announced by the Ontario government to expand electricity generation capacity. We are providing this update to you because your municipality endorsed a 2017 resolution indicating that you were an "Unwilling Host" for wind turbine projects. While the threat of new wind turbine projects disappeared while Ontario had a surplus of generation capacity for electricity, the recent announcements suggest a potential for new wind projects.

The MMWTWG was initially created in 2009 by municipalities in Bruce, Grey and Huron Counties to share information on wind turbine projects being proposed or operating in our municipalities. The organization is a joint committee with elected and citizen representatives from the member municipalities. Since its formation, we have been monitoring the operation of wind turbines and advocating on behalf of our residents adversely affected by the wind turbines.

I wanted to ensure that your municipality is aware of the Ontario government's recently announced plans that have potential to lead to new wind turbine installations in rural Ontario. This plan is included among the energy program that was announced at the Rural Ontario Municipal Association meeting and in a speech that Todd Smith, as Minister of Energy, gave to the Empire Club. The program includes a pilot SMR pilot nuclear facility at Darlington, expanded hydroelectric generation capacity, new RFPs for medium term and long term

generation capacity and a program to certify renewable energy generation capacity.

We are specifically concerned about the certification program. While limited details are available for this program, we are concerned that wind turbines are included among the renewable energy generation facilities that can be certified under the program used to allow the installation of larger turbines within existing project sites. The wind companies are certainly listening as leasing activity in support of a project has already been reported in southwestern Ontario.

While changes introduced by the government allow municipalities to regulate the creation of new wind turbine facilities within their communities through zoning by-laws, other regulatory changes by the government exempts existing wind projects from these municipal by-laws, even when the project operator is replacing the existing wind turbines with larger, more powerful equipment. On this basis, the project repowering included in the recent Ministerial Directive would not require any municipal input or approval due to this regulation.

Many municipalities that have started the process of drafting by-laws relative to wind turbines find that they need direction on appropriate setbacks that would be included in a municipal zoning by-law. They know that the existing setbacks in Regulation 359/09 are not sufficient to protect residents and they are looking to the provincial government for revised setbacks reflecting the learning from the existing projects and the lived experiences in other jurisdictions. If the province is reviving wind power development, it needs to take a leadership role by updating these regulations immediately.

We are also concerned about the government's failure to address the problems created by the existing wind turbine projects. These projects operate under Renewable Energy Approvals or REAs that set out very strict operating requirements. First, project operators are required to prove that the project is operating within the 40 dBA audible noise limit by filing noise audit reports prove compliance. Many projects were provided with specific deadlines for the submission of these reports. The attached appendix shows the status of these audits based on public information. Only 45% of projects have reached some form of closure with the other continuing to operate (three continuing even though they have been found to be non-compliant) despite concrete timelines for action in their REAs.

The failure of the government to enforce the requirements of the REAs for wind turbine project operators to investigate and resolve complaints about project operations is another concern. More than 5,800 Incident Reports have been created as a result of complaints about noise emissions from wind turbine projects and based on feedback from the residents in our communities there has been little or no action by the project operators on these matters. Frankly, the government has shown no interest in working on behalf of rural residents. This is an additional concern as 39% of the Incident Reports, prepared and signed by Provincial Officers, include references to adverse health effects.

If you have not already made adjustments to your zoning by-laws, I hope that this reminder will prompt your Council to review their contents in the context of the government's apparent plans to start construction of more wind turbines despite the past failings of this technology.

Our view is that the provincial government needs to:

- **Update the direction provided in terms of setbacks** between wind turbines and other activities,
- The government needs to **take more aggressive action in enforcing the terms of the approvals** for existing wind turbines before authorizing the construction of any new turbines, and,
- Bar operators of projects with these compliance failures from participating in any of the contract extensions or opportunities to bid on capacity expansions that are envisioned in the recent Ministerial Directive.

If you agree, we ask that you communicate your concern to Minister David Piccini, Ontario Minister of Environment, Conservation and Parks as well as your local MPP(s).

If your municipality is interested in joining the Multi-Municipal Wind Turbine Group to receive updates on these matters please contact the Deputy-Clerk for information on the fee structure. The group meets every second month and Zoom facilitates the participation of members beyond easy driving distance of the normal meeting site in Chesley.

Yours truly,

Tom Allwood,

Chair, Multi-Municipal Wind Turbine Working Group  
Councillor, Municipality of Grey Highlands

c. Honourable David Piccini, Minister of Environment, Conservation and Parks,  
[minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)

Jeff Burch, Niagara Centre, [JBurch-CO@ndp.on.ca](mailto:JBurch-CO@ndp.on.ca)



February 1, 2022

## Appendix 1: Status of Compliance Noise Audits

This table is based on information originally released in August 2019 by the MECP in response to a Freedom of Information request. It has been updated with information on more recent compliance testing from project websites. As the Protocol requires that project operators post these audit reports on their websites within 10 business days of their submission to the MECP, this should be an accurate source of status information.

	Project Name	Commercial Operation Date <sup>1</sup>	I-Audit Submitted to MECP <sup>2</sup>	Updates to February 1, 2022 <sup>3</sup>	MECP Review Completed <sup>4</sup>	Time Since Start of Operation <sup>5</sup>
	<b>Demonstrated Compliance</b>	<b>Share – 43% - Average time under review – 3.8 years</b>				
1.	Adelaide (Suncor) Wind	January 28, 2015	October 29, 2015		March 9, 2020	5.1 years
2.	Armow Wind Project	December 7, 2015	February 24, 2017		November 6, 2020	4.8 years
3.	Belle River Wind	September 1, 2017	August 6, 2020		August 20, 2020	2.6 years
4.	Bluewater Wind	July 19, 2014	June 12, 2015		June 25, 2019	4.9 years
5.	Bow Lake	August 10, 2015	August 9, 2017		March 21, 2019	3.6 years
6.	Dufferin Wind	December 1, 2014	September 1, 2015		September 26, 2018	3.8 years
7.	East Lake St Clair	May 22, 2013	April 20, 2016 <sup>6</sup>		April 20, 2016	2.9 years
8.	Ernestown Wind	September 30, 2014	June 29, 2015		April 30, 2018	3.6 years
9.	Grand Bend Wind	April 19, 2016	March 21, 2017		December 4, 2018	2.6 years
10.	Grand Renewable Energy	December 9, 2014	December 21, 2015		November 4, 2019	4.9 years
11.	HAF Wind	June 14, 2014	March 14, 2015		December 17, 2018	4.5 years
12.	Grey Highland Clean Energy	September 21, 2016	July 11, 2017		August 30, 2019	2.9 years
13.	Grey Highlands ZEP	February 26, 2016	July 31, 2018		August 30, 2019	3.6 years
14.	MacLean's Mountain Wind	May 1, 2014	February 27, 2015		March 20, 2019	4.9 years
15.	Moorefield Wind	May 16, 2017	December 17, 2018		March 25, 2019	1.9 years
16.	Oxley Wind	February 8, 2014	September 27, 2017		April 25, 2019	5.2 years
17.	Napier Wind	December 3, 2015	March 3, 2017		January 22, 2021	5.1 years
18.	Quixote One	August 14, 2015	September 1, 2017		April 15, 2019	3.7 years
19.	St Columban Wind	July 16, 2015	June 22, 2016		October 2, 2018	3.2 years
20.	Settler's Landing	April 5, 2017	August 22, 2018		May 10, 2019 <sup>7</sup>	2.1 years

	<b>Demonstrated Non-Compliance- REA Amended</b>		<b>Share – 2%</b>			
1.	North Kent 1 Wind	February 22, 2018	June 30, 2019	November 1, 2021	November 1, 2021 <sup>8</sup>	3.7 years

	<b>Demonstrated Non-Compliance – No Resolution</b>		<b>Share – 7% - Average time under review - 6.8 years</b>			
1.	K2 Wind <sup>9</sup>	May 29, 2015	November 25, 2016	December 12, 2019		6.8 years
2.	Unifor/CAW <sup>10</sup>	October 24, 2013	June 28, 2018	No Updates	Not Provided	8.3 years
3.	Niagara Region Wind	November 2, 2016	July 20, 2018	February 3, 2021		5.3 years

	<b>Deemed Incomplete</b>	<b>Share - 17% - Average time under review – 7.1 years</b>				
1.	Cedar Point Wind	October 7, 2015	September 21, 2016	June 24, 2019		6.3 years
2.	East Durham Wind	August 15, 2015	August 17, 2016	July 2, 2019		6.5 years
3.	Goshen Wind	January 28, 2015	January 28, 2016	November 7, 2017		7.1 years
4.	Grand Valley Wind Phase 3	December 3, 2015	November 30, 2016	March 1, 2021		6.2 years
5.	Pt. Dover/Nanticoke Wind	November 8, 2013	August 6, 2014	December 16, 2020		8.3 years
6.	South Branch Wind	March 4, 2014	May 28, 2015	March 3, 2016		7.9 years
7.	Springwood Wind	November 21, 2014	May 31, 2016	No Updates <sup>11</sup>		7.2 years
8.	Whittington Wind	November 21, 2014	April 1, 2016	No Updates <sup>11</sup>		7.2 years

	<b>Under Review</b>	<b>Share – 30% - Average time under review – 6.0 years</b>				
1.	Adelaide (NextEra) Wind	August 22, 2014	August 10, 2015	June 26, 2020		7.3 years
2.	Amherst Island Wind	June 15, 2018	June 14, 2019	May 14, 2020		3.6 years
3.	Bornish Wind	August 15, 2014	August 7, 2015	July 2, 2020		7.3 years
4.	Conestogo Wind	December 20, 2012	December 20, 2013	April 5, 2019		9.1 years
5.	Gunn's Hill Wind	November 14, 2016	October 16, 2018	No Information		5.1 years
6.	Port Ryerse Wind	December 9, 2016	July 17, 2018	No Updates		5.1 years
7.	Romney Wind	December 31, 2019	Not Yet Due	June 29, 2021		1.8 year
8.	Snowy Ridge	October 5, 2016	September 20, 2017	No Updates <sup>11</sup>		5.3 years
9.	South Kent Wind	March 28, 2014	January 30, 2015	August 14, 2020		7.9 years
10.	Sumac Ridge Wind	November 17, 2017	September 27, 2018	No Information		4.1 years
11.	Summerhaven Wind	August 6, 2013	February 10, 2014	May 1, 2020		8.5 years
12.	Underwood <sup>12</sup>	February 9, 2009	Not Provided	No Updates		13.0 years

13.	Wainfleet Wind	September 17, 2014	May 15, 2015	No Information		6.4 years
14.	ZEP Ganaraska Wind	May 6, 2016	September 14, 2018	No Information		4.7 years

	<b>Submission Due</b>					
1.	Henvey Inlet	October 19, 2019	Due – October 2020	No Information		2.3 years

	<b>Not Yet Due</b>					
1.	Nation Rise	June 17, 2021	Due - June 2022			0.6 years

<sup>1</sup> IESO Active Contract List as at September 30, 2021

<sup>2</sup> Data Provided by MECP as at July 30, 2019

<sup>3</sup> Based on a review of project websites – “No Updates” = No change in information; “No information” = audit no information posted on website

<sup>4</sup> Dates provided by MECP.

<sup>5</sup> Elapsed time calculated either to the date compliance was confirmed or to the current date.

<sup>6</sup> Identical dates for submission and review completion provided by MECP

<sup>7</sup> Approval date posted by operator conflicts with status provided by MECP 2 months after “approval”

<sup>8</sup> REA amended to reduce night time noise levels at 2 wind turbines to bring noise levels within noise guidelines.

<sup>9</sup> In May 2019, the Ministry found the K2 project was out of compliance and ordered the operator to develop and implement a Noise Abatement Action Plan.

<sup>10</sup> Turbine determined to be non-compliant on March 8, 2018, Noise Abatement Action Plan implemented. Problem not resolved.

<sup>11</sup> Capstone Renewable Project, limited project documentation posted on project websites.

<sup>12</sup> I-Audit report submitted in January 30, 2018 accepted and then rejected by MECP. More noise testing is currently underway.

## Report on Boulevard Trees to EAC Meeting, November 13, 2019

**Recommendation:** *That Port Colborne Environmental Advisory Committee (EAC) recommends to Council that staff be directed to review previous decisions on boulevard tree planting (Tree Installation Policy, October 2007 and Bylaw No. 6175/01/15, dated 12<sup>th</sup> January 2015) taking into regard the reasons provided in this report and report back to Council following this review.*

**Introduction:** Port Colborne's Environmental Advisory Committee (EAC) has been considering policy adopted by the City of Port Colborne on the planting and management of boulevard trees in Port Colborne. This policy is set out in a Tree Installation Policy which appears to have been adopted in the fall of 2007 and updated by Bylaw No. 6175/01/15 dated 12<sup>th</sup> January 2015.

The Bylaw and Tree Installation Policy provide for, among other things, the removal of trees from street boulevards, replanting a replacement tree if the adjoining landowner wishes, regulation of which trees can be planted with 4.5 m from City property and a strict prohibition on planting any tree within 1.5 m from City property including any replacement tree for one removed from the boulevard. No provision appears to be made for tree planting within streets owned by the City. Over time, this policy will result in the removal of trees from City streets in Port Colborne's urban area.

EAC believes that a review of this policy and it's further development to address the considerations listed below would benefit Port Colborne at this time for the following reasons:

1. Boulevard trees are important contributors to the quality of residential and commercial neighbourhoods and strategically planted can improve the environmental quality of the City as well as provide many other benefits described below. There is a substantial disparity in the distribution of boulevard trees throughout Port Colborne's urban area.
2. Public health research supports the importance of urban forestry and treed streetscapes. For example, American researchers have found the demise of ash trees due to the ash borer from the forest canopy correlates with increases in mortality where heart and lower respiratory diseases are concerned. More recently, Danish researchers have found that youth growing up in neighbourhoods with sufficient green space experience lower incidences of psychiatric disorders in later life. While the sciences doesn't establish causality where these correlations are concerned, sufficient evidence exists to warrant treed streetscapes, where possible.
3. Neighbourhood quality, including forested boulevards, is an important criteria where companies make decisions to develop and relocate manufacturing and industrial operations. The availability of quality walkable and green neighbourhoods for employees is an important consideration when relocation and development decisions are made.
4. Boulevard trees help improve air quality throughout the City. This is important where particulate matter is concerned. During extreme heat events, boulevard trees also help

cool neighbourhoods by providing shade. In addition, they calm traffic by encouraging slower vehicular speeds.

5. With the extreme wind events, we experienced in 2019, particularly October 31<sup>st</sup> and November 1<sup>st</sup>, Port Colborne may become geographically at risk to more severe and extreme wind events as a result of climate warming. More attention should be placed on reducing our vulnerability where larger tree species are concerned, particularly where hydroelectric facilities, building stock and streets are concerned. Attention is warranted to clarifying which species should be listed and regulated where bylaw 6175/01/15 are concerned. The list of prohibited trees and the possible addition of smaller tree species should be considered. This clarification should also be made available publicly so landowners can use these recommendations where replanting is undertaken, particularly where replacement of ash canopy is considered.
6. It may also be warranted to include this recommended re-consideration of Bylaw 6175/01/15 with work ongoing in the City on the topic of greenhouse gas mitigation strategies are concerned. Recent research on municipal climate change planning suggests that more emphasis needs to be placed on adaptation. Adaptation of Bylaw 6175/01/15 to extreme wind related events is warranted.

Further, in conducting this review, EAC recommends that the following matters be considered:

1. The use of smaller tree species to be determined as species recommended for application.
2. It is recommended that City staff work with municipal horticulturalists and landscape architects on staff and in other municipalities to identify and benefit for other municipal experience where comparable issues are concerned.
3. Where possible this work should be coordinated with the climate warming mitigation work underway presently in the City.
4. There is substantial variety in the dimensions and designs of the streetscapes in Port Colborne beyond the obvious variations that apply to commercial and industrial/manufacturing uses and residential neighbourhoods. If possible, can there be some adaptation of the boulevard tree policy to reflect these differences?

**Recommendation:** *That Port Colborne Environmental Advisory Committee (EAC) recommends to Council that staff be directed to review previous decisions on boulevard tree planting (Tree Installation Policy, October 2007 and Bylaw No. 6175/01/15, dated 12<sup>th</sup> January 2015) taking into regard the reasons provided in this report and report back to Council following this review.*



## PORT COLBORNE

### Meeting Environmental Advisory Committee February 9, 2022 6:00 p.m.

#### The following were in attendance:

Staff: Cassandra Banting  
Janice Peyton

Council: Councillor Mark Bagu  
Councillor Harry Wells

Public Members: George McKibbin  
Jack Hellinga  
Katherine Klauck  
Norbert Gieger  
Tim Lamb  
Ryan Waines  
Kerry Royer (Portion of the Meeting)

Also in attendance, resident Rod Tennyson.

This was an online Microsoft Teams meeting.

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#### 1. **Call to Order**

George called the meeting to order at 6:00 p.m.

#### 2. **Adoption of the Agenda**

Moved by Norbert Gieger  
Seconded by Harry Wells

That the agenda dated February 9, 2022, be accepted as circulated.  
CARRIED.

#### 3. **Disclosures of Interest**

Nil.

#### **4. Approval / Review of Previous Meeting Minutes**

Moved by Tim Lamb  
Seconded by Trent Doan

That the minutes of December 8, 2021, be accepted as written.  
CARRIED.

#### **5. NPCA Update – Kerry Royer**

Kerry gave an update on NPCA items. The NPCA has completed a Strategic Plan, Kerry will send a copy to Janice for distribution. The plan focuses on things like healthy and resilient watersheds and partnering with the community, connecting people to nature and supporting sustainable growth.

Kerry has been working with Mike Audit, Parks Supervisor, on a grant application for the 2Billion tree program. Mike and Kerry are working on a tree giveaway for Earth Day, trees to be handed out at the market on April 22<sup>nd</sup>.

The Wainfleet Bog Advisory Committee is taking member applications, the link has been emailed to the group, anyone interested can send their information to Kerry if they don't have the link.

Kerry has been working with a volunteer that has been collecting broken glass at the Wainfleet Wetlands. Over 45 kgs of glass has been collected so far and there more remaining on site. A community clean-up day at the Wainfleet Wetlands is being arranged for late March, early April. Please share this information within your networks. Rod T. asked if the broken glass could be recycled and provide some income. Rod is going to look further to see if this is a possibility.

#### **6. Items Arising from Previous Minutes**

##### **a) Electric Vehicles**

George advised that he and Norbert have not yet had a chance to discuss electric vehicles with Planner David Schulz.

Mark advised that in 2019, mandatory EV charging station rough ins in new residential homes being built was rescinded due to cost. In Ontario, EV charging stations in new residential homes is not mandatory.

##### **b) Site Alteration By-law**

Cassandra advised that she has begun rewriting the Site Alteration By-law. Once a draft is prepared, Cassandra will circulate it to the committee. Cassandra will review examples of Site Alteration By-laws that have recently been prepared, Wellington County was suggested by Jack. There is talk of having a consistent approach across the Region.



c) Grant Application Re: Tree Planting

Cassandra advised that staff have submitted a grant application to the Niagara Community Foundation for 1000 trees, to be planted along the Friendship Trail. Mike Audit and Kerry Royer have been planning the tree planting initiative together. Results of the application are not yet known. The grant committee liked the idea and were pleased about the collaboration with NPCA. Once results are in, the committee will be notified.

d) Land Use Compatibility

George advised that the EAC report on Land Use Compatibility has been forwarded as recommended at the EAC meeting on December 8, 2021.

**7. Regional Transit Comment**

As Chair of the EAC, George was asked to comment on the Regional Transit proposals that were being considered by Council. A copy of the reply George sent on behalf of the committee is attached to the minutes.

**8. Response to Planning & Development Report 2022-09, Public Meeting Report for OPA and ZBA to the Mineral Aggregate Policies and Zone, File D09-01-20 and D14-03-20.**

George provided a detailed review of the comments he prepared as a response to Planning & Development report 2022-09. A copy of the comments is provided in the minutes.

Jack commented that Port Colborne Quarries has withdrawn their site alteration application for pit one.

Regarding the minimum 500 metre setback under the mineral aggregate policy, Norbert commented that in the past few years, with the increased winds, particulates have become much worse. He has noticed evidence of this on his air filter connected to his HVAC at his office/home on West Street and notices particulates on the sidewalk and on his windows.

Moved by Jack Hellinga  
Seconded by Tim Lamb

That the response to Planning & Development Report 2022-09 be forwarded to Planner David Schulz for distribution to the Planning Consultant so that each will have the EAC's comments in advance of finalizing their analysis.  
CARRIED.



## 9. Proposals

### a) Draft Fossil Fuel Reduction Proposal – Tim Lamb

Tim L. presented his work on the draft Fossil Fuel Reduction Proposal, created to help Port Colborne reach net zero emissions by 2050. A copy of the proposal is attached to the minutes. Tim responded to comments and questions of the committee. Moving forward, Tim would like to see new homes set up with heat pumps as opposed to gas furnaces.

### b) Proposal to Establish a Committee on Climate Change - Rod Tennyson

Resident Rod Tennyson prepared a proposal to establish a committee on climate change for EAC consideration. A copy of the proposal is attached to the minutes.

Cassandra was asked to comment on city staff works regarding climate change. Cassandra advised that, from a public works perspective, staff are working on adapting to climate change.

- Staff are working on an RFP for Urban Forest Management Plan
- The Climate Change Coordinator position is now a full-time permanent position, working with Cassandra, Environmental Compliance Supervisor, on compliance for the city, making sure our facilities comply.
- Staff are working on an RFP for ECDM, Energy Conservation Demand Management Plan adding specific targets for city operations and services, such as City Hall windows, installing an EV station. Looking at the city's carbon footprint and greenhouse gas emissions for city facilities.
- Fleet Supervisor has been hired.
- Establishing a grant program (\$1000.) for residents for their private sewer, lateral upgrades, and a loan program (\$2500).
- Application for a grant for home flood assessment and backwater valves.
- RFP for innovative stormwater management solutions in the Omer drainage area.
- Private property inflow inspections and education and remediation services.

Committee members feel that public education in relation to both proposals discussed would be helpful and that the market would be a good location for distribution of educational material.

George, Cassandra, Jack and Rod will get together to discuss this proposal further, Kerry will be consulted as well. The points proposed and discussed this evening will be written up and given to Mark and Harry to take to Council to refer to EAC to create a climate action plan.

## **10. Other Business**

### **a) Decision Making Principles**

George feels that principles for decision making are very important for groups like this one. He will put some principles together and provide a draft at a future meeting for adoption of the committee.

### **b) Vice-Chair**

Moved by Harry Wells  
Seconded by Norbert Gieger

That Jack Hellinga be appointed Vice-Chair of the committee for the balance of 2022.  
CARRIED.

Jack accepted with thanks.

### **c) EAC Annual Report to Council**

As discussed at a previous meeting, George will draft an annual report to Council and distribute to the committee for review. The final report will be sent to the Clerk.

### **d) Region Amendment to the Official Plan**

Harry advised that the Region is undergoing an amendment to their Official Plan and gave details of a webinar dealing with the natural environmental portion of the Official Plan. Also, a draft of the Official Plan is available on the website, should anyone want to review changes regarding source water protection, mineral aggregates and other items that have been discussed within this committee.

### **e) 2023 Budget Requests**

Mark advised that there are two more EAC meetings before Council is asked for 2023 budget requests. Mark and Harry would like any requests from this committee by the end of June.

**11. Next Meeting /Adjournment**

With no further business to discuss, the meeting was adjourned at 8:00 p.m.  
CARRIED.

The next EAC meeting will be on Wednesday April 13<sup>th</sup> at 6 p.m.

From George for your information

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**From:** George McKibbon <[georgeh@mckibbonwakefield.com](mailto:georgeh@mckibbonwakefield.com)>  
**Sent:** Tuesday, December 14, 2021 10:30 AM  
**To:** Janice Peyton <[Janice.Peyton@portcolborne.ca](mailto:Janice.Peyton@portcolborne.ca)>; Cassandra Banting <[Cassandra.Banting@portcolborne.ca](mailto:Cassandra.Banting@portcolborne.ca)>  
**Subject:** Fwd: Regional transit

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

Good Morning

Could you forward this to the EAC for information. The request for comment came last Friday morning and there wasn't time to distribute the link to the documents for comment. So I put together my notes from the previous Webinar and forwarded the comment below.

Regards

George

Begin forwarded message:

**From:** George McKibbon  
<[georgeh@mckibbonwakefield.com](mailto:georgeh@mckibbonwakefield.com)>  
**Subject:** Regional transit  
**Date:** December 13, 2021 at 9:26:34 AM EST  
**To:** [deputyclerk@portcolborne.ca](mailto:deputyclerk@portcolborne.ca)  
**Cc:** Harry Wells <[harry.wells@portcolborne.ca](mailto:harry.wells@portcolborne.ca)>, Mark Bagu <[mark.bagu@portcolborne.ca](mailto:mark.bagu@portcolborne.ca)>

Michelle Idzenga asked the Environmental Advisory Committee Chair, George McKibbon, for comment on the Regional transit proposals Council will be considering. Earlier members of Port Colborne's Environmental Advisory Committee were asked to attend a webinar on the regional transit proposal. Three members attended including Norbert Geiger, Steven Rivers and myself, George McKibbon. We reported on our efforts at our August EAC Meeting.

We expressed concerns that whatever action is taken on this organizational innovation, consideration needs to be given to the electrification of vehicular fleets and the rapid introduction of autonomous vehicle technology. These changes will transform our communities: witness the articles in the Toronto Star and Hamilton Spectator this weekend on the use of robots to move parcels on sidewalks and bike lanes. I have some experience in these new technologies as I

am one of the W. Booth School of Engineering Practice and Technology (McMaster University) faculty leads helping others develop an ISO standard on robotic delivery devices. The question we asked at the earlier Regional presentation is what would a viable transit system look like with these technological changes and what organizational adaptations will be needed to implement them? The links to the reports being presented to you which ~~BA~~ Mzdenga forwarded to me Friday for a brief and quick review do not appear to answer these questions.

I think the decision you are being asked to make is significant and very important! I recommend you ask Regional proponents to answer how this proposal will address these technological transportation changes in order to provide Port Colborne with a viable scheme that will be as sustainable as possible going forward.

Regards

George McKibbin  
Chair  
Environmental Advisory Committee  
905 631-8489

**Cassandra Banting**  
Environmental Compliance Supervisor  
City of Port Colborne

---

Phone 905-835-2900 x250

Email [Cassandra.Banting@portcolborne.ca](mailto:Cassandra.Banting@portcolborne.ca)

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Port Colborne, ON L3K 2L5

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**PORT COLBORNE**



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## Response to Planning and Development Report #2022-09

### Environmental Advisory Committee

February 9, 2022

#### 1. Introduction:

On December 23 2021, notice of a public meeting on Tuesday January 18, 2022 to review proposed amendments to Port Colborne's official plan and zoning bylaw was issued. The amendments address adding a Mineral Aggregate Ancillary Use (MAAU) policy to the Official Plan and a new MAUA zone to the zoning bylaw.

New policy is proposed to be added to the Official Plans mineral aggregate policy. It will require zoning bylaw amendments for asphalt plants, cement/concrete plants and stockpiling of aggregate materials with salt and aggregate transfer facilities. The MAUA provisions are to be implemented in the Mineral Aggregate Operations, Gateway Industrial and Heavy Industrial Zones following a bylaw amendment, demonstrating a number of requirements are met. Site plan control will apply to the uses and a 500 metre setback from any residence will be required.

New definitions are provided for "aggregate depot", "asphalt plant, permanent", "asphalt plant, portable", and "cement concrete plant".

EAC has commented on ground water and land use concerns arising from the proposed amendments. Upon being notified that this matter was coming before a public meeting your Chair prepared comments based upon previous concerns and presented these to the public meeting. These comments are part of the public record.

The written and verbal presentation at the public meeting was minimal: not much new information was provided to answer questions arising from the text. It is understood from Dave Schulz, City Planner, several parties raised concerns about the 500 metre setback. We understand the Planning Consultant, NPG Planning Consultants, undertook a national survey of best practices to develop the standard. A more complete planning report describing this analysis will be provided in the future.

This report is to set out concerns with the information presently in hand so the City planner and the Planning Consultant will have EAC's comments in advance of finalizing their analysis.

#### 2. The January 18, 2022 Public Meeting:

Here are the specific comments made on EAC's behalf on January 18, 2022:

1. "The proposed asphalt plant (permanent and portable), cement concrete plant and aggregate depot uses generate air and noise emissions. Municipal studies show these air emissions can result in hospitalizations and mortalities when air quality is poor. These conditions exist even with the best efforts of Ministry of the Environment Conservation and Parks (MECP) Environmental Protection Act regulators, who apply

Ontario Regulation 348 and 419 and NPC 300, and municipal planners, who apply the MECP D Series Land Use Compatibility Guidelines.

2. Port Colborne has no air monitoring stations within its jurisdiction with which to benchmark local community air quality. Track out occurs from existing comparable uses. Lands under the Seaway jurisdiction are Federal lands on which Provincial and Municipal authority is constrained. Fugitive emissions from existing uses are available for re-suspension with traffic and extreme wind events. Caution should be applied when considering these amendments.
3. When these uses are proposed, assessment of cumulative air and noise emissions from existing and proposed industrial uses and local traffic is needed. Under 29.3, Zone Requirements, (a) it is recommended the following underlined words be added after *"appropriate studies including cumulative and worst case scenario noise and air analyses"*.
4. Under 29.3 Zone Requirements, (b) it is recommended that the minimum 500 metre distance from the closest residential use be amended to read: *"is at least 500 metres from any residential use provided the maximum emissions scenario (worse case scenarios) and cumulative air and noise analyses do not require a greater separation distance."*
5. Last, where Mineral Aggregate Operations are considered, *these uses should not be permitted where the Aggregate Resources license and site plan provide for extraction below the water table.*

NPG Planning Consultants prepared and presented the recommended changes to the Official Plan and Zoning Bylaw. Comments from the public, the Regional Municipality of Niagara and verbal comments from meetings with aggregate producers were reviewed. Little verbal reporting and no written report was offered by the consultant on the analysis that went into the recommended policies, specifically how the 500 metres setback from residences was derived. Concerns about aquifer protection were not addressed specifically except in very general policy. The policy didn't identify the significance of the aquifer other Official Plan policy attributes to it. No studies appear to have been undertaken to address specifically land use compatibility or aquifer concerns.

### **3. Further Recommended Comments:**

Based on what transpired at the public meeting, additional comments are warranted. Here are the additional comments:

#### **a) Definitions:**

We recommend the words "cement plant" be removed from the definition and any text proposed for the amendments. From information produced by Mark Dorfman, in 2018, in a report to the Township of Champlain there were 18 cement plants in Canada. On average

these plants were separated by 1,270 metres from residential uses. The median distance was 1,000 metres. The minimum distance was 380 metres and the maximum distance was 4,000 metres.

The air and noise emissions and community impacts associated with cement production are much more complex than those associated with asphalt and concrete batch plants, concrete products plants, or aggregate storage and handling depots.

A cement plant isn't an ancillary operation of a mineral aggregate operation as defined in the Provincial Policy Statement 2020 (PPS 2020). Neither is a plant used for the fabrication of concrete products. For this and other reasons discussed below, cement plants used to produce cement should be removed from consideration in the recommended bylaw.

Large international enterprises involved in cement production have stringent internal environmental audit systems that usually provide for significant separation from sensitive uses and new cement plants. Care should be taken in the drafting of the proposed bylaw to ensure that less scrupulous interests don't exploit a poor choice of words to create a bad outcome. This is especially important where lands under Federal jurisdiction exist on which Ontario's Planning Act doesn't have the same jurisdiction.

**b) Land Use Compatibility: What this policy is and isn't.**

Below are three diagrams which set out the current basis for land use compatibility analysis in the Ministry of Environment, Conservation and Parks' (MECP) D Series Guidelines. Three industrial classifications are used: Classes III, II and I. Each industry being considered in these amendments should be assigned to one of those classes. MECP provides instructions in the Guideline on how to make these assignments.

Once assigned, the following analysis of each industrial Class applies.

Why is this analysis undertaken? Air and noise regulation under the Environmental Protection Act (EPA) needs to be undertaken in sync with Planning Act decisions on land use to minimize adverse effects. These adverse effects include:

*"Adverse effects: as defined in the Environmental Protection Act, means one or more of:*

- a) impairment of the quality of the natural environment for any use that can be made of it;*
- b) injury or damage to property or plant or animal life;*
- c) harm or material discomfort to any person;*
- d) an adverse effect on the health of any person;*
- e) impairment of the safety of any person;*
- f) rendering any property or plant or animal life unfit for human use;*

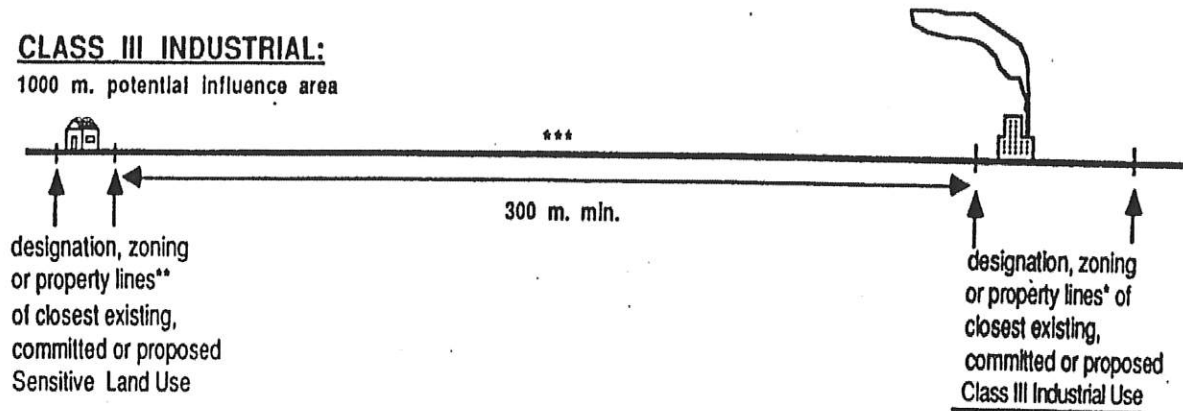


- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business."<sup>1</sup>

Port Colborne has experience with risk analyses when these adverse effects occur (e.g., nickel contamination). Care is required when addressing these potential effects when separating industrial uses from sensitive residential uses.

**CLASS III INDUSTRIAL:**

1000 m. potential influence area



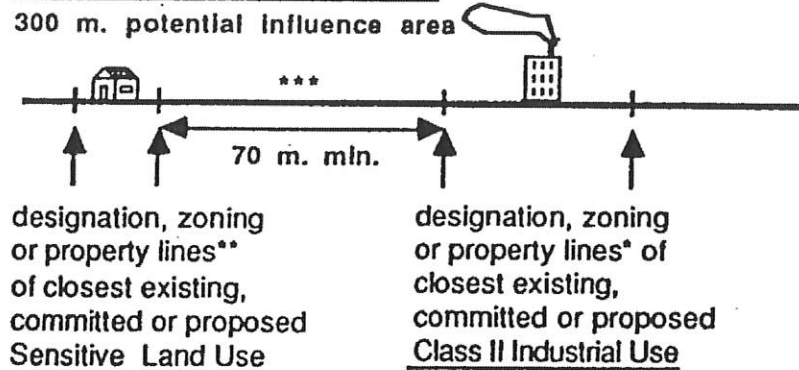
Each of these diagrams is copied from MECP's D Series Land Use Compatibility Guidelines.

Each industry under consideration is assigned to one of three classes. For each class a potential influence area is assigned. For Class 3 industrial uses that influence area is 1000 metres. That influence area is the default separation distance where no air and noise analyses are used to assign a lesser separation distance. Notwithstanding the results of air and noise analyses, a minimum separation distance applies: 300 metres.

Ideally, the separation distance identified after noise and air emissions are considered is measured from property boundary to property boundary. It can also be measured using site plan requirements applied to the industry.

<sup>1</sup> Provincial Policy Statement 2020, Definition of adverse effect.

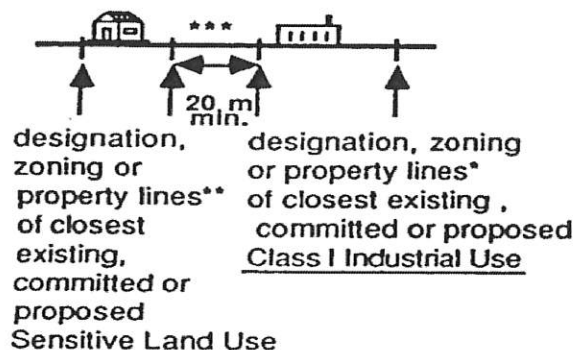
### **CLASS II INDUSTRIAL:**



The above air and noise analyses apply to Class 2 industries and Class 1 Industry (below).

### **CLASS I INDUSTRIAL:**

70 m. potential influence area



Implementation of the D Series Land Use Compatibility Guidelines were transferred from the Province to the Regional Municipality of Niagara in the 1990s when various approvals under the Planning Act were transferred from the Minister of Municipal Affairs to the Region.

No analysis was presented by NPG Planning Consultants on how Class III Industrial use potential influence areas were reduced from 1000 metres to 500 metres and how the 500 metres setback distance was arrived at from air and noise analyses of potential adverse effects.

The D Series Guidelines have been around for a long time. Changes to the PPS 2020 in May 2020 emphasized and strengthened policy requiring land use compatibility between industrial facilities and sensitive land uses such as residential uses.

In 2021, MECP released a draft guideline intended to replace the D Series Guidelines. After public comments were received MECP withdrew the Guidelines for further review. While there was agreement among commenters a review was needed, there was no consensus on recommended revisions. Here are the general changes which were recommended. It is useful

to consider the numbers as background to considering this file because they better represent the science involved.

Both of the following tables were contained within an MECP Powerpoint presentation provided on June 8, 2021. AOI is short for Area of Influence while MSD is short for Minimum Separation Distance.

#### AOIs and MSDs for classes of major facilities

Class	Description of Major Facility	AOI	Examples of Major Facility	MSD
Class 1	Operations with known smaller adverse effects.	500 m	Food Manufacturing; Sewage Lagoons; Various EASR activities	200 m
Class 2	Operations with moderate effects. May include some outdoor operations.	750 m	Manufacturing Metal and Glass Parts	300 m
Class 3	Operations with moderate to significant adverse effects that may be difficult to mitigate. May include larger outdoor operations	1,000 m	Aggregate Operations (in relation to sensitive land use proposals only)	500 m
Class 4	Operations with significant adverse effects that may be difficult to mitigate. May include larger outdoor operations.	1,500 m	Meat and meat product processes (slaughterhouses and rendering)	500 m
Class 5	Operations with the most significant adverse effects that may be difficult to mitigate. May include larger outdoor operations	2,000 m	Chemical product manufacturing	500 m

Five as opposed to three industrial classes were recommended. Where aggregate operations are considered, the area of influence is 1000 metres and the minimum separation distance proposed is 500 metres.

- The following provides a comparison of existing AOIs and MSDs in D-6 vs. proposed AOIs and MSDs in the Guideline.

Class	Existing AOIs	New AOIs	Existing MSDs	New MSDs
1	70m	500m	20m	200m
2	300m	750m	70m	300m
3	1000m	1000m	300m	500m
4		1500m		500m
5		2000m		500m

This chart compares the changes between the D Series Guidelines and the proposed revisions. More emphasis is placed on heavy industrial facilities with the introduction of two additional classes with successively larger areas of influence. More important, bigger changes are made to both the areas of influence and minimum separation distances for Classes 1 and 2 facilities.

With the changes made to PPS 2020 policy on land use compatibility, land use separation analysis is less discretionary: it has to be done. The planning and engineering professions are not qualified to do the risk analyses required to implement them, e.g., reduce the areas of influence to a lesser distance. Teams with wider expertise, including public health, are needed to undertake this work. In the past PPS 2014 policy implementation was weaker, so if applicants met Ontario Regulation 419 and NPC 300 requirements and obtained MECP approvals, that carried considerable weight. Minimum separation distances became maximums. New PPS 2020 policy is more stringent and requires detailed analyses. Just because a compliance approval is obtained from MECP, the separation distance requires a more complete analysis.

If 500 metres is to be applied in the proposed amendments, the analysis has to be documented and reviewed. That documentation wasn't provided in Report 2022-09.

#### **c) Non-conformity and the East Village**

Lands bordering the Canal in the East Village south of Clarence Street are used for aggregate storage and transshipment from Lakers to local users. The separation distance between these operations and residential uses isn't 300 metres let alone 500 metres. The lands are under the jurisdiction of the Seaway Authority. With respect, this storage and transshipment use needs to be relocated northward to the Gateway Industrial and Heavy Industrial zones, provided the land uses are properly separated from residential uses in the immediate areas.

With respect, this matter needs to be addressed together with these amendments.

#### **d) Planning Comments**

We understand the City's planning consultant draft bylaw is a work in progress. In addition to the previous comments, here are recommendations intended to assist Council and City Planning Department endeavours:

- 1) Remove references to cement plant for the reasons provided earlier.
- 2) Use PPS 2020 definitions wherever possible.
- 3) Remove "concrete fabrication plants" from the proposed bylaw. One such plant is permitted in PCQ Pit #1. That plant's rezoning was approved (October 2014) by an Ontario Municipal Board hearing. That approval is subject to a number of conditions including site plan approval. The conditions have not been met to date. That approval was site specific and shouldn't be used to set policy for all aggregate licenses.

Employment land uses in PCQ Pit 1 beyond that which was approved in October 2014 require Regional Official Plan amendment (see Regional Municipality of Niagara letter dated December 21, 2016).

- 4) The Ministry of Northern Development Mining, and Forestry (MNDMF) is proposing to change existing Aggregate Resource Act regulations where excess soils and policy where filling with inert materials are used when rehabilitation occurs in quarries extracting below the water table ( <https://ero.ontario.ca/notice/019-4801> ). If approved as proposed, the changes strengthen sensitive ground water table protection measures. This will address a major concern EAC raised previously.
- 5) Don't use the word "ancillary" because other better terms apply: namely "accessory". An "accessory use" is defined in the Port Colborne zoning bylaw and the word "accessory" is used to describe those "associated accessory facilities" provided for the bylaw's definition of "Mineral Aggregate Operation." An accessory use or facility means a use or facility which is subordinate and incidental to the principle use.
- 6) Normally "associated accessory facilities" mean asphalt and concrete batch plants. If portable and used for municipal contracts these are approved. Portable plants should not be permitted in areas being extracted below the water table. Permanent asphalt and concrete batch plant structures should also not be permitted below the water table. The sites should be designed so drainage isn't allowed into areas extracted below the water table. Consider policy to this effect.
- 7) Port Colborne's gateway and industrial zoning is constructed on the assumption MECP's land use compatibility guidelines apply during site plan and conditional approvals. Where an industrial use requires an amendment to the zoning bylaw, either a conditional approval or a holding zone condition is applied requiring: a) air and noise studies; and b) site designs that meet land use compatibility requirements. If air and noise compatibility isn't achieved, the use is a noxious use and not permitted.
- 8) Whether this was a workable framework is a debate to be left to another time and place. It isn't consistent with stringent land use compatibility policy introduced in the PPS 2020. It appears the recommended amendments to the bylaw's 29.3 a) and b) are a workaround for larger issues arising from how the zoning bylaw addresses land use compatibility. We recommend consideration be given to addressing this larger issue.

Wednesday, January 26, 2022

**Draft Fossil Fuel Reduction Proposal**

**Environmental Advisory Committee**

Climate Change is the number 1 threat to our environment. The Canadian Government has committed to reduce greenhouse gas emissions 40% to 45% by 2030 and to net zero by 2050. The City of Port Colborne needs to do its part to support this aggressive, important, strategy.

- The current fossil fuel greenhouse gas emissions for the heating and water heating of the residences in the city of Port Colborne is likely more than 50% of Port Colborne's total greenhouse gas emissions. (Based on Toronto's stats)  
Toronto's 2019 Greenhouse Gas Emissions Inventory – City of Toronto
- There are currently about 7,000 private dwellings in the city of Port Colborne, without a doubt most of these residences are using fossil fuels to heat their homes and their water.
- Most new homes being built in Port Colborne continue to be serviced with natural gas lines.
- We have less than 28 years to reach net zero emissions, to meet that goal, we need to stop installing fossil fuel appliances in new homes and retrofits, now! It will take an average of 5 dwellings a week to retrofit to meet that goal.
- Retrofits can be done as current appliances become unserviceable and need to be replaced or as owners see fit.
- Technologies and expertise do exist to complete this goal, in the form of heat pump technology and local home heating and cooling businesses. Costs will be very competitive to current natural gas technologies and home heating costs, electricity, and natural Gas. Heat pumps can operate at very high efficiencies as much as 300% or more, strip or radiant heat are 100% and best natural gas performance is about 94%. There are no emissions with electric heat especially with a green energy supply.  
Heating and Cooling With a Heat Pump (nrcan.gc.ca)  
Home (canadianheatpumps.ca)

- The installation of these technologies will eliminate the need for natural gas and reduce the City's greenhouse gas emissions substantially.
- Residents can take advantage of any Government Grants or Subsidies to complete work and local heating and ventilation companies will certainly help with that. The current provincial government unfortunately cancelled The Green Energy Act, from the previous administration, creating challenges for us to move forward with this energy transition. (Their reasoning was that the extra electrical infrastructure is not needed). A list of projects cancelled by the current provincial government are linked below. The Federal government Canada Greener Homes Grant offers up to \$5,000, for home energy efficiency improvements, which includes heat pumps.  
[Green Energy Act Executive Summary.pdf \(utoronto.ca\)](#)  
[Canada Greener Homes Grant \(nrcan.gc.ca\)](#)  
[Ontario Newsroom](#)
- OPG, IESO, and CNP will meet the challenges of our increase dependence on the electrical grid over this period of 28 years. The potential for electrical supply growth should not be an issue. OPG is now building SMR's (Small Modular Reactors) to help with that need for growth. There is also a request for recommendations of increased hydro opportunities in Northern Ontario.  
[CER – Provincial and Territorial Energy Profiles - Ontario \(cer-rec.gc.ca\)](#)  
[Innovating for tomorrow > Small modular reactors - OPG](#)  
[OPG reviewing new hydro opportunities in Ontario - International Water Power \(waterpowermagazine.com\)](#)  
[Our communities > Southern Ontario – Niagara Region - OPG](#)
- CNP initiated the complete suite of Save On Energy programs for residential and business customers under the Green Energy Act. In 2019, these programs were taken over by the Independent Electricity System Operator (IESO) and are now managed by them directly.  
[Independent Electricity System Operator \(IESO\)](#)
- Renewable energy continues to become cheaper than fossil fuels.  
[The cost of renewable energy is increasingly undercutting fossils | World Economic Forum \(weforum.org\)](#)
- Instability in the fossil fuel industry and supply will continue to be an issue going forward as well as increasing costs both with market pressures and carbon taxes. Michigan's Governor wants to shut down Line 5.



Line 5 pipeline a 'ticking time bomb,' must be shut down by next week, Michigan governor's office says - The Globe and Mail

- All homes will then have air cooling in the event of a heat wave/heat dome. Reduction in the risks associated with burning fossil fuels i.e., explosion, fire and carbon monoxide poisoning. Port Colborne's air quality will also improve.
- Conservation will always be a priority and homeowners and tenants need to do their part in residential upgrades and conservation practices.
- Opportunities for Port Colborne to establish renewable energy supplies such as hydro, solar and wind. It would only take 16 wind turbines to power all of Port Colborne's homes.
- The City of Toronto is currently establishing a policy like the above proposal, and we should create or adopt a similar strategy. They have established a goal of 2040 for net zero emissions.

TransformTO – City of Toronto

Currently Port Colborne is taking a Leadership strategy when it comes to greenhouse gas reductions, but really needs to take on a more progressive approach to enable its citizens to do their part.

The cost of establishing this proposal should be very low, it is only a matter of putting a phased stop to the use of fossil fuels to heat our residences and embracing electricity as our only source of home and water heating.

Goodbye, gas furnaces? Why electrification is the future of home heating | CBC News

Tim Lamb

[tim.lamb58@outlook.com](mailto:tim.lamb58@outlook.com)

Member of the Port Colborne Environmental Advisory Committee.





## **Proposal to Establish a Committee On Climate Change**

**Roderick Tennyson, PhD., P.Eng.**

**Submitted to the Environmental Advisory Committee  
City of Port Colborne**

**December 2021**

## **Purpose**

Port Colborne is exposed to extreme weather events aggravated by climate change. We propose to create a Committee on Climate Change (CCC) to investigate the potential effects of climate change and recommend actions that need to be taken to offset the deleterious effects that could impact the city. One of the major concerns is the assessment of drainage risks arising from extreme weather events associated with wind, high Lake Erie levels and extreme rainfall occurrences. The Committee will recommend solutions to these issues through the Environmental Advisory Committee. (EAC). This information will also assist City Public Works officials organize their responses. The proposal is designed to involve stakeholders such as the Niagara Peninsula Conservation Authority; Brock University and Niagara College; the Regional Municipality of Niagara; the Seaway Authority and Provincial and Federal officials.

## **Rationale**

The Great Lakes economy has been described as the "Growth Engine of North America" ([visualcapitalist.com](http://visualcapitalist.com)) and is recognized globally for its manufacturing sector. Many other industries contribute to the region's economic growth such as education and health, shipping and logistics, agriculture, mining and energy, tourism, and finance.

Annual bilateral trade in the Great Lakes between Canada and the US is about \$280 billion (The Great Lakes Economy: The Growth Engine of North America: [visualcapitalist.com](http://visualcapitalist.com)) , of which the maritime industry generates about \$30 billion, and employs about 250,000 jobs in Canada (Standard Review Tribune April 22, 2021). This economic engine must be protected and its long-term sustainability is predicated on ensuring the long-term health of these lakes, particularly in this era of climate change.

The effects of climate change are predicted to have a profound impact on cities bordering the great lakes such as Port Colborne. To mitigate these potential problems that can affect the economy and well being of the citizens in Port Colborne, it is strongly recommended that the EAC create a Committee on Climate Change to assess these issues and provide solutions that can be implemented well in advance of the current and future projections of the damage that will be created to the city and its environs.

The City of Port Colborne and its surrounding environs depend on tourism that is mainly attracted to its many beaches and clean water. Fishing and maritime trade also contribute to its economy. The issues that will need to be addressed that could impact the city resulting from climate changes include:

### **Tourism**

- Loss of clean water
- Loss of beaches due to erosion
- Loss of destination center for tours

### **Business**

- Clean water and beaches ensure tourist attraction
- Fishing industry; effects of algae growth on aquatic life

### **Health**

- algae growth and air borne toxins
- water contaminants
- fish contaminants
- municipal and storm water drainage systems



### Port Colborne Beaches

The long-term plan for the City of Port Colborne emphasises the need to increase tourism to the region. This of course will benefit the local service industries and the tax base for the city.

It is assumed that most tourists come to Port Colborne for its renown beaches, warm water and boating. Fishing has always been a major attractor due to the variety of fish in the lake, especially the perch. Local arts and community festivals play a role as well, and the opportunity to dive on the ship wrecks in Lake Erie is another activity of note since the lake is relatively shallow, being deeper at the eastern end of the lake around Port Colborne. Obviously, the Welland Canal is a very popular location to visit and see the large ships travelling down the canal with just a few feet of clearance to the canal walls. The current plan is to construct a welcome center for tourist boats on the west side of the canal. Courting cruise ships to dock in Port Colborne is an economic avenue the city plans to pursue aggressively in the coming years.

To protect the tourist base and the region's most precious assets, the beaches, any form of pollution emanating from climate generated storms that affect the nearby waters and beaches, could prove to be disastrous. Water pollution and algae growth could doom the beaches as well as Gravelly Bay. Clearly this will have adverse effects on the tourism industry and local business community. There will be little incentive for tourists coming to the Niagara region to make Port Colborne a destination spot. The trade-off is the cost of preventive measures now versus loss of tourism in later years.

There is another factor to consider and that is the increasing migration of city people to the Port city and its surrounds. Property values have increased and this region is growing for the reasons cited above. Any inaction at this time to protect this region from climate change impacts will mitigate this influx of new residents, the business they bring and of course the tax base. Again, this is a trade-off that needs to be considered.

### The Economy and Tax Base

The current city tax base is predicated on many factors such as resident population, tourism, business growth and industry, to name a few.

If in fact tourism were to decline due to polluted water and loss of beach properties, it is predicted that many local businesses will close (not all of course) and there would be a decline in population growth. What effect would that have on the city tax base? The proposed Committee on Climate Change can address the anticipated impacts and recommend solutions. It is a study that needs to be undertaken soon. Preservation of water quality is critical to the survival of Port Colborne as a destination port.

### **The Impending Crisis: Effects of Climate Change**

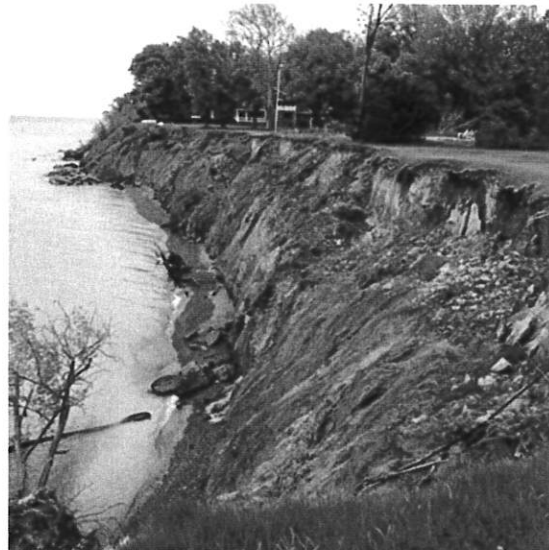
It is widely accepted that climate changes are here to stay and it is up to governments, national and local, to anticipate what impacts these changes will have on the environment and well being of the population they serve. Small cities are no exception, especially ones that border the Great Lakes.

Why is this so? Recent scientific studies have found that the Great Lakes are warming faster than the land mass which will lead to more extreme storms. These storms can erode beach areas and shoreline properties. They can also cause lake sediments to increase in the water, possibly increasing algae growth and water toxicity especially around Port Colborne.

Aquatic life in the lakes depend on a stable temperature of the water. Changes in water temperature can have adverse effects on fish life and their survival. The warmer surface area water leads to increased evaporation and lower lake levels. As a port city, this can cause problems in the canal for ships, which can affect dock infrastructure and shoreline ecosystems.



**Ice storm on Lake Erie**



**Shore erosion along Lake Erie**



**Storm waves in Lake Erie**

Port Colborne is exposed to extreme weather events in the form of winds from the south west which cause lake levels to rise; higher lake levels resulting from normal lake level cycles and extreme rainfall events. Recent events illustrate what may happen. The Eagle Marsh and Wignal municipal drains drain into Lake Erie. Both drains have outlet controls intended to limit

inland flooding when Lake levels rise. Further Port Colborne has storm water outlets into the Eagle Marsh drain, the Welland Canal and Gravelly Bay. The two drains and storm water outlets may be compromised and cause flooding within Port Colborne's residential uses.

#### **Committee on Climate Change: Proposed Projects**

##### **Municipal and Storm Water Drainage Systems**

This investigation will describe potential risks on the existing municipal and storm water drainage systems and low-lying areas immediately north of the Lake Erie shore; begin to define the extent of such risks; assess how various stakeholders may be involved in addressing these risks; and serve as an organizing effort to craft effective responses.

Port Colborne's Environmental Advisory Committee will hold a public information meeting to discuss the findings with members of the public. The results will be shared with representatives of adjoining municipalities.

##### **Action Items:**

- EAC and Public Works to draft a proposal
- Identify other parties who may wish some level of involvement e.g., the Niagara Peninsula Conservation Authority, the coalition
- Identify which stakeholders are to be interviewed
- Interview potential stakeholders to determine if, in addition to being interviewed, they wish to be involved in resourcing this effort
- Establish the work plan
- Identify critical Public Works staff to coordinate the project
- Identify volunteer EAC members with expertise to be involved
- Establish the required budget
- Draft the proposal for submission

##### **Mitigate Beach Erosion**

Beach grass grows in sandy beaches and has deep roots that intertwine with other grass roots to provide a stable network that traps the sand and mitigates erosion in the face of storms, wind and surf waves.

The CCC can establish working relationships with the experts who grow a specific grass that has been shown to work on Port Colborne beaches. The groups of interest include researchers at Niagara College and members of the Coastal Collaborative Group.

##### **Action Items:**

- establish a meeting with these groups and develop a protocol on how the EAC can participate in the growth of this grass and its massive planting along our prime beaches.
- make the grass clumps available for public purchase for their own property protection along the shore of Lake Erie
- the CCC can draft grant proposals in collaboration with the EAC and Council (need to have them back the grant application) to finance this beach erosion project using beach grass

- work with Public Works to establish a massive tree planting effort along the beach front area on both public and private property to create wind barriers and root systems to mitigate erosion of the shoreline. Initiate a massive public participation program among Port Colborne residents.

### **Monitoring Water Quality**

Monitoring water quality along the beaches and extending along the shoreline of residential houses will be essential to determine if remedial action is required to decontaminate the water. Clean water is essential to a viable tourist industry.

### **Action Items**

- determine if researchers at Niagara College can, or have developed a low-cost test kit to measure temperature and toxic chemicals (such as algae) in water samples taken from the beachfront areas.
- set up a network of civilian volunteers along the beachfront areas to provide monthly data on their measurements to a central monitoring site located within the CCC, assuming lake water is still accessible. Undertake this project with the Coastal Collaborative Group. The CCC will provide an annual report on data interpretation and recommendations to the EAC.
- assess effects of temperature changes and evidence of toxic elements in the water on the aquatic life. Undertake this review with researchers at Brock University and the University of Windsor. Propose remediation solutions to improve the vitality of the aquatic life in Lake Erie.

### **Recommendations**

- The EAC review the proposal and establish the CCC with 5 members
- The VP of the EAC serve as chair of the CCC
- A council member of the EAC who serves on the committee and will act as an advocate for the recommendations emanating from the CCC and the EAC should be a member
- Council be asked to approve a full time paid position for an environment officer to head the CCC projects, with back up secretarial services included. These projects are essential to undertake now and cannot be done by volunteers alone. Pay now or suffer the consequences later!

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 of the Borden Avenue Road allowance lying between Knoll Street to the west and Steele Street to the east, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as a part of the Borden Avenue Road allowance.

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 “A8” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A to First Density Residential (R1) and R1-69, being a special provision of the First Density Residential (R1) zone.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R1-69

Notwithstanding the provisions of the First Density Residential (R1) zone, the following regulations shall apply:

a) Minimum Lot Frontage 12 metres



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      , 2022.

\_\_\_\_\_  
William C Steele  
Mayor

\_\_\_\_\_  
Nicole Rubli  
Acting Clerk



<p>This is Schedule "A" to By-law No _____</p> <p>Passed _____, 2022</p> <p>_____</p> <p>Mayor</p> <p>_____</p> <p>Clerk</p>	<div><div> - Lands to be rezoned to R1</div><div> - Lands to be rezoned to R1-69</div></div> <div><p>June 2022</p><p>File No. D14-04-22</p><p>Drawn by: DS - City of Port Colborne Planning Division</p></div>
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The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a By-law to Delegate Authority  
During any Restricted Period following Nomination Day

**WHEREAS** section 275(3) of the Municipal Act restricts certain actions of the Council of a local municipality once it can be determined that any of the circumstances set forth in paragraphs 1, 2 or 3 of section 275(1) of the Municipal Act will apply to the new Council of the City;

**AND WHEREAS** subsection 275(6) of the Municipal Act provides that nothing in section 275 prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to Nomination Day for the election of the new Council;

**AND WHEREAS**, pursuant to section 23.1 of the Municipal Act, a municipality is authorized to delegate its powers and duties under the Municipal Act or any other Act to a person or body, subject to the restrictions set out in Part II of the Municipal Act;

**AND WHEREAS** to ensure the efficient and effective management of the City of Port Colborne during any Restricted Period, it is prudent that Council delegate certain authorities to the Chief Administrative Officer;

**NOW THEREFORE** the Council of the City of Port Colborne enacts as follows:

1. In this By-law:

“**City**” means the Corporation of the City of Port Colborne, Ontario and its geographical boundaries;

“**City Clerk**” means the Clerk for the City of Port Colborne as appointed by Council;

“**Chief Administrative Officer**” or “**CAO**” means the Chief Administrative Officer for the City of Port Colborne as appointed by Council;

“**Council**” means the Council for the City of Port Colborne;

“**Municipal Act**” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“**Nomination Day**” means the deadline to file a nomination with the Clerk under the Municipal Election Act, 1996 as amended;

“**Restricted Period**” means the period commencing Nomination Day when any of the circumstances set forth in section 275(1) of the Municipal Act apply and end at the last day of the current term of Council.

2. The delegations of authority outlined in this By-law are in addition to any other delegations of authority established by other City by-laws, resolutions, policies, and otherwise at law. In the event of any inconsistency between this By-law and any other City by-law, the provision that delegates the broader authority shall prevail to the extent of the inconsistency.

3. During the Restricted Period, the CAO shall have the authority with respect to the following matters:

- (a) the appointment or removal from office of any officer of the municipality;
- (b) the hiring or dismissal of any employee of the municipality;
- (c) the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and

- (d) making any expenditures or incurring any other liability which exceeds \$50,000.
4. During the Restricted Period, the CAO shall be authorized to fund estimates more than the budget for individual capital projects through budget appropriation transfers between capital projects and/or through reserves funding and/or through debenture issue(s).
  5. The authorities delegated to the CAO pursuant to this By-law include the authority to negotiate, finalize, and execute all necessary contracts and agreements and any ancillary documents required to give effect thereto in a form satisfactory to any necessary parties and to take all necessary steps and actions to exercise the delegated authorities.
  6. The City Clerk shall advise Council in writing when the Restricted Period has commenced.
  7. The Chief Administrative Officer shall submit a report to Council advising of any events relating to the exercising of this delegated power at the end of the Restricted Period.
  8. This By-law shall come into force on the day it is passed and expire on the date of the inaugural meeting of the new term of Council.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_.

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William C. Steele  
Mayor

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Nicole Rubli  
Acting City Clerk

The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a By-law to Authorize Entering into an Agreement with the Foundation  
Assisting Canadian Talent on Recordings (“FACTOR”)

Whereas at its meeting of July 12, 2022 the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of the Corporate Services Department], Report No.2022-163, Subject: Canal Days Funding Opportunity; and

Whereas Council is desirous of entering into an agreement with the Foundation Assisting Canadian Talent on Recordings (“FACTOR”), for the purposes of a financing agreement; 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 an agreement with the Foundation Assisting Canadian Talent on Recordings (“FACTOR”), for the purposes of a financing agreement.
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 12 day of July, 2022.

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William C. Steele  
Mayor

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Nicole Rubli  
Acting City Clerk

The Corporation of the City of Port Colborne

By-Law No. \_\_\_\_\_

Being a by-law to adopt, ratify and confirm  
the proceedings of the Council of The  
Corporation of the City of Port Colborne at  
its Regular Meeting of July 12, 2022

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 July 12, 2022 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 12th day of July, 2022.

\_\_\_\_\_  
William C. Steele  
Mayor

\_\_\_\_\_  
Nicole Rubli  
Acting City Clerk