

**City of Port Colborne
Council Meeting Agenda**

Date: Tuesday, September 12, 2023
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 www.portcolborne.ca/delegation, email deputyclerk@portcolborne.ca or phone 905-835-2900, ext. 115.

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	Confidential reports will be distributed under separate cover. Items may require a closed meeting in accordance with the Municipal Act, 2001.	
23.	Procedural Motions	
24.	Information items	
25.	Adjournment	

From: Daniel Salvatore <daniel.salvatore@cn.ca>
Sent: Monday, August 14, 2023 2:33 PM
To: William C. Steele <William.Steele@portcolborne.ca>
Subject: Rail Safety Week 2023 – Sept 18-24, 2023 | Proclamation request – Follow up

Dear Mayor Steele:

I hope that this note finds you well and that you are enjoying the summer months. I wanted to take a moment to follow up with you on a note that CN's Chief of Police Stephen Covey would have sent you in July pertaining to Rail Safety Week 2023.

Year after year we at CN do our best to promote a better understanding and knowledge about the risks of being near railroad tracks. Every year more than 2,100 North Americans are killed or seriously injured because of unsafe behaviour around tracks and trains – every one of these incidents and deaths are preventable.

We would ask that you and council consider adopting the attached draft proclamation and that if you do choose to do so that you please send a copy of that proclamation via email to marie-pier.triganne@cn.ca.

Thank you for your time and consideration.

Regards,

Dan



Daniel Salvatore

Manager Public Affairs, Ontario & Atlantic Canada
Corporate Services
C: **647-544-3368**

RESOLUTION
IN SUPPORT OF RAIL SAFETY WEEK

WHEREAS *Rail Safety Week* is to be held across Canada from September 18 to 24, 2023;

WHEREAS, 232 railway crossing and trespassing incidents occurred in Canada in 2022; resulting in 66 avoidable fatalities and 43 avoidable serious injuries;

WHEREAS, educating and informing the public about rail safety (reminding the public that railway rights-of-way are private property, enhancing public awareness of the dangers associated with highway rail grade crossings, ensuring pedestrians and motorists are looking and listening while near railways, and obeying established traffic laws) will reduce the number of avoidable fatalities and injuries cause by incidents involving trains and citizens; and

Whereas Operation Lifesaver is a public/private partnership whose aim is to work with the public, rail industry, governments, police services, media and others to raise rail safety awareness;

Whereas CN has requested City Council adopt this resolution in support of its ongoing efforts to raise awareness, save lives and prevent injuries in communities, including our municipality;

It is proposed by Councillor _____

seconded by Councillor _____

It is hereby **RESOLVED** to support national ***Rail Safety Week*** to be held from September 18 to 24, 2023.



www.operationlifesaver.ca

RÉSOLUTION D'APPUI À LA SEMAINE DE LA SÉCURITÉ FERROVIAIRE

Attendu que la Semaine de la sécurité ferroviaire aura lieu au Canada du 18 au 24 septembre 2023.

Attendu que 232 incidents liés à des passages à niveau et à des intrusions se sont produits au Canada en 2022, entraînant 66 décès et 43 blessures graves évitables.

Attendu que l'éducation et l'information du public sur la sécurité ferroviaire (en rappelant au public que les emprises ferroviaires sont des propriétés privées, en sensibilisant le public aux dangers associés aux passages à niveau, en s'assurant que les piétons et les automobilistes sont attentifs et à l'écoute à proximité des voies ferrées et respectent le code de la route) réduiront le nombre de décès et de blessures évitables causés par des incidents impliquant des trains et des citoyens.

Attendu qu'Opération Gareautrain est un partenariat public-privé dont la mission est de travailler avec le public, le secteur ferroviaire, les gouvernements, les services de police, les médias et autres organismes pour accroître la sensibilisation à la sécurité ferroviaire.

Attendu que le CN demande au conseil municipal d'adopter la présente résolution afin d'appuyer ses efforts soutenus déployés pour sensibiliser les gens, sauver des vies et prévenir les blessures dans les collectivités, y compris sur le territoire de notre municipalité.

Proposition de _____

appuyé par _____

Il est par conséquent **RÉSOLU** d'appuyer la **Semaine nationale de la sécurité ferroviaire**, qui se déroulera du 18 au 24 septembre 2023.



www.operationgareautrain.ca



PORT COLBORNE

September 12, 2023

Moved by Councillor
Seconded by Councillor

WHEREAS Rail Safety Week is to be held across Canada from September 18 to 24, 2023; and

WHEREAS 232 railway crossing and trespassing incidents occurred in Canada in 2022; resulting in 66 avoidable fatalities and 43 avoidable serious injuries; and

WHEREAS educating and informing the public about rail safety (reminding the public that railway rights-of-way are private property, enhancing public awareness of the dangers associated with highway rail grade crossings, ensuring pedestrians and motorists are looking and listening while near railways, and obeying established traffic laws) will reduce the number of avoidable fatalities and injuries caused by incidents involving trains and citizens; and

WHEREAS Operation Lifesaver is a public/private partnership whose aim is to work with the public, rail industry, governments, police services, media and others to raise rail safety awareness; and

WHEREAS CN has requested that City Council adopt this resolution in support of its ongoing efforts to raise awareness, save lives and prevent injuries in communities, including our municipality.

NOW THEREFORE I, Mayor William C. Steele, do hereby proclaim the week of September 18 - 24, 2023 as **“Rail Safety Week”** in the City of Port Colborne.

William C. Steele
Mayor

August 24, 2023

We are the family of Miranda Bauer and we are requesting the Mayor of the City of Port Colborne and Council declare September Childhood Cancer Awareness month.

We lost our Miranda to childhood cancer in March 2013 to rhabdomyosarcoma. Our girl was 17 years 6 months and 5 days old. We now work hard to bring awareness and to raise fund for research in her memory.

We want to thank all of you who are helping us to make this happen and we invite everyone to join us when we raise the flag and have the proclamation made.

Patti Bauer

This is the wording for the proclamations that we have received in the past from other municipalities....

WHEREAS, Over 800 children under the age of 15 are diagnosed with cancer each year in Canada; and

WHEREAS, 1 in 330 children will be diagnosed with cancer before their 18th birthday; and

WHEREAS, Childhood cancer is the #1 cause of death by disease of Canadian children; and

WHEREAS, there are over 200 types of childhood cancers not including subtypes and mutations; and

WHEREAS, childhood cancer places a tremendous financial burden on families; and

WHEREAS, Over 75% of childhood cancer survivors live with at least one chronic health condition and a third of these are severe or life-threatening; and

WHEREAS, little is known about what causes childhood cancer which limits the opportunities for prevention; and

WHEREAS, additional awareness and funding for childhood cancer is needed as only 5 cents from every research dollar goes toward childhood cancer research; and
WHEREAS, annually, September is officially recognized as Childhood Cancer Awareness Month by the Province of Ontario;

We have asked the Mayor of the City of Port Colborne declare September Childhood Cancer Awareness month and this has been respectfully granted. We want to thank all of you who have helped us make this happen and we ask that any and all Citizens learn more about childhood cancer and how to support those children who are afflicted and their families who are helping these heroes in their fight to live and live well.

Patti Bauer



PORT COLBORNE

September 12, 2023

Moved by Councillor
Seconded by Councillor

WHEREAS Over 800 children under the age of 15 are diagnosed with cancer each year in Canada; and

WHEREAS 1 in 330 children will be diagnosed with cancer before their 18th birthday; and

WHEREAS Childhood cancer is the leading cause of death by disease of Canadian children; and

WHEREAS there are over 200 types of childhood cancers not including subtypes and mutations; and

WHEREAS childhood cancer places a tremendous financial burden on families; and

WHEREAS Over 75% of childhood cancer survivors live with at least one chronic health condition and a third of these are severe or life-threatening; and

WHEREAS little is known about what causes childhood cancer which limits the opportunities for prevention; and

WHEREAS additional awareness and funding for childhood cancer is needed as only 5 cents from every research dollar goes toward childhood cancer research; and

WHEREAS annually, September is recognized as Childhood Cancer Awareness Month by the Province of Ontario; and

NOW THEREFORE I, Mayor William C. Steele, do hereby proclaim September 2023 as “**Childhood Cancer Awareness Month**” in the City of Port Colborne.

AND FURTHER we ask that all residents learn more about childhood cancer and how to support those children who are afflicted and their families who are helping these heroes in their fight to live and live well.

William C. Steele
Mayor

City of Port Colborne
Public Meeting Minutes

Date: Tuesday, July 11, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Aquilina, Councillor
M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor
W. Steele, Mayor (presiding officer)

Members Absent: F. Danch, Councillor

Staff Present: C. Madden, City Clerk
D. Schulz, Senior Planner
D. Landry, Chief Planner

1. Call to Order

Mayor Steele called the meeting to order at 6:32 p.m.

2. Adoption of Agenda

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

That the agenda dated July 11, 2023, be confirmed, as amended.

Carried

3. Disclosures of Interest

4. Statutory Public Meetings

4.1 Public Meeting Report for Proposed Official Plan and Zoning By-law Amendment – 135 Coronation Drive, 2023-124

PURPOSE OF MEETING

The purpose of this meeting, pursuant to sections 22 and 34 of the Planning Act, is to consider an application submitted by NPG Planning Solutions on behalf of the owner Sobeys Capital Inc. for the lands known as Lot 8 to 13 on Registered Plan 61, on the north side of Coronation Drive, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 135 Coronation Drive.

The applications propose to amend the Official Plan and Zoning By-law to permit a stacked townhouse development containing six blocks and a total of 114 dwelling units.

METHOD OF NOTICE

Notice of the Public Meeting was administered in accordance with Sections 22 and 34 of the Planning Act, as amended, and Ontario Regulations 543/06 and 545/06.

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the lands on or before June 19, 2023. Meeting details have been provided along with the Council Agenda on the City's website under "Current Applications".

As of the date of this meeting, written correspondence has been received from Matthew Whynot, Kelly Rohe, and Kyra and Ryan Kirchmayer. These comments have been provided through the Council addendum package and will be considered through the future recommendation report.

Additionally, correspondence has been received from the City's Drainage Superintendent, Fire Department, By-law Division as well as the Ministry of Transportation, all of which have cited that there are no concerns with the application at this time. The Ministry of Transportation notes that they would like to be circulated on the future site plan control application.

Moved By: Councillor R. Bodner
Seconded By: Councillor T. Hoyle

That Development and Legislative Services Department – Planning
Division Report 2023-124 be received, for information.

Carried

a. Delegation from NPG Planning Solutions, applicant

**QUESTIONS OF CLARIFICATION TO PLANNING
STAFF/APPLICANT**

Councillor Bruno questioned whether the surrounding land uses are truly compatible with the proposed development, given that the existing dwellings surrounding the lands are of a lower density than the proposed development, then expressed concern regarding the provision of only 1.5 parking spots per unit when each unit would likely require two or more working adults to afford to live there, which would likely mean two or more vehicles per household. Councillor Bruno then asked if the proposed number of parking spots per dwelling unit is requesting a reduction from existing City policies.

The Senior Planner responded that Zoning By-law 6575/30/18 currently requires a maximum of 1.25 parking spaces per dwelling unit, thus the proposal presented by the applicant exceeds the most onerous parking provision in the Zoning By-law.

Councillor Bruno asked how the applicants intend to ensure the proposed development drains appropriately.

Asawari Modak, a representative of NPG Planning Solutions (referred to as “the applicant” herein), stated that drainage plans will be prepared for and submitted at the site plan stage of the development.

Councillor Bruno expressed concern about the fact that this area is serviced by a municipal drain, adding that the proposed density of this development would increase the strain on existing infrastructure.

The Senior Planner noted that the applicants would be required to submit a Function Servicing Report (FSR) as part of the site plan

process, and that FSR and any accompanying stormwater management plans must demonstrate that the development would maintain pre-development drainage patterns by restricting or containing stormwater on site, or by providing an appropriate drainage outlet.

Councillor Bruno asked if the proposed height of the dwellings would meet the height provision for their zone, as outlined in the Zoning By-law.

The Senior Planner stated that 20 metres is permitted in the Fourth Density Residential (R4) zone while the applicants are proposing a height of 10.2 metres, then added that a typical house in the City of Port Colborne is a maximum of 11 metres tall.

Councillor Bruno asked whether the proposed dwellings would be two or three stories tall.

The Senior Planner stated that the dwellings may be two stories or three, depending on where bedrock is discovered on the lands.

Councillor Beauregard echoed Councillor Bruno's concern regarding the proposed high-density development adjacent to the existing low-density development, noting that these different densities would be across the street from one another without a buffer separating the two.

The applicant noted that many design options were contemplated but they ultimately decided this site plan would be the best layout for the neighbourhood due to the adjacent commercial development, then cited the landscaped area and setback between the existing dwellings on Coronation Drive and the proposed Block B, C, and D dwellings to suggest that a buffer does exist.

Councillor Beauregard noted that the landscaped area and setbacks cited by the applicant would not constitute a "buffer" because that space is part of the proposed development, whereas a buffer typically acts as a spatial separation between two different, often incompatible, developments. Councillor Beauregard then asked if a Traffic Impact Study (TIS) was requested.

The Senior Planner responded that a TIS would be required at the site plan stage of the development.

Councillor Beauregard expressed concern regarding the fact that Council is being asked to approve these applications before the applicants conduct the studies necessary to answer the main areas of concern brought up by Councillors thus far.

The Senior Planner responded that the applicant could be asked to complete these studies, noting that these concerns will be relayed to the developers.

Councillor Bruno asked that the TIS be requested before a decision made on these applications, noting his belief that commercial development at 287 West Side Road (the Port Colborne Mall) should be extended onto these lands instead of this residential development.

Mary Lou Tanner, the president of NPG Planning Solutions, stated that she would speak with her client and provide the answer in writing to Council.

Councillor Bruno noted that the owner of 287 West Side Road is also the owner of 135 Coronation Drive, then questioned whether another road could be included between the two properties to address the traffic concerns.

Mary Lou Tanner stated that they could speak to their client about Councillor Bruno's suggestion.

Councillor Bruno asked whether the applicants plan to handle waste management on the site privately, and if so, then whether the cost of the private waste collection would be shared by residents through a condominium corporation.

Asawari Modak responded that ownership would be contemplated at a later stage of the development.

Councillor Bagu asked for clarification regarding whether the ditch at the south side of Coronation Drive outlets into a municipal drain.

The Senior Planner confirmed that the ditch south of Coronation Drive outlets into a municipal drain.

Councillor Bagu asked who would be responsible for constructing the sidewalks for the proposed development.

The Senior Planner responded that the sidewalk construction would be part of the subdivision design, noting that sidewalks could be placed on private or municipal property.

Councillor Bagu expressed concern about making a decision on the applications before a TIS is submitted, noting that he feels uncomfortable making a lefthand turn onto Highway 58 before the development has even begun.

Councillor Beauregard asked how long Council has to render their decision on the applications before fees must be returned.

The Senior Planner responded that Council must provide the applicant with a decision within 120 days from the submission date or fees must be refunded.

Councillor Beauregard asked whether Council can request a TIS from the developer before they make their decision on the applications.

The Senior Planner responded that Council may request a TIS but the applicant is not required to comply with the request.

Mayor Steele requested clarification regarding whether the Province requires a TIS to be submitted at the site plan stage.

The Senior Planner confirmed that the Province would require a TIS at the site plan stage.

Councillor Bodner noted that it is a standard practice that most studies requested by Council have not been completed yet and requested that the Senior Planner comment further on the same.

The Senior Planner reiterated that it is a standard practice to approve Zoning By-law Amendments and Official Plan Amendments before the submission of any studies that would be part of the site plan, such as a TIS. Further, the Senior Planner noted that a Site Plan Agreement is a legally binding document between the City and a developer, wherein certain requirements for the site are outlined, and mitigation measures are enforced. The site plan agreement is registered on title to ensure these requirements are met in perpetuity.

The Chief Planner added that a consultant is currently working on establishing development guidelines and noted that the items

brought up during this meeting will inform the guidelines to clarify when certain studies will be requested on future developments.

Councillor Bruno asked whether staff need a formal request from Council to require the TIS.

The Chief Planner stated that Council's insistence on the TIS should make the developer highly consider conducting this study.

Councillor Bruno asked whether Council is within the 120-day period in which they must render the decision.

The Chief Planner confirmed that Council is within their 120-day period but clarified that the applicant would not get their fees returned yet; they would only be able to appeal based on a non-decision, which would push back their timelines due to the long wait times for hearings. The Chief Planner added that developers are typically willing to work with the community and are receptive to feedback.

Councillor Bruno asked for clarification regarding how the 120-day period would apply.

The Chief Planner stated that Council has 120 days to make a decision to approve or deny the application, noting that the applications could also be approved conditionally.

The Senior Planner highlighted that the approval of the Zoning By-law Amendment and Official Plan Amendment applications would be the first step in the development process, adding that the applicant is not able to apply for Site Plan Control until these two applications are approved.

b. Delegation from Peter Di Pietro, resident

Expressed concern regarding parking and traffic, noting that he lives across from the subject lands and currently struggles to make a lefthand turn onto Highway 58 without the development. He stated the increased traffic would occasionally require detours around the highway, which would disrupt other neighbourhoods, and that the proposed dwellings would likely need to house two or more cars per unit, plus visitor parking, thus he believes more parking is required. He expressed further concern regarding waste management, highlighting that as an employee of the Niagara Region's waste management department, he is concerned about

the ability of the Region to provide waste collection services to the proposed neighbourhood, noting the difficulty of enforcing property standards if waste is not adequately managed.

c. Written delegation material from Matthew Whynot, resident

d. Written delegation material from Kelly Rohe, resident

e. Written delegation material from Kyra and Ryan Kirchmayer, residents

f. Delegation from Sean Kernaghan, resident

Expressed concern with the fact that the applicants are proposing a residential development adjacent to a commercial space, noting their belief that this proposal is subtracting from the City's already-low stock of commercial lands which are needed to keep up with the amount of residential development in the City. Further, they noted their belief that the applicant should add another lane behind the mall to provide another outlet for the increased traffic, and that the concerns raised thus far should be addressed before the site plan stage.

g. Delegation from Greg Caperchione, resident

Expressed concern with the fact that the applicants have applied to vary existing City policies in the first place, stating his belief that the existing policies are in place for a reason and that the City should uphold the developer to those standards. He also objected to the possibility of an additional 200 cars driving down Coronation Drive every day, adding that he would be highly impacted as he is across from the proposed development.

h. Delegation from Allison Desiri, resident

Expressed concern regarding the reduction in the landscaped area across the street from her home due to the development, then noted that she does not believe the approval of the development would be fair to the existing community.

5. Procedural Motions

Nil.

6. Information Items

Nil.

7. Adjournment

Mayor Steele adjourned the meeting at 7:26 p.m.

William C. Steele, Mayor

Charlotte Madden, City Clerk

City of Port Colborne

Council Meeting Minutes

Date: Tuesday, August 15, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Aquilina, Councillor
M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor
W. Steele, Mayor (presiding officer)

Staff Present: S. Lawson, Fire Chief
S. Luey, Chief Administrative Officer
S. Shypowskyj, Director of Public Works
S. Tufail, Acting Deputy Clerk (minutes)
J. Goulet, Deputy Clerk
D. Landry, Chief Planner (Virtual)
D. Schulz, Senior Planner (Virtual)
G. Long, Manager of Strategic Initiatives

1. Call to Order

Mayor Steele called the meeting to order at 6:55 p.m.

2. National Anthem

3. Land Acknowledgment

Councillor Elliott recited the Land Acknowledgement.

4. Proclamations

5. Adoption of Agenda

Moved by Councillor R. Bodner
Seconded by Councillor T. Hoyle

That the agenda dated August 15, 2023, be confirmed, as amended.

Carried

6. Disclosures of Interest

6.1 Councillor E. Beauregard - Ralph Rotella, resident, 100 Oxford Boulevard - Fee Reimbursement for 480 Northland Avenue

The Councillor declared an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the consultants who work on this property.

7. Approval of Minutes

Moved by Councillor F. Danch
Seconded by Councillor D. Elliott

Carried

7.1 Special Council Meeting (Closed Session) - July 11, 2023

7.2 Regular Meeting of Council - July 18, 2023

8. Staff Reports

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

That items 8.1 to 8.5 be approved, and the recommendations contained therein be adopted.

Carried

8.1 Elgin Street Road Closure – Port Colborne High School 100 Year Anniversary, 2023-149

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

That Office of the Chief Administrative Officer Report 2023-149 be received;

That the Council of The Corporation of the City of Port Colborne hereby deems the Port Colborne High School 100 Year Anniversary as a municipally significant event and supports the application to the Alcohol and Gaming Commission of Ontario for a Special Occasion Permit;

That a section of Elgin Street, between Steele Street to the west and Fielden Avenue to the east, be approved for a road closure during the following dates and times:

- September 23, 2023 from 8:00 a.m. through 11:59 p.m.
- September 24, 2023 from 12:00 a.m. through 8:00 a.m.;

That a Noise By-law Variance be approved for the Port Colborne High School 100 Year Anniversary on September 23, 2023; and

That the fees for a road closure, Noise By-law Variance, and fire prevention assistance be waived.

Carried

8.2 Sale of City property adjacent to 157 Sugarloaf Street, 2023-146

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

That Chief Administrative Officer report 2023-146 be received for information; and

That Council authorize the Mayor and City Clerk to sign the Agreement of Purchase and Sale, the by-law, and the closing documentation related to the sale and disposition of City land, legally described as Part 1 on Plan 59R-17765, part of Lot 1, NS, Sugarloaf Street, Registered Plan 845, Port Colborne, part of PIN 64162-0299; and

That the Manager of Strategic Initiatives be directed to work with the City Solicitor to finalize the transaction.

Carried

8.3 Sale of City property adjacent to 216 Linwood Avenue, 2023-144

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

That Chief Administrative Officer report 2023-144 be received for information; and,

That Council authorize the Mayor and City Clerk to sign the Agreement of Purchase and Sale, the by-law, and the closing documentation related to the sale and disposition of City land, legally described as Part 1 on Plan 59R-17525, Part of Lot 31, Concession 1, formerly of the Township of Humberstone, Part of PIN 64157-0127; and

That Council pass the By-law attached as Appendix C, deeming Lot 236 on Plan 13 to be not part of a registered Plan of Subdivision in accordance with Section 50 of the *Planning Act*; and

That the Manager of Strategic Initiatives be directed to work with the City Solicitor to finalize the transaction.

Carried

8.4 Sale of City property adjacent to 52 Elm Street, 2023-145

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

That Chief Administrative Officer report 2023-145 be received for information; and

That Council authorize the Mayor and City Clerk to sign the Agreement of Purchase and Sale, the by-law, and the closing documentation related to the sale and disposition of City land, legally described as Part 1 on Plan 59R-17398, Part of Lot 1, NS, Sugarloaf Street, Registered Plan 845, Port Colborne, Part of PIN 64162-0299; and

That the Manager of Strategic Initiatives be directed to work with the City Solicitor to finalize the transaction.

Carried

8.5 Grant Allocation for Non-Profit Organizations, 2023-163

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

That Corporate Services Department Report 2023-163 be received; and
That the following grants for non-profits totalling \$17,500 be approved for the second allocation of 2023;

The Wave\$2,300

Port Cares Reach Out Centre\$3,500

Port Colborne Art Club\$1,500

2nd Port Colborne Scouts\$2,400

Oak Centre Lake House\$2,300

Niagara Nutrition Partners\$4,000

Friends of Roselawn Centre\$1,500

Carried

9. Correspondence Items

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That items 9.1 to 9.9 be received for information.

Carried

9.1 The Honourable Francois-Phillippe Champagne, Minister of Innovation, Science and Industry in response to City of Port Colborne's the Right-to-Repair Movement

9.2 Niagara Region - Support for Ontario's Wine Industry

9.3 Niagara Peninsula Conservation Authority - Canada Water Agency and Canada-United States Great Lakes Water Quality Agreement Funding Opportunities

9.4 Niagara Peninsula Conservation Authority - NPCA Comments on the Proposed Provincial Planning Statement

9.5 City of Toronto - City Comments on the Proposed Provincial Planning Statement

- 9.6 **Town of Amherstburg - Support Letter: Local Emergency Response System and Gaps in Healthcare regarding Code Red and Code Black Frequency**
- 9.7 **City of Ottawa - Donation of Decommissioned Ambulance to St. John Ambulance**
- 9.8 **Township of Puslinch - Bill 3 - Special Powers and Duties of Heads of Council**
- 9.9 **Municipality of South Huron - Support Time for Change regarding Municipal Freedom of Information and Protection of Privacy Act**
- 10. **Presentations**
- 11. **Delegations**

11.1 Giacomo Parisi, resident, 333 Pleasant Beach Road - Request for Relief for Property Clean-up Fees

Giacomo Parisi appeared before Council to request a relief for property clean-up fees.

As a result of this delegation, no action was taken by Council.

11.2 Ralph Rotella, resident, 100 Oxford Boulevard - Fee Reimbursement for 480 Northland Avenue

Councillor E. Beauregard declared an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the consultants who work on this property.

Jason Rotella on behalf of his father Ralph Rotella appeared before Council to request fee reimbursement for the Committee of Adjustment application and responded to questions received from Council.

Moved by Councillor G. Bruno
Seconded by Councillor D. Elliott

That the \$7,408 fee for the Committee of Adjustment application for 480 Northland Avenue be reimbursed in full.

Lost

Amendment:

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

That 50% of the fee for the Committee of Adjustment application for 480 Northland Avenue be reimbursed.

Carried

12. Mayor's Report

A copy of the Mayor's Report is attached.

13. Regional Councillor's Report

14. Staff Remarks

14.1 Canal Days (Luey)

The Chief Administrative Officer expressed appreciation towards staff and volunteers for their efforts in leading a successful Canal Days event. He further stated that the planning for the 2024 Canal Days event has commenced.

14.2 Storm Sewer East of Neff Street (Shypowskyj)

The Director of Public Works provided a brief overview of the replacement of the storm sewer project that is currently underway.

15. Councillors' Remarks

15.1 Site Lines for Trail Crossings (Bodner)

In response to Councillor Bodner's inquiry regarding the site lines for trail crossings, the Director of Public Works advised that the inspections are completed twice a year, and the trimmings are done on an as-needed basis.

15.2 King Street Flooding (Danch)

Councillor Danch expressed concern with the flooding which occurred on King Street, south of Neff Street.

15.3 Speed on Clarence Street (Elliott)

In response to Councillor Elliott's concern regarding increased speeding on Clarence Street, the Director of Public Works advised that a staff report to address these concerns will be brought at a future Council meeting. The Mayor informed Council that he would notify the Niagara Regional Police Staff Sergeant of this issue.

15.4 John Deere Property (Bruno)

In response to Councillor Bruno's inquiry, the Director of Public Works and Senior Planner provided an overview of the site alteration and site grading permit process to monitor soil transportation to other areas.

15.5 Clarence Street Speeding (Bagu)

Councillor Bagu requested that a speed radar be installed on Clarence Street again to gather data.

15.6 Active Transportation Advisory Committee - Public Information Meeting (Bagu)

Councillor Bagu advised that the Active Transportation masterplan public information session will take place on August 17, 2023, from 5:00 p.m. to 7:00 p.m. He further encouraged residents to attend.

15.7 Parking Restrictions Signs (Bagu)

In response to Councillor Bagu's inquiry, the Chief Administrative Officer advised that the signs have been erected permanently residents are not required to pay for parking on a regular basis. He further stated that there are measures in place to ensure residents do not pay for parking when payment is not required.

15.8 Canal Days (Aquilina)

Councillor Aquilina expressed appreciation towards staff and volunteers for their efforts in leading a successful Canal Days event.

15.9 Thank You (Aquilina)

Councillor Aquilina expressed gratitude towards By-law Services and Public Works staff for promptly addressing various concerns.

16. Consideration of Items Requiring Separate Discussion

16.1 Recommendation Report for Proposed Official Plan and Zoning By-law Amendment – 135 Coronation Drive, 2023-154

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

That the Planning and Development Recommendation Report for Proposed Official Plan and Zoning By-Law Amendment – 135 Coronation Drive, 2023-154, be deferred to the Regular Council Meeting on October 10, 2023, in order to address various matters in the report.

- a. **Delegation from Mary Lou Tanner, Applicant, NPG Planning Solutions Inc.**
- b. **Delegation from Mark Tremblay, Resident, 91 Coronation Drive**
- c. **Delegation from Peter DiPietro, Resident, 92 Coronation Drive**
- d. **Delegation from Kelly Rohe, Resident, 83 Coronation Drive**
- e. **Delegation from Kayla White, Resident, 55 Coronation Drive**

16.2 Port Colborne and District Conservation Club and the Discharge of Firearms By-law – 2023 update, 2023-143

Moved by Councillor G. Bruno

Seconded by Councillor R. Bodner

That Community Safety and Enforcement Department - By-Law Services Report 2023-143 be received; and

That Council approve staff recommendation Option 2, to adopt the most recent schedule followed by the Club and include Schedule F to the By-law 7026/63/22, Being a by-law to regulate the discharge of firearms and bows in the City of Port Colborne; and

That the proposed amendments to the By-law 7026/63/22, Being a by-law to regulate the discharge of firearms and bows in the City of Port Colborne be brought at a future Council meeting for approval.

Amendment:

Moved by Councillor G. Bruno

Seconded by Councillor R. Bodner

That Community Safety and Enforcement Department By-Law Services Report 2023-143 be referred to the Fire Chief to provide notice to the Executives of the District Conservation Club; and

That the proposed amendments to the By-Law 7026/63/22 being a By-Law to regulate the discharge of firearms and bows in the City of Port Colborne, be brought at the September 5, 2023, Council Meeting for approval; and

That Recreational Shooting (aside from the Port Colborne and District Conservation Club) be included in the proposed amendments to the By-Law.

Carried

a. Delegation from Anthony Harrington, District Conservation Club

b. Delegation from David Stanley, District Conservation Club

16.3 Scouts Canada Lease Agreement, 2023-157

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That Corporate Services Department Report 2023-157 be received; and

That the Mayor and City Clerk be directed to execute the lease agreement attached as Appendix A.

Carried

17. Motions

18. Notice of Motions

19. Minutes of Boards & Committees

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That items 19.1 to 19.3 to approved, as presented.

Carried

19.1 Environmental Advisory Committee - May 10, 2023

19.2 Port Colborne Historical and Marine Museum Board - June 20, 2023

19.3 Port Colborne Public Library Board Minutes, May 3, 2023 and July 5, 2023

20. By-laws

Moved by Councillor E. Beauregard

Seconded by Councillor M. Aquilina

That items 20.1 and 20.4 to 20.6 be enacted and passed.

Carried

20.1 A By-Law to Authorize Entering into a Lease Agreement with Scouts Canada and to Repeal By-Law 6445/12/17

20.2 Being a By-law to Adopt Amendment No. 12 to the Official Plan for the City of Port Colborne

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

20.3 Being a By-law to amend Zoning By-law 6575/30/18 for the lands legally known as LTS 8-13 PL 820; S/T RO139541 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 135 Coronation Drive

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

20.4 By-law to Appoint a Deputy Clerk (Joanne Goulet)

20.5 By-Law to Appoint a Deputy Chief Building Official (Gary Graziani)

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

21. Procedural Motions

22. Information items

23. Adjournment

Mayor Steele adjourned the meeting at 8:51 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk

MAYOR'S REPORT

TUESDAY, AUG. 15, 2023



SHORT-SEA SHIPPING TIME HAS COME

You may have seen or read in the news recently about a study praising short-sea shipping.

My office and our economic development team have been working on a short-sea shipping port for the past few years with Ian Hamilton and his team at the Hamilton Oshawa Port Authority.

We are so pleased an international study recognizes what we've been saying.

Short-sea shipping between southern Ontario and the U.S. Great Lakes region means reduced highway and border congestion, lower greenhouse gas emissions, and improved supply chain resilience.

Short-sea shipping offers a significant environmental advantage, as one ship can carry the same cargo capacity as 963 transport trucks, while emitting just 15 per cent of the carbon dioxide per metric tonne/kilometre.

More than 12,000 trucks per week make cross-border trips between southern Ontario and U.S. Great Lakes port areas, carrying non-perishable commodities.

New marine services could see goods moved between southern Ontario and ports on Lake Michigan and Lake Erie, which we plan to include Port Colborne.

Looking at the 28.5 million tonnes of cargo moved to the U.S. from Ontario by truck, 70 per cent goes to a Great Lakes state.

Population growth and highway congestion, driver shortages and fuel costs are all part of the perfect storm-hitting North American supply chains.

Short-sea shipping helps tackle all these problems. Short-sea shipping is an idea whose time has come. Port Colborne is in the perfect position.

SHORT-SEA SHIPPING -- HOVERCRAFT

That leads me into another series of short-sea shipping meetings and negotiations we've had with a company over the past few weeks and months. Our discussions have included the hovercraft moving cargo 12 months of the year across Lake Erie. The CEO was actually with us for Canal Days with his children. It's always a great thing when months and years of planning come together.

SPLASHTOWN FREE FOR PORT COLBORNE RESIDENTS

The good people at the award-winning Splashtown waterpark offer free passes to Port Colborne residents all day tomorrow, Wednesday Aug. 16. The forecast says sunny and 24 degrees – the perfect weather for a Port Colborne day at Splashtown at Nickel Beach.

ALL-STAR BIG BAND AT ROSELAWN

The good people on the board of directors of the Port Colborne Historical and Marine Museum and the Friends of Roselawn invite everyone to join them for the Toronto All-Star Big Band Sunday afternoon, August 27. The All-Star Big Band is the final Concert on the Lawn for this summer.

CAVERNERS RESCHEDULED

We do have other free concerts coming up, including The Caverners this coming Sunday, Aug. 20 at 7pm in HH Knoll Lakeview Park. The popular Caverners were rescheduled from Canal Days, when we had to cancel the Monday concert in the park due to the rain and thunderstorm.

CANAL DAYS

The rain on the afternoon and evening of Civic Holiday Monday put a damper on the last day of Canal Days, sure. We were all disappointed with that.

But the Friday, Saturday and Sunday of our annual festival broke all records. I was so gratified, and so proud to receive so many calls and messages during and after the weekend congratulating us, our incredible team of staff and volunteers at venues across the city.

West Street and downtown were busy, as always, which is great to see for most of our local businesses. We have to remember: some niche businesses don't benefit directly from Canal Days, because of the nature of their goods and services. But overall, the city benefits from the tremendous economic impact of the festival, and the tens of thousands of people who come to Port Colborne.

The new open-carry beverages policy was a huge success in the gated festival area along the canal. Restaurants and bars set up special bars on West Street, served canned beer and coolers and special Canal Days drinks to go. It was great to work with our downtown hospitality industry on this initiative. I'm so pleased it went over so well.

The Kids' Zone in Seaway Park looked better than ever. Cars were lined up at 6am to take part in the Car Show up at the Vale Centre. I believe they broke their record of 850 cars. The Optimists' Craft Show was a hit, with more vendors, a bigger show, and greater attendance. More visitors, and residents, bought tickets for the Lighthouse Tours than ever before.

Debby and I volunteered at the museum gate. More people attended the events, activities and music and at the museum than ever before. Usually, Deb and I know about half the visitors through the gate, but there were so many new faces this year! We met people who came to Canal Days from Kitchener, Simcoe, London, Burlington, Toronto, Western New York, Ohio, and California.

The concerts Friday and Saturday night in HH Knoll Lakeview Park drew record numbers. It was an historic moment for us to toast Chris Madronich and his award-winning band Gravely on the same stage as Glorious Sons – surprise!--

with Gravely Beer, custom-brewed by Breakwall Brewery for the Canal Days special occasion. That was a highlight this year. Thanks Dave Rapelje and your crew for the excellent production and presentation of some of the best musicians in Canada right now.

The rain held off Sunday night for the Boat Parade of Lights and the E.M. Cotter Fireboat, then 10 minutes into the fireworks, it came down in buckets for 10 or 15 minutes, enough to soak everyone. Kudos to so many thousands of you for sticking it out to see the best fireworks show in Niagara.

As I said, I'm gratified, and proud, of our city, for putting heart and soul into the 45th annual Canal Days Festival.

Scott, I know I've said a lot, but will you say a few words about city staff and volunteers, and their efforts in making the festival such a success?

City of Port Colborne

Council Meeting Minutes

Date: Tuesday, August 22, 2023
Time: 6:00 pm
Location: Committee Room 3-City Hall
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

Members Present: W. Steele, Mayor (presiding officer)
E. Beauregard, Councillor
F. Danch, Councillor
G. Bruno, Councillor
R. Bodner, Councillor
M. Aquilina, Councillor
T. Hoyle, Councillor

Member(s) Absent: M. Bagu, Councillor
D. Elliott, Councillor

Staff Present: S. Tufail, Acting City Clerk

1. Call to Order

Mayor Steele called the meeting to order at 6:05 pm.

2. Adoption of Agenda

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

That the Closed Session Agenda dated August 22, 2023, be confirmed, as circulated.

Carried

3. Disclosures of Interest

4. By-law

Moved by Councillor G. Bruno
Seconded by Councillor T. Hoyle

That item 4.1 be enacted and passed.

Carried

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

5. Confidential Items

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

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

Carried

5.1 Mayor's Verbal Update - Health Care Services Update, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

6. Adjournment

Council moved into Closed Session at 6:06 p.m.

Council reconvened into Open Session at 6:44 p.m.

Mayor Steele adjourned the meeting at approximately 6:45 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk

City of Port Colborne
Special Council Meeting Minutes

Date: Tuesday, September 5, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: W. Steele, Mayor (presiding officer)
M. Bagu, Councillor
E. Beauregard, Councillor
F. Danch, Councillor
G. Bruno, Councillor
R. Bodner, Councillor
M. Aquilina, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor

Staff Present: S. Tufail, Acting City Clerk

1. Call to Order

Mayor Steele called the meeting to order at 8:00 p.m.

2. National Anthem

3. Land Acknowledgement

Mayor William Steele recited the Land Acknowledgement.

4. Adoption of Agenda

Moved by Councillor M. Aquilina

Seconded by Councillor E. Beauregard

That the agenda dated September 5, 2023, be confirmed, as circulated or as amended.

Carried

5. Disclosures of Interest

There were no Disclosures of Interest.

6. Staff Reports

6.1 Follow up Report to 2023-143- Amendments to the Discharge of Firearms By-Law, 2023-175

This item has been deferred to the September 12, 2023, Regular Council Meeting, at the request of staff.

6.2 Downtown Business Improvement Area - Operating Guidelines, 2023-177

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

That Development and Legislative Services Report 2023-177 be received;
and

That appointments made on February 28, 2023, to the Downtown Port Colborne Business Improvement Area Board of Management be rescinded; and

That the By-Law to appoint members to the Downtown Port Colborne Business Improvement Area Board of Management be approved; and

That the By-Law to Provide Procedural, Financial, Governance and Operating Guidelines to the Downtown Port Colborne Business Improvement Area Board of Management attached as Appendix A of Development and Legislative Services Report 2023- 177 be approved.

Carried

7. Delegations

There were no Delegations.

8. By-laws

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

That items 8.1 to 8.3 be enacted and passed.

Carried

- 8.1 By-Law to Provide Procedural, Financial, Governance and Operating Guidelines to the Downtown Business Improvement Area (BIA) Board of Management**
- 8.2 By-Law to Appoint a Member to the Downtown Port Colborne Business Improvement Area (BIA) Board of Management**
- 8.3 By-Law to Adopt, Ratify and Confirm the Proceedings of the Council of the Corporation of the City of Port Colborne**
- 9. Procedural Motions**
- 10. Information items**
- 11. Adjournment**

Mayor Steele adjourned the meeting at 8:04 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk

Subject: Museum & Culture Progress and Staff Report

To: Council

From: Port Colborne Historical and Marine Museum

Report Number: 2023-180

Meeting Date: September 12, 2023

Recommendation:

That the Department of Museum and Culture Report 2023-180 be received; and

That the increase to staffing budget for the Department of Museum and Culture to \$120,420 for full time and part time staff in 2024, be approved.

Purpose:

The purpose of this report is to provide Council with an update on the progress in the second year of the Department of Museum and Culture's operation, and to request that the contract staffing complement be added to the full-time staffing budget for 2024, with the addition of the part-time Receptionist and Custodian for the Roselawn Centre. These contract positions include the Community Engagement Officer, the Registrar, and the Public Programmer.

Background:

In September of 2021 the Port Colborne Historical and Marine Museum expanded to include the management of the Roselawn Centre with a Friends of Roselawn Centre representative sitting on the board. At that time, the position of Director of Museum and Culture was established. The Director worked with the Port Colborne Historical and Marine Museum Board and Chief Administrative Officer to create a three-year plan for the reopening and establishment of Roselawn as a thriving cultural asset in Port Colborne, including a staffing plan.

The position of Community Engagement Officer was created in 2022 and funded through a delay in the hiring of the Assistant Curator. This position serves as staff liaison for volunteers including the Board of Management, Museum Auxiliary, and

Friends of Roselawn Centre. In 2023, the position was funded through the budget process on a contract and assists with key relationship building initiatives and the development of marketing and communication strategies to build community awareness and engagement for the department. In 2023, the staff member in this position was moved to Roselawn to assist with additional duties such as donor relations, sponsorship management, grant funding, and day-to-day operations such as rentals and supervision of staff.

The part-time position of Education Programmer was renamed Public Programmer in 2022 and the hours for that position were approved to be extended to meet demands of programming of the Roselawn Centre. In January of 2023, the position was funded to a full-time contract position through the budget process to accommodate the expansion of programming throughout the department and across the city. In addition, the position of Public Programmer was recently made the staff liaison to the Senior Citizens Advisory Committee, an advisory board to council.

The position of Registrar, which was originally a part-time position, was also extended to full-time hours in 2022 to meet demands of increased travelling exhibits, and to supervise the volunteers and grant staff that digitize, conserve, and catalogue the collection. In 2023, the job description was changed to include membership management and administrative and financial duties to support the growing needs of the department.

Discussion:

The Department of Museum and Culture has operated successfully for almost two years by sharing staff across the department to reach higher attendance, more grant funding, and record levels of community engagement. The additional staff hours in the department have provided the opportunity to supervise and manage an increase in the volunteers that assist with special events, conservation of artifacts, building and property repairs, and maintenance and digitizing of the collection.

As the addition of the Community Engagement Officer position, and the change of the Registrar and Public Programmer position from part-time to full-time has proved to be effective in the last two years as outlined in the progress report attached, staff request that Council approve the addition of the positions to the full-time staff line in the 2024 operating budget.

In addition, to meet the demands for rentals and programs, staff request that a new part-time Receptionist be hired to work weekends for 350 hours in 2024, and the Custodian hours be increased by 250 hours in 2024 to assist with cleaning and repairs at Roselawn Centre.

Internal Consultations:

None

Financial Implications:

Increase to staffing budget for the Department of Museum and Culture to \$120,420 for full time and part time staff in 2024.

The cost to adjust the rates for 2024 to bring the Community Engagement Officer, Registrar, and Public Programmer onto the salary grid as permanent full time including vacation pay, life insurance, health benefits, administration, CPP, EI, HHT and OMERS is \$104,722

The cost to provide a part-time Receptionist position for Roselawn and extend the Custodian hours to accommodate needs at Roselawn is \$15,698.

Public Engagement:

None

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
 - Sustainable and Resilient Infrastructure
-

Conclusion:

The Department of Museum and Culture requests the financial support to fund the Community Engagement Officer, Registrar, and Public Programmer as full-time staff after these staff positions have proved effective and efficient at meeting city, board, and community needs in the past two years.

Staff also request a part-time Receptionist to work weekends at Roselawn and increased hours to the existing Custodian position in to assist with the cleaning and maintenance at the Roselawn Centre.

Appendices:

- a. Progress Report

Respectfully submitted,

Stephanie Powell Baswick
Director of Museum and Culture
905 835 2900 ex 550
stephanie.baswick@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.

PROGRESS REPORT

Department Of Museum & Culture

September 2022- September 2023



Opening up to new opportunities

New Opportunities

There's a feeling of excitement in Port Colborne as the board and staff continue to strengthen partnerships, develop programs and expand events in the Department of Museum and Culture.

- La Maison de la Culture Francophone Niagara networking event with artists and the Francophone Community Grant oral history project
- Niagara Peninsula Area Aboriginal Management Board youth training program
- Outdoor installations such as *Through the Windowpane*, the *Bilingual Story Walk* with Port Colborne Library and *Sustainability and Wellness Exhibit* on International Museum Day
- Public engagement and education events such as the Hands on Heritage Workshops
- New events: Coronation Tea, Music on the Lawn series at the Roselawn Centre
- New digital exhibits, traveling exhibit and interpretation of local heritage
- Staff liaison to the Heritage Committee and Senior Citizen's Advisory Committee

Increased Grant Funding

The Department of Museum and Culture has enjoyed overwhelmingly positive feedback to the grant applications in the last year that have supported the strategic goals of the city of Port Colborne and Museum Board. These include: Young Canada Works in Heritage Institutions, Senior Community Grant, Young Canada Work Ontario Council of Archives, Museums Assistance Program Digitization Grant, Francophone Community Grant, the Community Museum Operating Grant and the Summer Experience Program grant.



MOVING AHEAD

Passionate about new ways to serve the public and creating a map to our future:

- New terms of reference for the board of management that will be coming forward to Council in the coming month
- New 5 year strategic plan for the Department of Museum and Culture
- Facilities review for the Archives, Museum, Arabella's Tea Room, Heritage Resource Centre, and Roselawn Centre
- 5 Year Accessibility Plan for the Department of Museum and Culture
- Volunteer training and orientation workshop for volunteers
- Partnership with Lighthouse Theatre for Corporate Sponsor Bundle



RESOURCES/CAPITAL

Over \$58,000 in materials and services have been donated to Roselawn and the Museum over the past year.

With the support of partnerships and generous donations, all department facilities now have e uipped offices, program rooms, workstations and other resources available for employees and volunteers. Donations from the Port Colborne Public Library, Museums of Niagara Association, other City, and community members include:

- Bookshelves for both a reference and an archives collection, a reception desk for the Reference Library and work tables for future researchers
- Reception Desk
- The curator's desk, a projector and screen, a thermohygrograph for assessing the humidity of the building
- Ergonomic chairs for all desks
- Board room table
- A rocking chair, tablecloths, a tea service and exhibit cases





Welcoming More People

Museum facilities are open all year. Visitors are welcome to explore exhibits freely during the standard season or utilize resources by appointment year round. Our different facilities run with varying regular hours, customized to community needs and staffing. In the last year the trend towards attendance has overall across department locations, and the analysis shows that this incline is directly correlated to event and programming expansion.



OUTREACH & EVENTS

- Art auction with the friends of Roselawn Centre and Titanic Exhibit auction with Museum Board
- Speaker's Series from the L.R. Wilson Heritage Research Archives
- Cemetery tours, Heritage Village Tours, School Tours, Urban History Tours and Lantern Tours
- Coronation Tea, Arabella's Pie Social and History Fair, Canal Days, Christmas Festival, Christmas Market
- Community living Christmas dinner with Port Colborne Optimist Club
- History Chasers
- Author's Talks and presentation by staff to public and community groups



...Thank you

Subject: Traffic Calming Initiatives and Update

To: Council

From: Public Works Department

Report Number: 2023-55

Meeting Date: September 12, 2023

Recommendation:

That Public Works Department Report 2023-55 be received; and

That Council direct staff to implement traffic calming measures in the locations recommended within the report; and

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

That Schedule "P" Stop Sign Locations to By-Law 89-2000 as amended, be further amended by adding thereto the following:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
Highway	At	Facing Traffic
Knoll St.	Highland Ave.	North, South, West, and East Bound
Delhi St.	Catharine St.	North, South, West, and East Bound
Omer Ave.	Queen St.	North, South, West, and East Bound
Wellington St.	John St.	North, South, West, and East Bound

Purpose:

The purpose of this report is to provide an update to traffic related concerns within the City of Port Colborne and to address recommendations resulting from the comprehensive traffic studies recently completed.

Background:

City staff have received several traffic related concerns associated with speeding, intersections, and pedestrian crosswalks. Staff retained the qualified engineering services of RV Anderson to review and investigate areas of concern and identify if traffic calming measures or traffic control changes are required to improve safety in specific areas. Attached as Appendix A is a technical memorandum summarizing the findings of the study including traffic data and detailed explanations for each of the areas.

The recent study included the collection of vehicle speed data, turning movement count (TMC) data, and pedestrian count data for the following locations:

Roadway Study locations

1. **Third Concession Road** – between railway crossing and Snider Road
2. **Scholfield Avenue** - between Ash Street and Sugarloaf Street
3. **Clarence Street** - between Clare Avenue and Forest Avenue
4. **Wellington Street** - between Chestnut Street and John Street
5. **Stanley Street** - between Westwood Drive and Michael Drive

Intersection Study locations

1. Bell Street and Fares Street
2. Fielden Avenue and Borden Avenue
3. Knoll Street and Highland Avenue
4. Michael Road and Firelane 17
5. Delhi Street and Catharine Street
6. Omer Avenue and Queen Street (Note: this location included pedestrian volume counts)

Further to the studies recently completed and described in this report, the City of Port Colborne also owns three sets of speed radar signs that are used on a regular basis and moved in various locations throughout the City. These signs are utilized to help reduce traffic speeds and collect speed data. Locations for these signs are typically selected based on reported speeding concerns to City staff. The radar signs are typically installed for a duration of about 8 weeks and data is downloaded and reviewed by internal staff. Upon review, City staff will follow up with a summary of the results and advise what actions can be implemented.

City staff are currently working on a traffic calming program strategy that will be made available to the public through the City's website to ensure that once implemented, traffic concerns can be handled in a consistent and effective manor. Options to meet

with staff and complete the necessary steps in person or by phone will also be made available for those who do not have access to the internet. Staff's goal is to implement the program by the end of 2023.

Discussion:

Traffic calming is a key component of public safety and include a variety of strategies and techniques to slow vehicle traffic and improve safety for pedestrians, cyclists, and other road users. These measures are often implemented in residential areas, school zones, and places with high pedestrian activity to reduce the speed and volume of vehicles and create a more pedestrian-friendly environment.

A key factor when considering the implementation of traffic calming measures is the 85th percentile speed. The 85th percentile speed refers to the speed at or below which 85% of vehicles are traveling on a particular road segment under free-flowing traffic conditions. This speed reflects the speed that a significant majority of drivers find safe and comfortable to travel under normal conditions and is a key reference point used by traffic engineers when setting speed limits, making roadway design decisions, and making recommendations to introduce traffic calming measures.

Based on the recently completed studies and review of the data collected, staff, with the assistance of qualified traffic engineers recommend the following:

Roadway (mid-block) Study Locations

1. **Third Concession Road** – traffic calming measures to be considered
2. **Scholfield Avenue** – no action required
3. **Clarence Street** – no action required
4. **Wellington Street** – traffic calming measures to be considered
5. **Stanley Street** – no action required

Intersection Study locations

1. Bell Street and Fares Street – no action required
2. Fielden Avenue and Borden Avenue – no action required
3. Knoll Street and Highland Avenue – Implement all-way stop
4. Michael Road and Firelane 17 – no action required
5. Delhi Street and Catharine – Implement all-way stop
6. Omer Avenue and Queen – Implement all-way stop and crosswalk

Traffic calming measure include but are not limited to sign installations, line painting, lane narrowing, and intersection reconfiguration.

Third Concession Road

Staff recommend proceeding with traffic calming measures for this location. Based on the data, the 85th percentile speeds are greater than 10 km/hr above the posted

roadway speed and therefore is a candidate for implementing traffic calming measures. Staff are considering a few options and intend to implement strategy once measures are finalized and confirmed.

Wellington Street Traffic Calming

Staff recommend proceeding with traffic calming measures along Wellington Street based on the data collected. This implementation will involve the introduction of an all-way stop and pedestrian crosswalk at the Wellington Street and John Street intersection. The initiation of an all-way stop and pedestrian crosswalk coincides with the future plans of constructing a new sidewalk on the south side of John Street, covering an approximate length of 200 metres between Clark Street and Wellington Street. The new sidewalk will facilitate connectivity between Lockview Park and the Vale Health and Wellness Centre and enhance active transportation.

The introduction of an all-way stop and pedestrian crosswalk at this location is projected to alleviate speeding concerns along Wellington Street.

Knoll Street and Highland Avenue Intersection

Although traffic volumes and data collected did not meet the threshold for an all-way stop warrant, it was advised that the introduction of a controlled intersection will improve traffic turning from Highland Avenue to Knoll Street and also provide priority for pedestrians crossing in the west/east direction. Staff project that the introduction of an all-way stop at this location will improve traffic flow and pedestrian safety.

Delhi Street and Catharine Street Intersection

This location was reviewed by City staff and based on current traffic design principles and limited sight lines and visibility at the intersection, an all-way stop intersection is recommended. The introduction of an all-way stop will provide drivers the opportunity to assess the intersection and make safe decisions.

Omer Avenue and Queen Street

Although a pedestrian signal is not warranted based on the pedestrian and vehicular volumes at this intersection, there is a need to provide some type of pedestrian connectivity between Queen Street and the front of Oakwood School in addition to the existing crossing guard. Based on the assessment completed as part of the study, Staff recommend the introduction of an all-way stop and pedestrian crosswalk. The implementation will provide improved safety for children being dropped off and picked up at the school.

Financial Implications:

The total estimated cost to implement recommendations which include installation of traffic calming measures, 8 stop signs to control intersections, and 2 pedestrian crosswalks to improve pedestrian safety is \$15,000 and will be funded from the transportation operating budget.

Public Engagement:

Staff will work with the City's communication department to ensure changes are communicated to the public and that impacted agencies including the Niagara Regional Police.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
 - Sustainable and Resilient Infrastructure
-

Conclusion:

Traffic calming initiatives and measures can improve road safety by reducing vehicle speeds, volumes, and conflicts, as well as enhancing the street environment for non-motorists. Traffic calming can also have environmental and health benefits, such as lowering CO₂ emissions and promoting active transportation.

To improve safety in confirmed locations, evaluations of each area on a case-by-case basis was completed to determine most appropriate measures.

City staff will develop a traffic calming program that will help address the regular review of speeding and other traffic related concerns and implement recommended speed reduction measures to continually improve the safety of our community.

Appendices:

- a. Traffic Calming Review Memo
- b. By-Law to Amend By-Law No. 89-2000, as amended, Being a By-Law regulating Traffic and Parking on City Roads (Stop Sign Locations)

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.

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TECHNICAL MEMORANDUM

To: Adam Motchka, Project Manager/Infrastructure **RVA:** 226572.44
From: Nick Palomba, P.Eng.
Date: August 22, 2023
Subject: City of Port Colborne – Traffic Calming Review Memorandum

1.0 Introduction

RVA is pleased to provide the following Traffic Calming Review Memorandum, summarizing our review of speed data, all-way stop (AWS) warrants, and pedestrian count data for various midblock sections and intersections within the City of Port Colborne. The review has been conducted to investigate areas of concern identified by the City and to identify if traffic calming measures or traffic control changes are required.

1.1 Study Scope of Work

In completion of the Traffic Calming Review Memorandum, the following tasks were undertaken:

- Review the existing travel speeds along five (5) roadways within the City and determine if traffic calming measures are necessary;
- Review the results of completed AWS warrants for four (4) intersections within the City and confirm if traffic control is necessary;
- Review pedestrian & traffic volumes for one (1) location and determine the requirement for pedestrian crossing treatments.

1.2 Data Collection & Locations

Existing vehicle speed data, turning movement count (TMC) data and pedestrian count data was collected by the City for various locations as presented in **Table 1.1**. The table also

presents the corresponding type of data collected for each location along with the date that data was collected.

Table 1.1 – Study Locations and Data Collection Information

No.	Roadway/Midblock	Data Collected	Date Collected
1	Third Concession Rd. btwn the Rail Crossing & Snider Rd.	ATR (Speed & Volume)	May 3 to May 5, 2023
2	Scholfield Ave. btwn Ash St. & Sugarloaf St.	ATR (Speed & Volume)	May 3 to May 5, 2023
3	Clarence St. btwn Clare Ave. & Forest Ave.	ATR (Speed & Volume)	May 3 to May 5, 2023
4	Wellington St. btwn Chestnut St. & John St.	ATR (Speed & Volume)	May 3 to May 5, 2023
5	Stanley St. btwn Westwood Dr. & Michael Dr. S	ATR (Speed & Volume)	May 3 to May 5, 2023
No.	Intersection	Data Collected	Date Collected
1	Bell St. & Fares St.	8 Hr. TMC	May 4, 2023
2	Fielden Ave. & Borden Ave.	8 Hr. TMC	May 4, 2023
3	Knoll St. & Highland Ave.	8 Hr. TMC	May 4, 2023
4	Michael Rd. & Firelane 17	8 Hr. TMC	May 4, 2023
5	Omer Ave. & Queen St.	8 Hr. TMC & Pedestrian Volumes	May 4, 2023

2.0 Speed Data Review

Given that the completion of a formal traffic calming policy for the City of Port Colborne is still ongoing, there is no standard criteria for what is considered speeding within the municipality. However, as per the Transportation Association of Canada (TAC) Canadian Guide to Traffic Calming (2nd Edition), traffic calming policies generally identify speeding issues through the 85th percentile operating speeds. The threshold for what is considered speeding varies by municipality, however, most municipalities within Ontario consider speeding an issue when 85th percentile speeds exceed the posted speed by more than 10km/hr.

Table 2.1 presents the results of the speed data collected for the five midblock sections mentioned under Section 1.3. The table presents the roadway posted speed, percentage of drivers exceeding the posted speed, the average operating speed, as well as the 85th percentile speed. The raw speed data summary reports can be found in **Appendix 1**.

Table 2.1 – Speed Data Results by Location

No.	Location	Posted Speed (km/hr.)	Direction	% of Vehicles Exceeding Posted Speed	Average Speed (km/hr.)	85 th Percentile Speed (km/hr.)
1	Third Concession Rd. btwn the Rail Crossing & Snider Rd.	50	EB	54	48	62
			WB	47	51	65
2	Scholfield Ave. btwn Ash St. & Sugarloaf St.	50	NB	37	47	58
			SB	49	49	58
3	Clarence St. btwn Clare Ave. & Forest Ave.	50	EB	68	53	60
			WB	60	52	59
4	Wellington St. btwn Chestnut St. & John St.	50	NB	75	55	67
			SB	56	50	59
5	Stanley St. btwn Westwood Dr. & Michael Dr. S	50	EB	13	40	49
			WB	16	41	50

Location 1 - Third Concession Road between the Rail Crossing & Snider Road: The speed data results indicate that the average operating speeds range from 48 km/hr. to 51 km/hr. in the eastbound and westbound directions respectively. The data also indicates that the 85th percentile speed ranged from 62 to 65 kph for the eastbound and westbound directions respectively. As 85th percentile speeds are greater than 10 km/hr. above the posted roadway speed, this location is a candidate for consideration of traffic calming measures.

Location 2 - Schofield Avenue between Ashton Street & Sugarloaf Street: Speed data results indicate that the average operating speeds ranged from 47 km/hr. in the northbound direction to 49 km/hr. in the southbound direction. The 85th percentile speed for both directions was 58 km/hr. which is not greater than 10 km/hr. over the posted speed. As a result, this location is not a candidate for consideration of traffic calming measures.

Location 3 - Clarence Street between Clare Avenue & Forest Avenue: Based on the collected data, the average speed in the eastbound direction was found to be 53 km/hr. while 52 km/hr. was found for the westbound direction. The 85th percentile speed for the eastbound direction was 60 km/hr. while the westbound direction was 59 km/hr. These results are not greater than 10 km/hr. above the posted roadway speed, therefore this location is not a candidate for traffic calming measures considerations.

Location 4 - Wellington Street between Chestnut Street & John Street: Speed data results show that average operating speeds range from 50 km/hr. to 55 km/hr. for the northbound and southbound directions respectively. In the northbound direction, the 85th percentile speed was 67 km/hr. However, in the southbound direction the 85th percentile speed was only 59 km/hr. Based on the 85th percentile speeds at this location being greater than 10

km/hr. in one direction and just under in the opposite, this location would be a candidate for traffic calming measures.

Location 5 - Stanley Street between Westwood Drive & Michael Drive South: Average speeds at this location range from 40 km/hr. to 41 km/hr. in the eastbound and westbound directions respectively. 85th percentile speeds in both directions were found to be at or under the posted speed with 49 km/hr. found for the eastbound direction and 50 km/hr. in the westbound direction. Based on the 85th percentile speeds, this location would not be a candidate for traffic calming measures.

3.0 All-Way Stop Warrants

As per OTM Book 5 – Regulatory Signs, AWS control is warranted based on total vehicular volume for the busiest hours of the day, minor street vehicular and pedestrian volumes for the same hours, and the total volume split for the major road and minor road (meaning the minor street volume must not be less than 30% of the total volumes entering the intersection). The thresholds for each of these requirements, however, vary depending on the classification of the higher order roadway at the intersection (i.e., local, collector or arterial roadway). Those requirements are as follows:

For local road intersections:

- The total vehicular volume exceeds 200 vehicles per hour for the busiest four (4) hours of the day;
- The combined vehicular and pedestrian volumes on the minor street exceeds 75 units per hour for the same four (4) hours; and
- The volume split does not exceed 70/30 for the major street and minor street, respectively.

For collector/rural arterial intersections:

- The total vehicular volume must exceed 375 vehicles per hour for the eight (8) busiest hours of the day;
- The combined vehicular and pedestrian volumes exceed 150 units per hour for the same eight (8) hours; or the combined vehicular and pedestrian volumes exceed 120 units per hour with an average delay of greater than 30 seconds for all minor street traffic; and
- The volume split does not exceed 70/30 for the major street and minor street, respectively.

A review of the roadway classifications at each intersection indicates that three (3) of the four (4) would fall under the local classification while the remaining intersection would fall

under the collector/rural arterial classification. Based on these findings, **Table 3.1** presents the AWS warrant analysis results for the local intersections while **Table 3.2** presents the results for the collector/rural arterial intersection. All raw AWS warrant results can be found in **Appendix 2**.

Table 3.1 – Local Intersections AWS Warrant Results

No.	Location	Hourly Volumes*				Combined Minor Street Traffic*				Major/Minor Street Volume Split	Warrant Result
1	Bell St. & Fares St.	146	118	119	197	77	49	50	106	60/40	Not Met
2	Fielden Ave. & Borden Ave.	79	77	116	88	31	36	62	52	60/40	Not Met
3	Knoll St. & Highland Ave.	56	33	53	45	32	7	35	4	65/35	Not Met

*Busiest four (4) hours of the day utilized.

As presented in **Table 3.1**, intersections 1 and 2 do not satisfy the warrant for all-way stop control. Although the volume split is met for the intersections, the total 4-hour vehicular volume and the combined minor street traffic do not meet the minimum thresholds. Intersection 3 similarly does not meet the volume threshold for an all way stop warrant, however, City Staff have advised that vehicles turning from Highland Avenue onto Knoll Street are having difficulty completing their turns. To aid in resolving this situation the City may consider the conversion of the two to stop controlled intersection to an all way stop control. This will provide priority and a better opportunity for the Highland traffic to complete their turns. Also, the all-way stop will provide priority for pedestrians crossing in the north south direction.

Table 3.2 – Collector/Rural Intersections AWS Warrant Results

No.	Location	Hourly Volumes*								Major/Minor Street Volume Split	Warrant Result
4	Michael Rd. & Firelane 17	1	3	2	0	1	0	1	0	-	Not Met
		Combined Minor Street Traffic*									
		1	3	1	0	0	0	0	0		

*Busiest eight (8) hours of the day utilized.

As illustrated in **Table 3.2** the intersection of Michael Road and Firelane 17 does not satisfy any of the criteria (vehicular volumes, pedestrian, and vehicular volumes, 70/30 split) to warrant the implementation of All-Way Stop control for the intersection.

4.0 Pedestrian Crossing Treatment Review

Based on a request from Oakwood Public School, a pedestrian crossing treatment review was completed for the intersection of Omer Avenue and Queen Street. The intersection situated directly in front of the school is a significant crossing point for students. Although there is currently a crossing guard at this location, there is no formal crossing (i.e., pavement markings, signs etc.) or traffic control device present at this intersection to assist safe crossing of pedestrians across Omer Avenue. Therefore, a review of providing a pedestrian crossing treatment was undertaken utilizing methodology provided in the OTM Book 15 – Pedestrian Crossing Treatments, July 2016.

For the evaluation, the decision support tool presented in Figure 2 of the OTM manual was utilized and can be found in **Appendix 3**. The first step in the decision support tool is to determine whether a pedestrian traffic signal is warranted based on Justification 6 methodology found in OTM Book 12 – Traffic Signals. Based on Justification 6, a pedestrian signal is warranted if both a minimum 8-hour pedestrian volume and minimum pedestrian delay criteria are met. While no pedestrian delay information is available, the 8-hour pedestrian volume data collected is presented in **Table 4.1**. The table presents the number of “unassisted” (adults and adolescents at or above the age of 12) and “assisted” (children under the age of 12, senior citizens, disabled pedestrians and other pedestrians requiring special consideration or assistance) pedestrian volumes recorded crossing Omer Avenue. An adjustment factor of 2 has been applied to the unassisted pedestrians as outline in the OTM manual to reflect their higher vulnerability. The raw pedestrian count data can be found in **Appendix 4**.

Table 4.1 – 8-Hour Pedestrian Volume Information

Unassisted Pedestrians	Unassisted Pedestrians	Total Pedestrians
5	16	51

The 8-hour pedestrian volumes presented in the table were compared with Figure 3 of the OTM manual and determined that a pedestrian signal is not warranted. As a pedestrian signal is not warranted, the next step in the decision support tool is to determine if a PXO is warranted. Based on the support tool a PXO is warranted if the 8-hour pedestrian volume is greater than or equal to 100 and the 8-hour vehicular volume is greater than or equal to 750. The current location does not satisfy these threshold volumes as such is not warranted based on volumes.

The next step in the decision support tool is to determine if there is a requirement for system connectivity or if the location is on pedestrian desire lines. Based on a review of the location, there currently appears to be a missing pedestrian connection between a sidewalk from the front doors of the school to the existing sidewalk along Queen Street as shown in

Figure 4.1. It is also our understanding that Queen Street is currently used by parents for parking their vehicles when dropping off or picking up their children at school. Based on this assessment there is a requirement for some type of connectivity between the sidewalk along Queen Street and the sidewalk to the front of the school.



Figure 4.1 – Missing Pedestrian Connection Across Omer Avenue

The next step in the decision support tool is to identify whether the site is less than 200 metres from another traffic control device. Currently the closest traffic control device is located at the intersection of Omer Avenue and West Side Road which is approximately 150 metres away. Based on this distance, the site would not be a candidate for a PXO crossing. However, currently there are no sidewalks along the south side of Omer Avenue to allow for pedestrians to walk to this intersection and no pedestrian crossing facility is present at the intersection to facilitate crossing Omer Avenue. Due to the usage of Queen Street for drop off and pick up of students as it is directly in front of the school, it is also unlikely that pedestrians would walk to West Side Road to cross Omer Avenue only to backtrack toward

the school. Therefore, the need for pedestrian connectivity at the Omer Avenue and Queen Street intersection between the school and areas south of Omer Avenue is established and a PXO should be considered for this location.

4.1 Summary

In summary, although a pedestrian signal or PXO is not warranted based on the existing 8-hour pedestrian and vehicular volumes at the intersection, there is a need to provide some type of pedestrian connectivity between Queen Street and the front of Oakwood School in addition to the existing crossing guard.

According to the Pedestrian Crossover Selection Matrix found in Table 7 of the OTM manual a Level 2 Type D crossing would be recommended based on the posted speed of Omer Avenue and the 8-hour traffic volumes. However, as this treatment will be to support the crossing of students at the school, a Level 2 Type C crossing which includes flashing beacons should be considered for additional safety and clarity for both pedestrians and approaching vehicles. Both crossing treatments are presented in **Figure 4.2**.

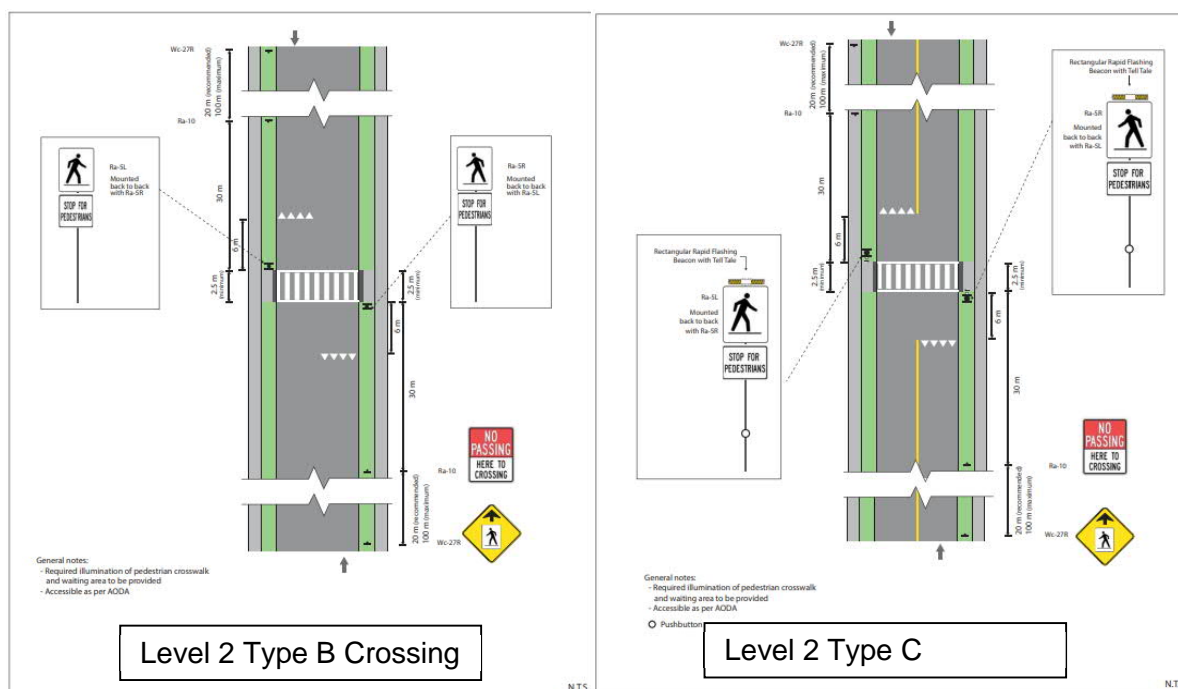


Figure 4.2 – Level 2 Type B & C Pedestrian Crossing Treatments

5.0 Conclusions

Based on the results of the Traffic Calming Review, the following conclusions were derived:

Speed Data Review

- Based on 85th percentile speeds along Third Concession Road between the Rail Crossing & Snider Road, this roadway is a candidate for consideration of traffic calming measures.
- The results of the 85th percentile speeds recorded along Wellington Street between Chestnut Street & John Street indicate that this roadway is a candidate for consideration of traffic calming measures.

All-Way Stop Warrants

- The results of the All-Way Stop Warrants completed indicate that none of the four locations reviewed meet the volume warrant the implementation of an AWS. However, given operational concerns at the intersection of Highland Avenue and Knoll Street, the City may wish to convert the two way stop to an all way stop intersection.

Pedestrian Crossing Treatment Review (Omer Avenue & Queen Street)

- A pedestrian signal or PXO is not warranted from a volume perspective at the location of Omer Avenue and Queen Street. However, there is a need to provide pedestrian connectivity between Queen Street and the front of Oakwood School.
- Based on the posted speed of Omer Avenue and the 8-hour traffic volumes, a Level 2 Type C crossing which includes flashing beacons should be considered.

Appendix 1

MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Port Colborne
Street: Third Concession Rd - EB
Location: 1

A study of vehicle traffic was conducted with the device having serial number 402506. The study was done in the EB lane at Third Concession Rd - EB in Port Colborne, ON in btwn Rail Crossing & Snider Rd county. The study began on 2023-05-03 at 12:00 AM and concluded on 2023-05-05 at 12:00 AM, lasting a total of 48.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 33 vehicles passed through the location with a peak volume of 2 on 2023-05-03 at [03:15 PM-03:30 PM] and a minimum volume of 0 on 2023-05-03 at [12:00 PM-12:15 PM]. The AADT count for this study was 17.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 50 - 60 KM/H range or lower. The average speed for all classified vehicles was 48 KM/H with 54.55% vehicles exceeding the posted speed of 50 KM/H. 0.00% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 50KM/H and the 85th percentile was 61.67 KM/H.

< to 9	10 to 19	20 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 89	90 to 99	100 to 109	110 to 119	120 to 129	130 to 139	140 to >
0	0	6	2	7	12	6	0	0	0	0	0	0	0	0

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 27 which represents 82 percent of the total classified vehicles. The number of Small Trucks in the study was 3 which represents 9 percent of the total classified vehicles. The number of Trucks/Buses in the study was 1 which represents 3 percent of the total classified vehicles. The number of Tractor Trailers in the study was 2 which represents 6 percent of the total classified vehicles.

< to 4.9	5.0 to 7.9	8.0 to 9.9	10.0 to 12.9	13.0 to 15.9	16.0 to 18.9	19.0 to 21.9	22.0 to >							
10	17	3	1	1	0	1	0							

CHART 2

HEADWAY

During the peak traffic period, on 2023-05-03 at [03:15 PM-03:30 PM] the average headway between vehicles was 300 seconds. During the slowest traffic period, on 2023-05-03 at [12:00 PM-12:15 PM] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 8.00 and 21.00 degrees C.

MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Port Colborne
Street: Third Concession Rd - WB
Location: 1

A study of vehicle traffic was conducted with the device having serial number 405260. The study was done in the WB lane at Third Concession Rd - WB in Port Colborne, ON in btwn Rail Crossing & Snider Rd county. The study began on 2023-05-03 at 12:00 AM and concluded on 2023-05-05 at 12:00 AM, lasting a total of 48.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 33 vehicles passed through the location with a peak volume of 3 on 2023-05-03 at [08:00 AM-08:15 AM] and a minimum volume of 0 on 2023-05-03 at [12:00 PM-12:15 PM]. The AADT count for this study was 17.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 40 - 50 KM/H range or lower. The average speed for all classified vehicles was 51 KM/H with 46.88% vehicles exceeding the posted speed of 50 KM/H. 0.00% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 40KM/H and the 85th percentile was 65.00 KM/H.

< to 9	10 to 19	20 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 89	90 to 99	100 to 109	110 to 119	120 to 129	130 to 139	140 to >
0	0	0	6	11	8	4	3	0	0	0	0	0	0	0

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 25 which represents 78 percent of the total classified vehicles. The number of Small Trucks in the study was 4 which represents 13 percent of the total classified vehicles. The number of Trucks/Buses in the study was 0 which represents 0 percent of the total classified vehicles. The number of Tractor Trailers in the study was 3 which represents 9 percent of the total classified vehicles.

< to 4.9	5.0 to 7.9	8.0 to 9.9	10.0 to 12.9	13.0 to 15.9	16.0 to 18.9	19.0 to 21.9	22.0 to >							
12	13	4	0	2	1	0	0							

CHART 2

HEADWAY

During the peak traffic period, on 2023-05-03 at [08:00 AM-08:15 AM] the average headway between vehicles was 225 seconds. During the slowest traffic period, on 2023-05-03 at [12:00 PM-12:15 PM] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 8.00 and 21.00 degrees C.

MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Port Colborne
Street: Scholfield Ave - NB
Location: 2

A study of vehicle traffic was conducted with the device having serial number 405270. The study was done in the NB lane at Scholfield Ave - NB in Port Colborne, ON in btwn Ash St & Sugarloaf St county. The study began on 2023-05-03 at 12:00 AM and concluded on 2023-05-05 at 12:00 AM, lasting a total of 48.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 276 vehicles passed through the location with a peak volume of 7 on 2023-05-03 at [04:30 PM-04:45 PM] and a minimum volume of 0 on 2023-05-03 at [03:15 PM-03:30 PM]. The AADT count for this study was 138.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 40 - 50 KM/H range or lower. The average speed for all classified vehicles was 47 KM/H with 37.41% vehicles exceeding the posted speed of 50 KM/H. 0.00% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 40KM/H and the 85th percentile was 57.69 KM/H.

< to 9	10 to 19	20 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 89	90 to 99	100 to 109	110 to 119	120 to 129	130 to 139	140 to >
1	1	6	50	111	78	17	6	0	0	0	0	0	0	0

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 259 which represents 96 percent of the total classified vehicles. The number of Small Trucks in the study was 1 which represents 0 percent of the total classified vehicles. The number of Trucks/Buses in the study was 7 which represents 3 percent of the total classified vehicles. The number of Tractor Trailers in the study was 3 which represents 1 percent of the total classified vehicles.

< to 4.9	5.0 to 7.9	8.0 to 9.9	10.0 to 12.9	13.0 to 15.9	16.0 to 18.9	19.0 to 21.9	22.0 to >							
84	175	1	7	3	0	0	0							

CHART 2

HEADWAY

During the peak traffic period, on 2023-05-03 at [04:30 PM-04:45 PM] the average headway between vehicles was 112.5 seconds. During the slowest traffic period, on 2023-05-03 at [03:15 PM-03:30 PM] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 8.00 and 23.00 degrees C.

MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Port Colborne
Street: Scholfield Ave - SB
Location: 2

A study of vehicle traffic was conducted with the device having serial number 405263. The study was done in the SB lane at Scholfield Ave - SB in Port Colborne, ON in btwn Ash St & Sugarloaf St county. The study began on 2023-05-03 at 12:00 AM and concluded on 2023-05-05 at 12:00 AM, lasting a total of 48.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 348 vehicles passed through the location with a peak volume of 9 on 2023-05-03 at [03:30 PM-03:45 PM] and a minimum volume of 0 on 2023-05-03 at [01:15 PM-01:30 PM]. The AADT count for this study was 174.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 50 - 60 KM/H range or lower. The average speed for all classified vehicles was 49 KM/H with 48.70% vehicles exceeding the posted speed of 50 KM/H. 0.00% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 50KM/H and the 85th percentile was 58.11 KM/H.

< to 9	10 to 19	20 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 89	90 to 99	100 to 109	110 to 119	120 to 129	130 to 139	140 to >
0	7	5	41	125	143	19	7	0	0	0	0	0	0	0

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 331 which represents 95 percent of the total classified vehicles. The number of Small Trucks in the study was 7 which represents 2 percent of the total classified vehicles. The number of Trucks/Buses in the study was 5 which represents 1 percent of the total classified vehicles. The number of Tractor Trailers in the study was 4 which represents 1 percent of the total classified vehicles.

< to 4.9	5.0 to 7.9	8.0 to 9.9	10.0 to 12.9	13.0 to 15.9	16.0 to 18.9	19.0 to 21.9	22.0 to >							
124	207	7	5	2	1	0	1							

CHART 2

HEADWAY

During the peak traffic period, on 2023-05-03 at [03:30 PM-03:45 PM] the average headway between vehicles was 90 seconds. During the slowest traffic period, on 2023-05-03 at [01:15 PM-01:30 PM] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 7.00 and 26.00 degrees C.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Port Colborne
Street: Clarence St - EB
Location: 3**

A study of vehicle traffic was conducted with the device having serial number 405054. The study was done in the EB lane at Clarence St - EB in Port Colborne, ON in btwn Clare Ave & Forest Ave county. The study began on 2023-05-03 at 12:00 AM and concluded on 2023-05-05 at 12:00 AM, lasting a total of 48.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 3,638 vehicles passed through the location with a peak volume of 59 on 2023-05-04 at [08:30 AM-08:45 AM] and a minimum volume of 0 on 2023-05-03 at [11:30 PM-11:45 PM]. The AADT count for this study was 1,819.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 50 - 60 KM/H range or lower. The average speed for all classified vehicles was 53 KM/H with 67.89% vehicles exceeding the posted speed of 50 KM/H. 0.53% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 50KM/H and the 85th percentile was 59.95 KM/H.

< to 9	10 to 19	20 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 89	90 to 99	100 to 109	110 to 119	120 to 129	130 to 139	140 to >
0	9	17	149	985	1920	462	52	19	0	0	0	0	0	0

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 3541 which represents 98 percent of the total classified vehicles. The number of Small Trucks in the study was 15 which represents 0 percent of the total classified vehicles. The number of Trucks/Buses in the study was 41 which represents 1 percent of the total classified vehicles. The number of Tractor Trailers in the study was 16 which represents 0 percent of the total classified vehicles.

< to 4.9	5.0 to 7.9	8.0 to 9.9	10.0 to 12.9	13.0 to 15.9	16.0 to 18.9	19.0 to 21.9	22.0 to >							
1710	1831	15	41	11	2	2	1							

CHART 2

HEADWAY

During the peak traffic period, on 2023-05-04 at [08:30 AM-08:45 AM] the average headway between vehicles was 15 seconds. During the slowest traffic period, on 2023-05-03 at [11:30 PM-11:45 PM] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 7.00 and 19.00 degrees C.

MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Port Colborne
Street: Clarence St - WB
Location: 3

A study of vehicle traffic was conducted with the device having serial number 407417. The study was done in the WB lane at Clarence St - WB in Port Colborne, ON in btwn Clare Ave & Forest Ave county. The study began on 2023-05-03 at 12:00 AM and concluded on 2023-05-05 at 12:00 AM, lasting a total of 48.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 3,679 vehicles passed through the location with a peak volume of 60 on 2023-05-03 at [04:45 PM-05:00 PM] and a minimum volume of 0 on 2023-05-03 at [11:45 PM-12:00 AM]. The AADT count for this study was 1,840.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 50 - 60 KM/H range or lower. The average speed for all classified vehicles was 52 KM/H with 60.02% vehicles exceeding the posted speed of 50 KM/H. 0.69% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 50KM/H and the 85th percentile was 59.28 KM/H.

< to 9	10 to 19	20 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 89	90 to 99	100 to 109	110 to 119	120 to 129	130 to 139	140 to >
0	7	47	215	1178	1755	316	76	25	0	0	0	0	0	0

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 3526 which represents 97 percent of the total classified vehicles. The number of Small Trucks in the study was 33 which represents 1 percent of the total classified vehicles. The number of Trucks/Buses in the study was 44 which represents 1 percent of the total classified vehicles. The number of Tractor Trailers in the study was 16 which represents 0 percent of the total classified vehicles.

< to 4.9	5.0 to 7.9	8.0 to 9.9	10.0 to 12.9	13.0 to 15.9	16.0 to 18.9	19.0 to 21.9	22.0 to >							
1849	1677	33	44	15	0	0	1							

CHART 2

HEADWAY

During the peak traffic period, on 2023-05-03 at [04:45 PM-05:00 PM] the average headway between vehicles was 14.754 seconds. During the slowest traffic period, on 2023-05-03 at [11:45 PM-12:00 AM] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 8.00 and 21.00 degrees C.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Port Colborne
Street: Wellington St - NB
Location: 4**

A study of vehicle traffic was conducted with the device having serial number 403751. The study was done in the NB lane at Wellington St - NB in Port Colborne, ON in btwn Chestnut St & John St county. The study began on 2023-05-03 at 12:00 AM and concluded on 2023-05-05 at 12:00 AM, lasting a total of 48.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 934 vehicles passed through the location with a peak volume of 36 on 2023-05-04 at [02:15 PM-02:30 PM] and a minimum volume of 0 on 2023-05-03 at [11:00 PM-11:15 PM]. The AADT count for this study was 467.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 50 - 60 KM/H range or lower. The average speed for all classified vehicles was 55 KM/H with 74.87% vehicles exceeding the posted speed of 50 KM/H. 1.51% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 50KM/H and the 85th percentile was 67.55 KM/H.

< to 9	10 to 19	20 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 89	90 to 99	100 to 109	110 to 119	120 to 129	130 to 139	140 to >
0	6	35	49	143	378	233	69	14	0	0	0	0	0	0

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 865 which represents 93 percent of the total classified vehicles. The number of Small Trucks in the study was 14 which represents 2 percent of the total classified vehicles. The number of Trucks/Buses in the study was 19 which represents 2 percent of the total classified vehicles. The number of Tractor Trailers in the study was 29 which represents 3 percent of the total classified vehicles.

< to 4.9	5.0 to 7.9	8.0 to 9.9	10.0 to 12.9	13.0 to 15.9	16.0 to 18.9	19.0 to 21.9	22.0 to >							
264	601	14	19	26	1	2	0							

CHART 2

HEADWAY

During the peak traffic period, on 2023-05-04 at [02:15 PM-02:30 PM] the average headway between vehicles was 24.324 seconds. During the slowest traffic period, on 2023-05-03 at [11:00 PM-11:15 PM] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 7.00 and 23.00 degrees C.

MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Port Colborne
Street: Wellington St - SB
Location: 4

A study of vehicle traffic was conducted with the device having serial number 404743. The study was done in the SB lane at Wellington St - SB in Port Colborne, ON in btwn Chestnut St & John St county. The study began on 2023-05-03 at 12:00 AM and concluded on 2023-05-05 at 12:00 AM, lasting a total of 48.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 1,013 vehicles passed through the location with a peak volume of 26 on 2023-05-03 at [07:45 AM-08:00 AM] and a minimum volume of 0 on 2023-05-03 at [11:15 PM-11:30 PM]. The AADT count for this study was 507.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 50 - 60 KM/H range or lower. The average speed for all classified vehicles was 50 KM/H with 56.04% vehicles exceeding the posted speed of 50 KM/H. 0.99% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 50KM/H and the 85th percentile was 58.90 KM/H.

< to 9	10 to 19	20 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 89	90 to 99	100 to 109	110 to 119	120 to 129	130 to 139	140 to >
1	12	32	73	326	465	81	10	10	0	0	0	0	0	0

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 957 which represents 95 percent of the total classified vehicles. The number of Small Trucks in the study was 7 which represents 1 percent of the total classified vehicles. The number of Trucks/Buses in the study was 20 which represents 2 percent of the total classified vehicles. The number of Tractor Trailers in the study was 26 which represents 3 percent of the total classified vehicles.

< to 4.9	5.0 to 7.9	8.0 to 9.9	10.0 to 12.9	13.0 to 15.9	16.0 to 18.9	19.0 to 21.9	22.0 to >							
536	421	7	20	23	3	0	0							

CHART 2

HEADWAY

During the peak traffic period, on 2023-05-03 at [07:45 AM-08:00 AM] the average headway between vehicles was 33.333 seconds. During the slowest traffic period, on 2023-05-03 at [11:15 PM-11:30 PM] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 7.00 and 22.00 degrees C.

MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Port Colborne
Street: Stanley St - EB
Location: 5

A study of vehicle traffic was conducted with the device having serial number 405289. The study was done in the EB lane at Stanley St - EB in Port Colborne, ON in btwn Westwood Dr & Michael Dr S county. The study began on 2023-05-03 at 12:00 AM and concluded on 2023-05-05 at 12:00 AM, lasting a total of 48.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 463 vehicles passed through the location with a peak volume of 15 on 2023-05-03 at [03:30 PM-03:45 PM] and a minimum volume of 0 on 2023-05-03 at [01:15 PM-01:30 PM]. The AADT count for this study was 232.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 40 - 50 KM/H range or lower. The average speed for all classified vehicles was 40 KM/H with 12.61% vehicles exceeding the posted speed of 50 KM/H. 0.00% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 40KM/H and the 85th percentile was 49.48 KM/H.

< to 9	10 to 19	20 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 89	90 to 99	100 to 109	110 to 119	120 to 129	130 to 139	140 to >
4	14	45	120	212	54	3	0	0	0	0	0	0	0	0

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 430 which represents 95 percent of the total classified vehicles. The number of Small Trucks in the study was 3 which represents 1 percent of the total classified vehicles. The number of Trucks/Buses in the study was 5 which represents 1 percent of the total classified vehicles. The number of Tractor Trailers in the study was 14 which represents 3 percent of the total classified vehicles.

< to 4.9	5.0 to 7.9	8.0 to 9.9	10.0 to 12.9	13.0 to 15.9	16.0 to 18.9	19.0 to 21.9	22.0 to >							
192	238	3	5	6	4	2	2							

CHART 2

HEADWAY

During the peak traffic period, on 2023-05-03 at [03:30 PM-03:45 PM] the average headway between vehicles was 56.25 seconds. During the slowest traffic period, on 2023-05-03 at [01:15 PM-01:30 PM] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 8.00 and 22.00 degrees C.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Port Colborne
Street: Stanley St - WB
Location: 5**

A study of vehicle traffic was conducted with the device having serial number 406319. The study was done in the WB lane at Stanley St - WB in Port Colborne, ON in btwn Westwood Dr & Michael Dr S county. The study began on 2023-05-03 at 12:00 AM and concluded on 2023-05-05 at 12:00 AM, lasting a total of 48.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 429 vehicles passed through the location with a peak volume of 11 on 2023-05-03 at [01:00 PM-01:15 PM] and a minimum volume of 0 on 2023-05-03 at [03:00 PM-03:15 PM]. The AADT count for this study was 215.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 40 - 50 KM/H range or lower. The average speed for all classified vehicles was 41 KM/H with 15.93% vehicles exceeding the posted speed of 50 KM/H. 0.00% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 40KM/H and the 85th percentile was 50.45 KM/H.

< to 9	10 to 19	20 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 89	90 to 99	100 to 109	110 to 119	120 to 129	130 to 139	140 to >
4	2	41	146	166	67	1	0	0	0	0	0	0	0	0

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 413 which represents 97 percent of the total classified vehicles. The number of Small Trucks in the study was 3 which represents 1 percent of the total classified vehicles. The number of Trucks/Buses in the study was 6 which represents 1 percent of the total classified vehicles. The number of Tractor Trailers in the study was 5 which represents 1 percent of the total classified vehicles.

< to 4.9	5.0 to 7.9	8.0 to 9.9	10.0 to 12.9	13.0 to 15.9	16.0 to 18.9	19.0 to 21.9	22.0 to >							
186	227	3	6	2	1	1	1							

CHART 2

HEADWAY

During the peak traffic period, on 2023-05-03 at [01:00 PM-01:15 PM] the average headway between vehicles was 75 seconds. During the slowest traffic period, on 2023-05-03 at [03:00 PM-03:15 PM] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 7.00 and 24.00 degrees C.

Appendix 2

All-Way Stop Warrants - Rural Arterial/ Collector

Municipality: Port Colborne
 Intersection: Bell St @ Fares St
 Major Road: Bell St
 Direction: East/West
 Minor Road: Fares St

Count Date: May 4, 2023

Cross or "T": Cross

1. Total Vehicle Volume

	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00	Total
Approaching: all legs	76	146	118	119	99	197	112	103	970
Total Volume > 200 ?	NO	NO	NO	NO	NO	NO	NO	NO	

Major Road East/ West Traffic

2. Minor Street Volume

	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00	Total
Total Minor Street Volume	26	77	49	50	40	106	38	32	418
Minor Street Volume > 75?	NO	YES	NO	NO	NO	YES	NO	NO	

3. Vehicle Volume Split

	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00	Total
Approaching: Major	53	78	76	79	62	105	75	73	601
% Total Approach on major	70%	53%	64%	66%	63%	53%	67%	71%	
% split on Major < 70 ? (Cross)	YES	YES	YES	YES	YES	YES	YES	NO	

An All-Way Stop condition would NOT be recommended
 for this location under local road warrants.

All-Way Stop Warrants - Rural Arterial/ Collector

Municipality: Port Colborne
 Intersection: Fielden Ave @ Borden Ave
 Major Road: Fielden Ave
 Direction: North/South
 Minor Road: Borden Ave

Count Date: May 4, 2023

Cross or "T": Cross

1. Total Vehicle Volume

	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00	Total
Approaching: all legs	60	79	77	69	52	116	88	76	617
Total Volume > 200 ?	NO	NO	NO	NO	NO	NO	NO	NO	

Major Road North/ South Traffic

2. Minor Street Volume

	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00	Total
Total Minor Street Volume	17	31	36	34	36	62	52	44	312
Minor Street Volume > 75?	NO	NO	NO	NO	NO	NO	NO	NO	

3. Vehicle Volume Split

	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00	Total
Approaching: Major	46	54	44	38	21	58	49	35	345
% Total Approach on major	77%	68%	57%	55%	40%	50%	56%	46%	
% split on Major < 70 ? (Cross)	NO	NO	YES	YES	YES	YES	YES	YES	

An All-Way Stop condition would NOT be recommended
 for this location under local road warrants.

All-Way Stop Warrants - Rural Arterial/ Collector

Municipality: Port Colborne
 Intersection: Knoll St @ Highland Ave
 Major Road: Knoll St
 Direction: North/South
 Minor Road: Highland Ave

Count Date: May 4, 2023

Cross or "T": Cross

1. Total Vehicle Volume

	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00	Total
Approaching: all legs	19	56	28	33	27	53	45	32	293
Total Volume > 200 ?	NO	NO	NO	NO	NO	NO	NO	NO	

Major Road North/ South Traffic

2. Minor Street Volume

	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00	Total
Total Minor Street Volume	2	32	11	7	6	35	4	11	108
Minor Street Volume > 75?	NO	NO	NO	NO	NO	NO	NO	NO	

3. Vehicle Volume Split

	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00	Total
Approaching: Major	18	24	20	26	21	20	41	23	193
% Total Approach on major	95%	43%	71%	79%	78%	38%	91%	72%	
% split on Major < 70 ? (Cross)	NO	YES	NO	NO	NO	YES	NO	NO	

An All-Way Stop condition would NOT be recommended
 for this location under local road warrants.

All-Way Stop Warrants - Rural Arterial/ Collector

Municipality: Port Colborne
 Intersection: Michael Rd @ Firelane 17
 Major Road: Michael Ave
 Direction: North/South
 Minor Road: Firelane 17

Count Date: May 4, 2023

Cross or "T": "T"

1. Total Vehicle Volume

	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00	Total
Approaching: all legs	1	3	2	0	1	0	1	0	8
Total Volume > 375 ?	NO	NO	NO	NO	NO	NO	NO	NO	

Major Road North/ South Traffic

2. Minor Street Volume

	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00	Total
Total Minor Street Volume	1	3	1	0	0	0	0	0	5
Minor Street Volume > 150?	NO	NO	NO	NO	NO	NO	NO	NO	

3. Vehicle Volume Split

	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00	Total
Approaching: Major	0	0	1	0	1	0	1	0	3
% Total Approach on major	0%	0%	50%	#DIV/0!	100%	#DIV/0!	100%	#DIV/0!	
% split on Major < 75 ? (T)	YES	YES	YES	#DIV/0!	NO	#DIV/0!	NO	#DIV/0!	

An All-Way Stop condition would NOT be recommended
 for this location under local road warrants.

Appendix 3

Omer Ave @ Queen St

Morning Peak Diagram

Specified Period

From: 7:00:00

To: 9:00:00

One Hour Peak

From: 8:00:00

To: 9:00:00

Municipality: Port Colborne
Site #: 0000000004
Intersection: Omer Ave & Queen St
TFR File #: 4
Count date: 4-May-2023

Weather conditions:

Cloudy/Dry

Person(s) who counted:

Cam

**** Non-Signalized Intersection ****

Major Road: Omer Ave runs W/E

East Leg Total: 97

East Entering: 58

East Peds: 14

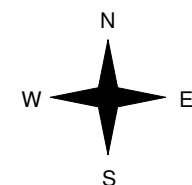
Peds Cross: 8

Heavys	Trucks	Cars	Totals
4	0	52	56



Omer Ave

Heavys	Trucks	Cars	Totals
0	0	37	37
0	0	3	3
0	0	40	



Queen St

Cars	Trucks	Heavys	Totals
50	0	4	54
2	0	2	4
52	0	6	



Omer Ave

Cars	Trucks	Heavys	Totals
39	0	0	39

Peds Cross: 8
 West Peds: 4
 West Entering: 40
 West Leg Total: 96

Cars	5
Trucks	0
Heavys	2
Totals	7



Cars	2	2	4
Trucks	0	0	0
Heavys	0	0	0
Totals	2	2	

Peds Cross: 0
 South Peds: 0
 South Entering: 4
 South Leg Total: 11

Comments

Omer Ave @ Queen St

Mid-day Peak Diagram

Specified Period

From: 11:00:00

To: 14:00:00

One Hour Peak

From: 12:15:00

To: 13:15:00

Municipality: Port Colborne
Site #: 0000000004
Intersection: Omer Ave & Queen St
TFR File #: 4
Count date: 4-May-2023

Weather conditions:

Cloudy/Dry

Person(s) who counted:

Cam

**** Non-Signalized Intersection ****

Major Road: Omer Ave runs W/E

East Leg Total: 60

East Entering: 25

East Peds: 2

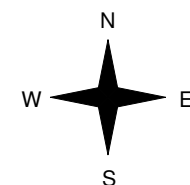
Peds Cross: X

Heavys	Trucks	Cars	Totals
0	0	23	23



Omer Ave

Heavys	Trucks	Cars	Totals
0	0	35	35
0	0	2	2
0	0	37	



Queen St

Cars	Trucks	Heavys	Totals
22	0	0	22
3	0	0	3
25	0	0	



Omer Ave

Cars	Trucks	Heavys	Totals
35	0	0	35

Omer Ave

Peds Cross: X
 West Peds: 0
 West Entering: 37
 West Leg Total: 60

Cars	5
Trucks	0
Heavys	0
Totals	5



Cars	1	0	1
Trucks	0	0	0
Heavys	0	0	0
Totals	1	0	

Peds Cross: X
 South Peds: 0
 South Entering: 1
 South Leg Total: 6

Comments

Omer Ave @ Queen St

Afternoon Peak Diagram

Specified Period

From: 15:00:00

To: 18:00:00

One Hour Peak

From: 15:30:00

To: 16:30:00

Municipality: Port Colborne

Site #: 0000000004

Intersection: Omer Ave & Queen St

TFR File #: 4

Count date: 4-May-2023

Weather conditions:

Cloudy/Dry

Person(s) who counted:

Cam

**** Non-Signalized Intersection ****

Major Road: Omer Ave runs W/E

East Leg Total: 97

East Entering: 49

East Peds: 4

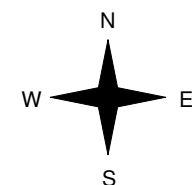
Peds Cross: 8

Heavys	Trucks	Cars	Totals
1	0	42	43



Omer Ave

Heavys	Trucks	Cars	Totals
0	0	44	44
0	0	1	1
0	0	45	



Queen St

Cars	Trucks	Heavys	Totals
41	0	1	42
7	0	0	7
48	0	1	



Omer Ave

Cars	Trucks	Heavys	Totals
48	0	0	48

Peds Cross: 8
West Peds: 5
West Entering: 45
West Leg Total: 88

Cars	8
Trucks	0
Heavys	0
Totals	8



Cars	1	4	5
Trucks	0	0	0
Heavys	0	0	0
Totals	1	4	

Peds Cross: 4
South Peds: 0
South Entering: 5
South Leg Total: 13

Comments

Omer Ave @ Queen St

Total Count Diagram

Municipality: Port Colborne
Site #: 0000000004
Intersection: Omer Ave & Queen St
TFR File #: 4
Count date: 4-May-2023

Weather conditions:
 Cloudy/Dry
Person(s) who counted:
 Cam

**** Non-Signalized Intersection ****

Major Road: Omer Ave runs W/E

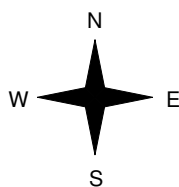
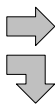
East Leg Total: 536
 East Entering: 264
 East Peds: 25
 Peds Cross: 8

Heavys	Trucks	Cars	Totals
7	1	247	255



Omer Ave

Heavys	Trucks	Cars	Totals
1	1	250	252
0	0	14	14
1	1	264	



Queen St

Cars	Trucks	Heavys	Totals
231	1	7	239
23	0	2	25
254	1	9	



Omer Ave

Cars	Trucks	Heavys	Totals
270	1	1	272

Peds Cross: 8
 West Peds: 13
 West Entering: 266
 West Leg Total: 521

Cars	Trucks	Heavys	Totals
37	0	2	39



Cars	Trucks	Heavys	Totals
16	0	0	16
20	0	0	20
36	0	0	

Peds Cross: 3
 South Peds: 3
 South Entering: 36
 South Leg Total: 75

Comments

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **7:00 - 7:30**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A					
B			1		
C					

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **7:30 - 8:00**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A					
B					
C					

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **8:00 - 8:30**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A	1		4		
B					
C	1		4		

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **8:30 - 9:00**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A	1		2		
B	1		1		
C	1		7		

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **11:00 - 11:30**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A					
B					
C					

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **11:30 - 12:00**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A					
B					
C			1		

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **12:00 - 12:30**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A					
B					
C					

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **12:30 - 1:00**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A					
B					
C			1		

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **1:00 - 1:30**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A					
B					
C			1		

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **1:30 - 2:00**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A					
B					
C					

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **3:00 - 3:30**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A	1		1		
B			2		
C			1-3Sec		

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **3:30 - 4:00**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A					
B					
C			3		

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **4:00 - 4:30**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A	2		2,1-16Sec		
B					
C			1		

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **4:30 - 5:00**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A					
B					
C			1-21Sec		

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **5:00 - 5:30**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A					
B					
C			1-16Sec		

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time: **5:30 - 6:00**

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13 to 64	Seniors 65 +	Handicapped
A					
B					
C					

Pedestrian Analysis

Location: Omer Ave @ Queen St

Date: 04-May-23

Time:

Weather: Cloudy/Dry

Zone	Assisted Child less than 12 years	Unassisted Child less than 12 years	Teens and Adults 13to 64	Seniors 65 +	Handicapped
A	5	0	10	0	0
B	1	0	4	0	0
C	2	0	21	0	0
Totals	8	0	35	0	0

Total Pedestrians: 43

The Corporation of the City of Port Colborne

By-Law No. _____

Being a By-Law to Amend By-Law No. 89-2000, as amended, Being a By-Law regulating Traffic and Parking on City Roads (Stop Sign Locations)

Whereas the Council of the Corporation of the City of Port Colborne is desirous of amending the provisions of By-Law 89-2000, as amended, as recommended within Public Works Department Report 2023-55, Traffic Calming Initiatives and Update, approved on September 12, 2023; and

Whereas Section 11 of the *Municipal Act*, 2001 S.O. 2001, c.25 provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, including the passing of by-law within the respective sphere of jurisdiction.

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

1. That Schedule “P” Stop Sign Locations to By-Law 89-2000 as amended, be further amended by adding thereto the following:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
Highway	At	Facing Traffic
Knoll St.	Highland Ave.	North, South, West, and East Bound
Delhi St.	Catharine St.	North, South, West, and East Bound
Omer Ave.	Queen St.	North, South, West, and East Bound
Wellington St.	John St.	North, South, West, and East Bound

2. That the provisions of this By-Law shall take effect on the day of passing, subject to the display of official signs.

Enacted and passed this 12th day of September, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

Subject: Rural Economic Development Program – Amending Agreement

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-181

Meeting Date: September 12, 2023

Recommendation:

That Office of the Chief Administrative Officer Report 2023-181 be received; and

That the amending agreement attached as Appendix A between the City of Port Colborne and the Ontario Ministry of Agriculture, Food and Rural Affairs for funding from the Rural Economic Development program be approved; and

That the By-law to authorize entering into amending agreement with the Ontario Ministry of Agriculture, Food and Rural Affairs for funding be approved; and

That the Mayor and City Clerk be authorized to sign the amending agreement with the provincial government.

Purpose:

The purpose of this report is to request Council approval of the Rural Economic Development (RED) program amending agreement between the City and the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

Background:

Acting on recommendations in the Economic Development Strategic Plan 2018-2028, specifically the goal of refreshing Port Colborne's image as an attractive place to invest, live, and visit, staff in the Economic Development & Tourism Services (EDTS) Division submitted an application to the Strategic Economic Infrastructure stream of OMAFRA's RED program on October 1, 2021. This application presented a capital project called

“West Street Renewal Project: Connecting the City’s Waterfront and Downtown” and consolidated several small projects into one.

Staff received positive news from OMAFRA at the beginning of the following year, and a transfer payment agreement was submitted to Council with Report 2022-61 on March 22, 2022. OMAFRA’s non-repayable contribution of \$77,520, representing the full 30% that the City was eligible to receive, formed a total project budget of \$258,400.

Discussion:

As originally introduced in Report 2021-248—when staff requested Council support for an application to the RED program—the West Street Renewal Project is focused on new and updated signage, improved safety and accessibility, streetscaping features, and landscaping amenities. Recognizing that West Street is a busy commercial district which attracts many local residents and out-of-town visitors, City staff from across various departments and divisions continue to believe that there exists a need to refresh the street’s aesthetic and functional role in the public’s recreational pursuits. The main philosophy behind this project is to maintain West Street’s unique character while giving it new vitality.

The amending agreement attached to this report follows a recent process whereby staff requested that OMAFRA give the City a 14-month extension to complete the project. A major factor influencing this request was the City’s success with an application to the Ontario Ministry of Infrastructure’s Strategic Priorities Infrastructure Fund (SPIF). While the original plan with the West Street Renewal Project was to accomplish the above-mentioned activities in order to meet the RED program’s completion date of September 15, 2023, EDTS Division staff regard the additional funding as a means to take the project to the next level. As stated in Report 2023-28 about the SPIF program, approximately 50% of the \$827,712.38 in funding support can be allocated to improvements on West Street, including the Promenade.

The amending agreement’s new project completion date of November 15, 2024, gives staff more time to adjust the project’s scope on account of the SPIF grant, revise the project workplan and timelines to separate eligible RED activities from eligible SPIF activities, and do more in-depth consultation with West Street businesses and organizations like the Downtown Port Colborne BIA.

It should be noted that even though the RED program requires the project to be complete by November 15, 2024, the SPIF program has an extended timeline which allows the City to carry out improvements on West Street until March 31, 2027.

Internal Consultations:

EDTS Division staff have had a number of internal meetings with the Director of Public Works and Manager of Road & Park Operations to coordinate between Public Works' planned capital upgrades to West Street, ideas proposed by the Downtown BIA, and other features identified as needing replacement or improvement.

Financial Implications:

There are no financial implications associated with approving the amending agreement. As provided in Report 2023-28 about the SPIF program, the following financial breakdown shows how the RED and SPIF grants are being allocated:

Project Number	Project Name	SPIF	RED	Other Donation /Grant	Levy	Total
22-BE-B82	Nickel Beach (Washrooms and First Aid)	417,981	-	152,019	-	570,000
22C-PW-B41	Promenade Improvements (Wood plank replacement)	183,325	-	-	66,675	250,000
22C-PW-R23	West St. Streetscaping	178,741	54,250	15,000	189,159	437,150
22C-PW-R24	Wayfinding	47,665	23,270	-	59,065	130,000
		827,712	77,520	167,019	314,899	1,387,150

Public Engagement:

The success of the West Street Renewal Project is dependent on consultations—via the Port Colborne Downtown BIA—and contributions from the street's businesses. EDTS Division staff are committed to maintaining a continuous and open dialogue with the business community so that the expected outcomes are delivered on time and budget.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
-

Conclusion:

By approving the RED program amending agreement between the City and OMAFRA, a new projection completion date of November 15, 2024, will allow staff to modify the West Street Renewal Project's scope of work and create a synergy as well as an easy transition between both the activities and timelines of the RED and SPIF programs.

Appendices:

- a. RED program Amending Agreement
- b. By-law – RED program Amending Agreement

Respectfully submitted,

Greg Higginbotham
Tourism & Strategic Projects Coordinator
905-835-2900 x505
greg.higginbotham@portcolborne.ca

Gary Long
Manager of Strategic Initiatives
905-835-2900 x502
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.

This Amendment is effective as of June 28, 2023.

Appendix A
Report 2023-181

AMENDING AGREEMENT

BETWEEN:

HIS MAJESTY THE KING IN RIGHT OF ONTARIO
as represented by the Minister of Agriculture, Food and Rural Affairs

(the “Province”)

AND

CORPORATION OF THE CITY OF PORT COLBORNE
CRA #106984107

(the “Recipient”)

I. BACKGROUND

Ontario and the Recipient (the “Parties”) entered into an agreement (the “Agreement”) with an Effective Date of April 1, 2022 under the *Rural Economic Development (RED) program*.

Part V of the Agreement allows the Parties to make amendments to the Agreement, provided such amendments are in writing, agreed upon and signed by the Parties;

II. CONSIDERATION

In consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is expressly acknowledged, the Parties agree to amend the Agreement under this amending agreement (the “Amendment”) as follows:

1. **Revocation and Replacement of Expiration Date in Section B.1.2 of Schedule “B”.** The date in Section B.1.2 of the Agreement is revoked and replaced with the following:

B.1.2 Expiration Date. The Expiration Date of this Agreement is November 15, 2025.

2. **Revocation and Replacement of Project Completion Date in Section B.1.4 of Schedule “B”.** The date in Section B.1.4 of the Agreement is revoked and replaced with the following:

B.1.4 Project Completion Date. The Project Completion Date is November 15, 2024.

3. **Revocation and Replacement of Incurring Eligible Costs in Section D.2.2 of Schedule “D”.** Section D.2.2 of Schedule D is revoked and replaced with the following:

D.2.2 Incurring Eligible Costs. The Recipient will incur Eligible Costs in accordance with the following chart and no later than by the Project Completion Date

TOTAL ELIGIBLE COSTS TO BE INCURRED BY QUARTER WITHIN FUNDING YEAR					
FUNDING YEAR	QUARTER 1 (APR. – JUN.)	QUARTER 2 (JUL. – SEP.)	QUARTER 3 (OCT. – DEC.)	QUARTER 4 (JAN. – MAR.)	TOTAL
2023-24	\$15,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$40,000.00
2024-25	\$0.00	\$153,800.00	\$64,600.00	\$0.00	\$218,400.00
TOTAL ELIGIBLE COSTS UP TO					\$258,400.00

4. **Revocation and Replacement of Payment of Funds in Section E.1 of Schedule “E”.** The date is Section E.1.3 of Schedule E is revoked and replaced with the following:

E.1.3 Final Report Date. The Final Report (Schedule “E.4” of this Agreement) is to be completed and submitted to the Province on or before: March 15, 2025.

5. **Revocation and Replacement of Project Activities Eligible for Funding in Section C.3 of Schedule “C”.** The activity descriptions in Section C.3 of Schedule C is revoked and replaced with the following:

PROJECT ACTIVITIES ELIGIBLE FOR FUNDING INCLUDE
Implement lighting on West Street and near Waterfront Centre
Implement Promenade Lighting along the wall of the Welland Canal on West Street
Implementation of Wayfinding Signage along West Street
Implement Interpretive Signage
Purchase and install benches for Waterfront Streetscaping
Purchase and plant trees along the Waterfront for landscaping

Further scoping and specification of project activities may be determined once the work plan is developed to avoid overlap with another project through the Ministry of Infrastructure’s Strategic Priorities Infrastructure Fund (SPIF).

6. **Defined Terms.** Any capitalized term used but not defined herein shall have the same meaning given to it in the Agreement.
7. **Referential Incorporation Of Certain Provisions Of Agreement Into Amendment.** Sections 1.1, 2.1 and 2.2, as well as Articles 19, 21 to 25 and 30 of Schedule “A” of the Agreement are referentially incorporated into this Amendment with any and all necessary modifications to make them applicable to this Amendment.

III. THE AGREEMENT

The Parties acknowledge that the Agreement continues as a valid and binding agreement, subject only to this amendment, and that all other terms and conditions of the Agreement continue to apply.

IV. COUNTERPARTS

This Amendment may be signed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

V. ACKNOWLEDGEMENT

The Recipient:

- (a) Acknowledges that it has read and understands the provisions contained in the entire Amendment; and
- (b) Agrees to be bound by the terms and conditions in the entire Amendment.

[REST OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF the Parties have respectfully signed this Amendment as of the dates indicated below:

HIS MAJESTY THE KING IN RIGHT OF ONTARIO

as represented by the Minister of Agriculture, Food and Rural Affairs

Name: Alan Crawley
Title: Director, Rural Programs Branch

Date: _____

I have the authority to bind the Crown pursuant to delegated authority.

CORPORATION OF THE CITY OF PORT COLBORNE

Name: William C. Steele
Title: Mayor

Date: _____

Name: Saima Tufail
Title: Acting City Clerk

Date: _____

I/We have the authority to bind the Recipient.

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Authorize Entering into an Amending Agreement with His Majesty the King in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs for the Rural Economic Development program

Whereas at its meeting of September 12, 2023, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Office of the Chief Administrative Officer – Report No. 2023-181, Subject: Rural Economic Development – Amending Agreement; and

Whereas Council is desirous of entering into an Amending Agreement with the His Majesty the King in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs for the Rural Economic Development program; 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 Amending Agreement with the His Majesty the King in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs for the Rural Economic Development program; and
2. That the Mayor and the Acting 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 or any other phase of the Rural Economic Development program, and the Acting City Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 12th day of September, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk



Subject: Chestnut Park Property – Right to Reconveyance Agreement

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-179

Meeting Date: September 12, 2023

Recommendation:

That Chief Administrative Office report 2023-179 be received for information.

That the City Solicitor be directed to delete the Right to Reconveyance Agreement on title for the Chestnut Park property, legally described as Lots 504-511, inclusive, Plan 836, being part of PIN 64151-0031; and,

That the Mayor and Acting City Clerk be authorized to sign the necessary legal documentation to facilitate the deletion of the Right to Reconveyance Agreement.

Purpose:

The purpose of this report is to seek Council authorization to have the Mayor and Acting City Clerk sign legal documentation directing the City Solicitor to delete the Right to Reconveyance Agreement on title for the Chestnut Park property acquired by Port Cares for an affordable housing project.

Background:

The City of Port Colborne transferred ownership of Chestnut Park to Port Cares on December 22, 2022, to facilitate the development of an affordable housing project. This sale of City real estate was approved by the CAO on November 29, 2022, under delegated authority during the governance transitional period. This sale was re-affirmed by the newly elected Council on December 13, 2022, with staff report 2022-255. The housing partnership between the City and Port Cares was formalized in a Memorandum of Understanding that was brought forward with staff report 2021-54 and approved by Council on February 22, 2021.

The City Solicitor has recommended, based on previous direction from Council, that a Right to Reconveyance Agreement be attached as a Schedule to the Agreement of Purchase and Sale and that it be registered on title for surplus City owned infill development parcels being conveyed. The Right to Reconveyance Agreement includes stipulations requiring the purchaser to commence construction within a specific timeframe as well as buy back provisions the City can exercise if the purchaser does not proceed within this timeframe. The purpose of the Right to Reconveyance Agreement is to prevent land banking and speculation of surplus City Real Estate and instead create more housing, increase tax assessment, and add new water users.

Discussion:

A Right to Reconveyance Agreement was registered on title for the Chestnut Park property (see Appendix A and the Schedule attached to Agreement of Purchase and Sale). Port Cares has partnered with Niagara Regional Housing (NRH) on project management and financing issues. Niagara Regional Housing's solicitor has advised that this agreement is an obstacle to Port Cares and NRH completing their financing arrangements and they've requested that Port Cares be released of their obligations under the agreement. This will provide certainty to the funding agencies that the City won't exercise its option under the agreement to buy back the property.

Based on ongoing conversations between Port Cares, NRH, and City staff, as well as regular meetings taking place with the project consultant and the contractor, City staff are satisfied that this project is proceeding. The City's Building Division has reviewed initial drawings and they have issued the foundation and servicing permit. Therefore, the original purpose of the Right to Reconveyance Agreement is no longer a concern.

City staff have discussed this request with the City Solicitor and are recommending that the Right to Reconveyance Agreement be deleted from title. This requires Council authorization to have the Mayor and Acting City Clerk sign the legal documentation directing the City Solicitor to delete the Agreement from title.

Port Cares and NRH are planning to have formal community engagement and media coverage before construction starts with representation from Port Cares, NRH, the City, and other project partners and donors.

Internal Consultations:

Staff from Building, Economic Development, Planning, and Public Works continue to collaborate on this housing project.

Financial Implications:

There are no financial implications associated with this recommendation.

Public Engagement:

Not applicable.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Environment and Climate Change
 - Welcoming, Livable, Healthy Community
 - Economic Prosperity
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
-

Conclusion:

The redevelopment of Chestnut Park is moving forward and will create forty (40) new affordable housing units. Port Cares and Niagara Regional Housing have partnered on project management and are capitalizing on funding opportunities from the senior levels of government. Port Cares and NRH have requested that the City's Right to Reconveyance Agreement be deleted from title to release Port Cares of their obligations under the agreement which will allow them to firm up their financing.

City staff and the City Solicitor have discussed this request and are satisfied that this housing project is moving forward and that this agreement can be deleted from title.

Appendices:

- a) Right to Reconveyance Agreement attached as a Schedule to the Agreement of Purchase and Sale

Respectfully submitted,

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

Report Approval:

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

**Form 500**

for use in the Province of Ontario

Agreement of Purchase and Sale

Commercial

This Agreement of Purchase and Sale dated this 9th day of December, 2022

BUYER: Port Colborne Community Association for Resource Extension, agrees to purchase from
(Full legal names of all Buyers)

SELLER: The Corporation of the City of Port Colborne, the following
(Full legal names of all Sellers)

REAL PROPERTY:

Address

fronting on the side of

in the

and having a frontage of more or less by a depth of more or less

and legally described as Lots 504-511, inclusive, Plan 836, being part of PIN 64151-0031(LT)

..... (the "property")
(Legal description of land including easements not described elsewhere)

PURCHASE PRICE: Dollars (CDN\$) 2.00

Two Dollars

DEPOSIT: Buyer submits Upon acceptance
(Herewith/Upon Acceptance/as otherwise described in this Agreement)

One Dollars (CDN\$) 1.00

by negotiable cheque payable to, Sullivan Mahoney LLP, In Trust "Deposit Holder"
to be held in trust pending completion or other termination of this Agreement and to be credited toward the Purchase Price on completion. For the purposes of this Agreement, "Upon Acceptance" shall mean that the Buyer is required to deliver the deposit to the Deposit Holder within 24 hours of the acceptance of this Agreement. The parties to this Agreement hereby acknowledge that, unless otherwise provided for in this Agreement, the Deposit Holder shall place the deposit in trust in the Deposit Holder's non-interest bearing Real Estate Trust Account and no interest shall be earned, received or paid on the deposit.

Buyer agrees to pay the balance as more particularly set out in Schedule A attached.

SCHEDULE(S) A and B attached hereto form(s) part of this Agreement.

1. IRREVOCABILITY: This offer shall be irrevocable by Buyer until 5 pm on
(Seller/Buyer) (a.m./p.m.)
the 14th day of December, 2022, after which time, if not accepted, this offer shall be null and void and the deposit shall be returned to the Buyer in full without interest.

2. COMPLETION DATE: This Agreement shall be completed by no later than 6:00 p.m. on the 22nd day of December, 2022. Upon completion, vacant possession of the property shall be given to the Buyer unless otherwise provided for in this Agreement.

INITIALS OF BUYER(S):

INITIALS OF SELLER(S):



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3. NOTICES: ~~The Seller hereby appoints the Listing Brokerage as agent for the Seller for the purpose of giving and receiving notices pursuant to this Agreement. Where a Brokerage (Buyer's Brokerage) has entered into a representation agreement with the Buyer, the Buyer hereby appoints the Buyer's Brokerage as agent for the purpose of giving and receiving notices pursuant to this Agreement. Where a Brokerage represents both the Seller and the Buyer (multiple representation), the Brokerage shall not be appointed or authorized to be agent for either the Buyer or the Seller for the purpose of giving and receiving notices.~~ Any notice relating hereto or provided for herein shall be in writing. In addition to any provision contained herein and in any Schedule hereto, this offer, any counter-offer, notice of acceptance thereof or any notice to be given or received pursuant to this Agreement or any Schedule hereto (any of them, "Document") shall be deemed given and received when delivered personally or hand delivered to the Address for Service provided in the Acknowledgement below, or where a facsimile number or email address is provided herein, when transmitted electronically to that facsimile number or email address, respectively, in which case, the signature(s) of the party (parties) shall be deemed to be original.

FAX No.:
(For delivery of Documents to Seller)

FAX No.:
(For delivery of Documents to Buyer)

Email Address:
(For delivery of Documents to Seller)

Email Address:
(For delivery of Documents to Buyer)

4. CHATTELS INCLUDED:
N/A

Unless otherwise stated in this Agreement or any Schedule hereto, Seller agrees to convey all fixtures and chattels included in the Purchase Price free from all liens, encumbrances or claims affecting the said fixtures and chattels.

5. FIXTURES EXCLUDED:
N/A


6. RENTAL ITEMS (Including Lease, Lease to Own): The following equipment is rented and **not** included in the Purchase Price. The Buyer agrees to assume the rental contract(s), if assumable:
N/A

The Buyer agrees to co-operate and execute such documentation as may be required to facilitate such assumption.

7. HST: If the sale of the property (Real Property as described above) is subject to Harmonized Sales Tax (HST), then such tax shall be in addition to the Purchase Price. The Seller will not collect HST if the Buyer provides to the Seller a warranty that the Buyer is registered under the Excise Tax Act ("ETA"), together with a copy of the Buyer's ETA registration, a warranty that the Buyer shall self-assess and remit the HST payable and file the prescribed form and shall indemnify the Seller in respect of any HST payable. The foregoing warranties shall not merge but shall survive the completion of the transaction. If the sale of the property is not subject to HST, Seller agrees to certify on or before closing, that the transaction is not subject to HST. Any HST on chattels, if applicable, is not included in the Purchase Price.

INITIALS OF BUYER(S): 

INITIALS OF SELLERS(S): 

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8. **TITLE SEARCH:** Buyer shall be allowed until 6:00 p.m. on the xxxxxxx day of 5 days prior to closing, 20 xxxxxx, (Requisition Date) to examine the title to the property at his own expense and until the earlier of: (i) thirty days from the later of the Requisition Date or the date on which the conditions in this Agreement are fulfilled or otherwise waived or; (ii) five days prior to completion, to satisfy himself that there

are no outstanding work orders or deficiency notices affecting the property, that its present use [Vacant Land] may be lawfully continued and that the principal building may be insured against risk of fire. Seller hereby consents to the municipality or other governmental agencies releasing to Buyer details of all outstanding work orders and deficiency notices affecting the property, and Seller agrees to execute and deliver such further authorizations in this regard as Buyer may reasonably require.

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

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

11. **CLOSING ARRANGEMENTS:** Where each of the Seller and Buyer retain a lawyer to complete the Agreement of Purchase and Sale of the property, and where the transaction will be completed by electronic registration pursuant to Part III of the Land Registration Reform Act, R.S.O. 1990, Chapter L4 and the Electronic Registration Act, S.O. 1991, Chapter 44, and any amendments thereto, the Seller and Buyer acknowledge and agree that the exchange of closing funds, non-registrable documents and other items (the "Requisite Deliveries") and the release thereof to the Seller and Buyer will (a) not occur at the same time as the registration of the transfer/deed (and any other documents intended to be registered in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said lawyers. The Seller and Buyer irrevocably instruct the said lawyers to be bound by the document registration agreement which is recommended from time to time by the Law Society of Ontario. Unless otherwise agreed to by the lawyers, such exchange of Requisite Deliveries shall occur by the delivery of the Requisite Deliveries of each party to the office of the lawyer for the other party or such other location agreeable to both lawyers.

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

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

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

INITIALS OF BUYER(S):

INITIALS OF SELLERS(S):



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- 15. PLANNING ACT:** This Agreement shall be effective to create an interest in the property only if Seller complies with the subdivision control provisions of the Planning Act by completion and Seller covenants to proceed diligently at his expense to obtain any necessary consent by completion.
- 16. DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registrable form at the expense of Seller, and any Charge/Mortgage to be given back by the Buyer to Seller at the expense of the Buyer. If requested by Buyer, Seller covenants that the Transfer/Deed to be delivered on completion shall contain the statements contemplated by Section 50(22) of the Planning Act, R.S.O. 1990.
- 17. RESIDENCY:** (a) Subject to (b) below, the Seller represents and warrants that the Seller is not and on completion will not be a non-resident under the non-residency provisions of the Income Tax Act which representation and warranty shall survive and not merge upon the completion of this transaction and the Seller shall deliver to the Buyer a statutory declaration that Seller is not then a non-resident of Canada;
(b) provided that if the Seller is a non-resident under the non-residency provisions of the Income Tax Act, the Buyer shall be credited towards the Purchase Price with the amount, if any, necessary for Buyer to pay to the Minister of National Revenue to satisfy Buyer's liability in respect of tax payable by Seller under the non-residency provisions of the Income Tax Act by reason of this sale. Buyer shall not claim such credit if Seller delivers on completion the prescribed certificate.
- 18. ADJUSTMENTS:** Any rents, mortgage interest, realty taxes including local improvement rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to Buyer.
- 19. TIME LIMITS:** Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by Seller and Buyer or by their respective lawyers who may be specifically authorized in that regard.
- 20. PROPERTY ASSESSMENT:** The Buyer and Seller hereby acknowledge that the Province of Ontario has implemented current value assessment and properties may be re-assessed on an annual basis. The Buyer and Seller agree that no claim will be made against the Buyer or Seller, or any Brokerage, Broker or Salesperson, for any changes in property tax as a result of a re-assessment of the property, save and except any property taxes that accrued prior to the completion of this transaction.
- 21. TENDER:** Any tender of documents or money hereunder may be made upon Seller or Buyer or their respective lawyers on the day set for completion. Money shall be tendered with funds drawn on a lawyer's trust account in the form of a bank draft, certified cheque or wire transfer using the Large Value Transfer System.
- 22. FAMILY LAW ACT:** Seller warrants that spousal consent is not necessary to this transaction under the provisions of the Family Law Act, R.S.O. 1990 unless the spouse of the Seller has executed the consent hereinafter provided.
- 23. UFFI:** Seller represents and warrants to Buyer that during the time Seller has owned the property, Seller has not caused any building on the property to be insulated with insulation containing ureaformaldehyde, and that to the best of Seller's knowledge no building on the property contains or has ever contained insulation that contains ureaformaldehyde. This warranty shall survive and not merge on the completion of this transaction, and if the building is part of a multiple unit building, this warranty shall only apply to that part of the building which is the subject of this transaction.
- 24. LEGAL, ACCOUNTING AND ENVIRONMENTAL ADVICE:** The parties acknowledge that any information provided by the brokerage is not legal, tax or environmental advice, and that it has been recommended that the parties obtain independent professional advice prior to signing this document.
- 25. CONSUMER REPORTS:** The Buyer is hereby notified that a consumer report containing credit and/or personal information may be referred to in connection with this transaction.
- 26. AGREEMENT IN WRITING:** If there is conflict or discrepancy between any provision added to this Agreement (including any Schedule attached hereto) and any provision in the standard pre-set portion hereof, the added provision shall supersede the standard pre-set provision to the extent of such conflict or discrepancy. This Agreement including any Schedule attached hereto, shall constitute the entire Agreement between Buyer and Seller. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. For the purposes of this Agreement, Seller means vendor and Buyer means purchaser. This Agreement shall be read with all changes of gender or number required by the context.
- 27. TIME AND DATE:** Any reference to a time and date in this Agreement shall mean the time and date where the property is located.

INITIALS OF BUYER(S):

INITIALS OF SELLERS(S):



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28. SUCCESSORS AND ASSIGNS: The heirs, executors, administrators, successors and assigns of the undersigned are bound by the terms herein.
SIGNED, SEALED AND DELIVERED in the presence of: IN WITNESS whereof I have hereunto set my hand and seal:

Port Colborne Community Association

12/14/2022

(Witness)

DocuSigned by:
for Resource Extension
(Buyer/Authorized Signing Officer)

(Seal)

(Date) 12/12/2022

(Witness)

DocuSigned by:
for Resource Extension
(Buyer/Authorized Signing Officer)

(Seal)

(Date)

I, the Undersigned Seller, agree to the above offer. I hereby irrevocably instruct my lawyer to pay directly to the brokerage(s) with whom I have agreed to pay commission, the unpaid balance of the commission together with applicable Harmonized Sales Tax (and any other taxes as may hereafter be applicable), from the proceeds of the sale prior to any payment to the undersigned on completion, as advised by the brokerage(s) to my lawyer.

SIGNED, SEALED AND DELIVERED in the presence of: IN WITNESS whereof I have hereunto set my hand and seal:

The Corporation of the City of Port

Colborne

(Witness)

(Seller/Authorized Signing Officer)

(Seal)

(Date)

(Witness)

(Seller/Authorized Signing Officer)

(Seal)

(Date)

SPOUSAL CONSENT: The undersigned spouse of the Seller hereby consents to the disposition evidenced herein pursuant to the provisions of the Family Law Act, R.S.O. 1990, and hereby agrees to execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

(Witness)

(Spouse)

(Seal)

(Date)

CONFIRMATION OF ACCEPTANCE: Notwithstanding anything contained herein to the contrary, I confirm this Agreement with all changes both typed and written was finally accepted by all parties at this day of, 20.....
(a.m./p.m.)

(Signature of Seller or Buyer)

INFORMATION ON BROKERAGE(S)

Listing Brokerage (Tel. No.)

(Salesperson/Broker/Broker of Record Name)

Co-op/Buyer Brokerage (Tel. No.)

(Salesperson/Broker/Broker of Record Name)

ACKNOWLEDGEMENT

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

(Seller) (Date)

(Seller) (Date)

Address for Service

(Tel. No.)
Seller's Lawyer David Willer-Sullivan Mahoney LLP

Address 40 Queen St., St. Catharines, ON

Email dwiller@sullivanmahoney.com

905-688-8030 905-688-5814
(Tel. No.) (Fax No.)

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

(Buyer) (Date)

(Buyer) (Date)

Address for Service

(Tel. No.)
Buyer's Lawyer Harry Korosis - Lancaster Chown & Welch LLP

Address 800 - 80 King Street, PO Box 790, St. Catharines, ON

Email hkorosis@lcwlawyers.com

905-641-1551 905-641-1830
(Tel. No.) (Fax No.)

FOR OFFICE USE ONLY

COMMISSION TRUST AGREEMENT

To: Co-operating Brokerage shown on the foregoing Agreement of Purchase and Sale:

In consideration for the Co-operating Brokerage procuring the foregoing Agreement of Purchase and Sale, I hereby declare that all moneys received or receivable by me in connection with the Transaction as contemplated in the MLS[®] Rules and Regulations of my Real Estate Board shall be receivable and held in trust. This agreement shall constitute a Commission Trust Agreement as defined in the MLS[®] Rules and shall be subject to and governed by the MLS[®] Rules pertaining to Commission Trust:

DATED as of the date and time of the acceptance of the foregoing Agreement of Purchase and Sale: Acknowledged by:

(Authorized to bind the Listing Brokerage)

(Authorized to bind the Co-operating Brokerage)

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SCHEDULE "A"

1) Purchase Price

The Buyer agrees to pay the balance of the Purchase Price, subject to adjustments, by certified cheque drawn against a lawyer's trust account, to the Sellers, or as they may direct, on the completion of this transaction.

2) Post-Closing Covenants

(a) Following Closing, the Buyer covenants with the Seller that it will use the Property for constructing a multi-unit apartment building whose use will be consistent with the Seller's affordable housing policies.

(b) Following Closing, the Buyer will, at its sole cost and expense, remove and re-locate the playground equipment located on the Property to Lockview Park, on terms which are satisfactory to the Seller.

3) Vacant Possession

The Seller covenants to deliver vacant possession of the Property to the Buyer on Closing.

4) Re-Conveyance Agreement

On Closing, the Buyer agrees to enter into the Re-Conveyance Agreement in the form attached as Schedule "B" hereto, which will be registered on title on Closing. The Seller agrees to postpone its rights under this Re-Conveyance Agreement to any mortgagee who will be financing the construction of improvements which are consistent with the uses of Paragraph 2(a) above.

5) Assignment

The Buyer shall not have the right to assign this Agreement to any person or other entity without the prior written consent of the City, which consent may be unreasonably denied.

6) Notice

Any notice, approval, waiver, agreement, instrument, document or communication permitted, required or contemplated in this Agreement may be given or delivered and accepted or received by the Buyer's solicitors on behalf of the Buyer and by the Sellers'

solicitors on behalf of the Sellers. If the last day of a time period is not a business day in the Province of Ontario, then the time period shall end on the next business day.

7) No Fettering of Discretion

(a) Nothing in this Agreement shall derogate from, interfere with or fetter the discretion of any present or future Council in the exercise of its decisions or in the Seller's determinations or actions in the capacity of the Seller as a municipal corporation, or the rights of the municipality to act or refuse to act in connection with its approval, regulatory or inspection rights as a regulator or municipal corporation.

(b) All rights, benefits and obligations of the Seller under this Agreement shall be rights, benefits and obligations of the Seller in its capacity as a party to this Agreement, but notwithstanding the other provisions of this Agreement, shall not derogate or interfere with or fetter the rights, benefits, and obligations of the Seller in its function and capacity as a municipal corporation with respect to matters of general application. Without limiting the generality of the foregoing, nothing in this Agreement constitutes a waiver or exception of or from the Buyer from complying with, obtaining and being subject to all necessary consents, permits, licenses or approvals from the Seller in its capacity as a municipal corporation, in connection with any design, construction or development of anything on the Property.

SCHEDULE "B"

RIGHT TO RE-CONVEYANCE AGREEMENT

THIS AGREEMENT is made as of the ____ day of _____, 2022.

BETWEEN:

**THE CORPORATION OF THE CITY OF PORT
COLBORNE**
(the "**City**")

- and -

**PORT COLBORNE COMMUNITY ASSOCIATION
FOR RESOURCE EXTENSION**
(the "**Purchaser**")

RECITAL:

- A. By-law No. _____ passed by the Council for The Corporation of the City of Port Colborne on _____, 2022, authorized the acceptance of an Agreement of Purchase and Sale from the Purchaser for the lands described as Lots 504 to 511, inclusive, Plan 836, being part of PIN 64151-0013 (LT) (the "Property"), and, subject to the City reserving the right to a re-conveyance of the Property.
- B. The Purchaser has agreed to enter into an Agreement with the City to secure the City's right to a re-conveyance of the Property.

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the parties agree as follows:

1. DEFINITIONS

The terms defined herein shall have, for all purposes of this Agreement, the following meanings, unless the context expressly or by necessary implication otherwise requires:

- (a) "**Purchaser**" means Port Colborne Community Association for Resource Extension;
- (b) "**Property**" means the lands and premises described in Recital A of this Agreement; and
- (c) "**City**" means The Corporation of the City of Port Colborne.

2. RIGHT TO RE-CONVEYANCE

- (a) The Purchaser hereby grants to the City the irrevocable right to a re-conveyance of the entire Property in the event the Purchaser fails to:

I. enter into a Site Plan Agreement with the City for the construction of a multi-unit apartment building which is consistent with the City's current affordable housing policies within eighteen (18) months of registration of the Transfer of the Property from the City to the Purchaser, and, which Site Plan Agreement shall be registered on the title to the Property at the Purchaser's expense;

OR

II. construct a multi-unit apartment building which is consistent with the City's current affordable housing policies on the Property within three (3) years of registration of the Transfer of the Property from the City to the Purchaser.

Notwithstanding the foregoing, the conditions in Subsection (I) may be altered, and/or, the time limits set out in Subsections (I) and (II) may be extended to a mutually agreed upon date in the event that it cannot be completed due to circumstances beyond the control of the Purchaser, all of which is at the reasonable discretion of the City.

- (b) The Purchaser hereby grants to the City the irrevocable right to a re-conveyance of the entire Property in the event the Purchaser becomes insolvent or makes an assignment for the benefit of creditors, prior to the completion of the actions described in Sections 2(a)(I) and (II), at the reasonable discretion of the City.
- (c) The right to re-conveyance is exercisable by notice in writing from the City to the Purchaser.
- (d) In the event the City exercises its right to a re-conveyance of the Property as provided for in Sections 2(a) and (b), it shall do so for the sum of TWO DOLLARS (\$2.00), subject to adjustments for the amount of any taxes then due and owing against the Property and the amount of Land Transfer Tax payable by the City for registration of the Transfer of the Property. Despite any improvements or investments made by the Purchaser, the Purchaser shall be deemed to have forfeited any investment so made and shall not be entitled to any compensation for same whatsoever, including monies expended for installing services. Further, there shall be no adjustment in respect of monies drawn upon by the City in respect of securities provided by the Purchaser. Notwithstanding the foregoing, the Purchaser shall retain ownership of all studies, reports, drawings, plans and documents of any nature or kind, which have been commissioned, supplied or paid for solely by the Purchaser.

- (e) Within twenty-one (21) days of the City exercising its right to a re-conveyance as aforesaid, the Purchaser shall vacate the Property, and deliver to the City all keys to the Property, if any. Following the expiration of the twenty-one (21) day period, the Purchaser will electronically sign and release for registration, and the City shall be at liberty to register, a Transfer in favour of The Corporation of the City of Port Colborne. If the Purchaser does not vacate the Property in the time provided, the City shall take all steps necessary to take possession of the Property.
- (f) In addition to Section 2(e) above, the Purchaser undertakes to obtain and register good and valid Discharges and/or Releases of all Liens, Charges and any other encumbrances, which the Purchaser has caused to be registered against the title to the Property, forthwith following the City's notice of exercising its option. Notwithstanding the foregoing, the Purchaser shall at all times indemnify and save harmless the City against all actions, suits, claims and demands whatsoever, which may be brought against or made upon the City and from and against all losses, costs, damages, charges and expenses whatsoever which may be incurred, sustained or paid by the City for or by reason of or on account of such Liens, Charges or other encumbrances.

3. **NON-ASSIGNMENT**

This agreement may not be assigned by the Purchaser without the express written consent of the City, which consent may be arbitrarily withheld.

4. **SEVERABILITY**

If any provision contained herein shall be found by a Court of competent jurisdiction to be illegal or unenforceable, then such provision shall be considered separate and severable from the rest of this Agreement, and the remainder of this Agreement shall continue to be in full force and effect and shall continue to be binding upon the parties as though the illegal or unenforceable provision had never been included.

5. **ARBITRATION**

The validity, construction and performance of this Agreement shall be governed by the laws of the Province of Ontario and any dispute that may arise under or in relation to this Agreement, including its validity, construction or performance, shall be determined by arbitration upon application to a single Judge in the Superior Court of Justice in accordance with and pursuant to the provisions of the *Arbitration Act 1991, S.O. 1991 c. 17* and the arbitrator's decision shall be final and binding upon the parties and upon their respective successors and assigns and shall not be subject to appeal.

6. NOTICES

Any notice, demand, approval, consent, information, agreement, offer, request or other communication (hereinafter referred to as a “**Notice**”) to be given under or in connection with this Agreement shall be in writing and shall be given by personal delivery, facsimile transmission or email to the address set out below or to such other address or electronic number as may from time to time be the subject of a Notice:

(a) **City:**

The Corporation of the City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8
Attention:
Facsimile:
Telephone:

(b) **Purchaser:**

.

Attention:
Facsimile:
Telephone:

Any Notice, if personally delivered, shall be deemed to have been validly and effectively given and received on the date of such delivery and if sent by facsimile transmission or email with confirmation of transmission prior to 5:00 p.m., shall be deemed to have been validly and effectively given and received on the business day it was sent unless the confirmation of transmission was after 5:00 p.m. in which case it shall be deemed to have been received on the next following business day.

7. HEADINGS

The headings used herein shall be for convenience of reference only, and shall not affect the interpretation of this Agreement.

8. **SUCCESSORS AND ASSIGNS**

All of the covenants and terms in this Agreement shall be binding upon the parties hereto and their respective successors and assigns and shall enure to the benefit of and be enforceable by the parties hereto and their respective successors and their permitted assigns pursuant to the terms and conditions of this Agreement.

9. **COUNTERPARTS AND ELECTRONIC DELIVERY**

This Agreement may be executed and delivered by facsimile or electronic transmission and the parties may rely upon all such facsimile or electronic signatures as though such facsimile or electronic signatures were original signatures. This Right to Re-Conveyance Agreement may be executed in any number of counterparts and all such counterparts shall, for all purposes, constitute one agreement binding on the parties.

[Signature page follows.]

IN WITNESS WHEREOF the Purchaser has executed this Agreement the ____ day of _____, 2022.

**PORT COLBORNE COMMUNITY
ASSOCIATION FOR RESOURCE
EXTENSION**

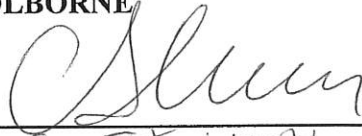
Per: _____
Name: _____
Title: _____

Per: _____
Name: _____
Title: _____

I/We have authority to bind the Corporation.

IN WITNESS WHEREOF the City has executed this Agreement the 15 day of December, 2022.

**THE CORPORATION OF THE CITY OF
PORT COLBORNE**

Per: 
Name: SCOTT LUECK
Title: CAO

Per: _____
Name: _____
Title: _____

I/We have authority to bind the Corporation.



Subject: Sign Variance Request 690-700 Elm Street

To: Council

From: Community Safety & Enforcement Department

Report Number: 2023-153

Meeting Date: September 12, 2023

Recommendation:

That Community Safety & Enforcement Department Report 2023-153 be received; and

That Council grant a sign variance from By-law Number 4738/120/05- Being a by-law to regulate the erection and maintenance of signs and other advertising devices as requested by The Elms Port Colborne for a double-sided ground sign.

Purpose:

The purpose of this report is to present Council with a sign variance request submitted by Annii Okonkwo with respect to erecting a development sign located at 690-700 Elm Street

Background:

The City's current procedure with respect to sign variances is to obtain the \$810 variance fee along with a completed application form. A review from both Building and By-law Enforcement Divisions is required, a report is prepared and then presented to Council for consideration.

The installation and maintenance of signs within the City of Port Colborne is regulated under By-Law No. 4738/120/05 (the "Sign By-law"). The proposed request is not in compliance with the following sections of the Sign By-law.

General Prohibitions.

Ground Sign

- Section 3.2.7 (c) No Ground Sign shall be erected which

- (i) exceeds three (3) metres in height.
- (ii) exceeds 0.3 square metres in area in Residential zones except for advertising land or premises for sale or rent (0.6 square metres)
- (iii) exceeds ten (10) square metres in area per side or visible face.

As per Section 4.3 of the Sign By-law, an applicant may apply to Council for a sign variance from the provisions and regulations of this by-law.

Discussion:

Staff received the application and supporting documentation and uploaded this information to the By-law Variance web page and opened it up for public comments.

The City of Port Colborne, when considering the request, has an obligation to balance the commerce of the business and the safety of the public.

The erection of the sign requires a building permit. The office of the Chief Building Official will review and determine the necessary requirements for the stability of the sign.

The proposed sign is 11' x 15' therefore the total area of the sign would be 165 square feet or 15.33 square metres. An increase of 5.33 square metres over the maximum area allowed, which is 10 sq m. The height of the sign also exceeds the maximum of 3-metres height by .35 meters. For a total of 3.35 meters in total height.

Internal Consultations:

Planning Comments: No concerns or adverse comments regarding this application.

Building Comments: After the review of the application, the sign includes some advertising on the skirt which forms part of the sign. Therefore, the total area of the sign would be 165 square feet or 15.33 square meters. A total increase of 5.33 square meters is whereas 10 sq m is permitted.

Additionally, the applicant will require a building permit and all required inspections.

Summary of Comments:

By-law Services have reviewed the application and other relevant staff comments and is not opposed to the proposed signage.

Financial Implications:

There are no financial implications.

Public Engagement:

The variance application was posted on July 20, 2023, on the By-law variance web page and closed on August 16, 2023. No comments were received.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
-

Conclusion:

That the Council of the Corporation of the City of Port Colborne hereby grant a variance to exempt the proposed sign at 690-700 Elm Street from Section 3.2.7 (c) of By-law 4738/120/05, with the condition that a building permit and required inspections occur.

Appendices:

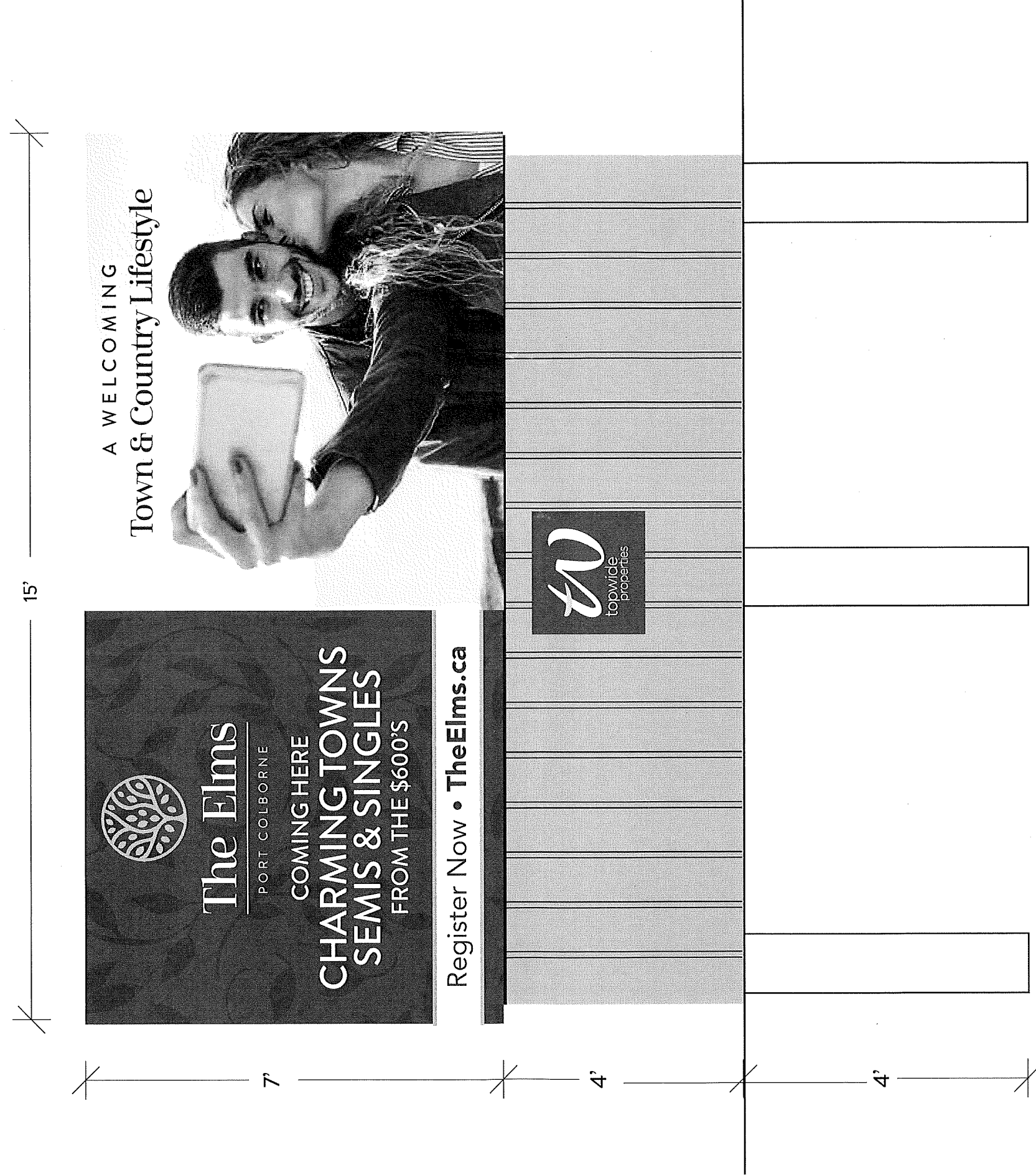
- a. Appendix A – Site Plan
- b. Appendix B – Request for Relief from Sign By-law application

Respectfully submitted,

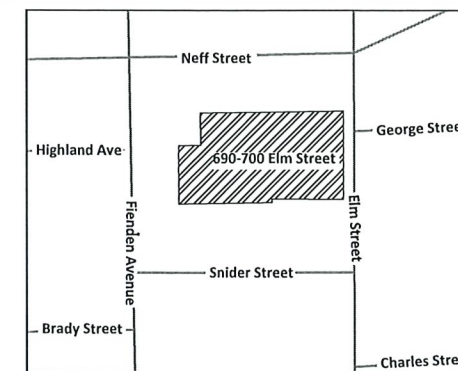
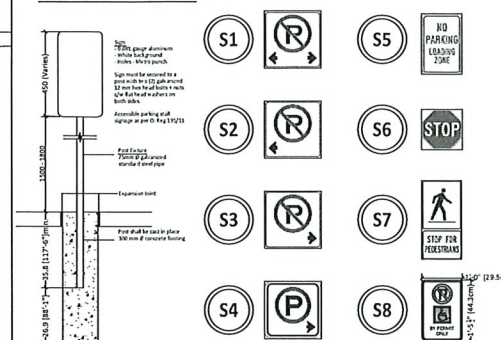
Sherry Hanson
Manager of By-law Services
905-835-2900 ext. 210
Sherry.Hanson@portcolborne.ca

Report Approval:

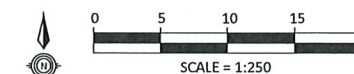
All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



The Elms - Port Colborne Ground Sign
Double Sided - 105 sq. ft Each Display Face. - 6" x 6" posts in concrete
Scale: 1/2" = 1'



Key Map (NTS)



Preliminary

Legal Description
Part of Lot 3 on west side of Cranberry Street, Part of Blocks B & C on Registered Plan No. 775, and Part 1 on 59R-16070, in the City of Port Colborne

Use	Unit (Lot)	#
Single Detached	20-24	5
Semi-Detached	16-19	10
Townhouses	1-11	15
Apartments	31	41
Total		71

Parking Type	Stall
Accessible Stalls	3
Standard / Outdoor Stalls	84
Garage Stalls	27
Layby Stalls (Off-Street)	16
Total	130

[illegible]

190A Ontario Street, St Catharines, Ontario L2R 5K9 Studio: 905.684.8585 Betterneighbourhoods.ca

Project: 690-700 Elm Street
Port Colborne, Ontario

Drawing: Site Plan

Issue Date: 2022-08-16

Dwg No.: 0376-SP-1

Rev. No.:	0
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Request for Relief from Sign By-law

This form represents a request for Relief from Sign By-law within the City of Port Colborne. The property in question requesting the relief from such By-law will be posted on the City's website. Citizens can review the request and submit comments in regards to the relief from By-law request. By-law Services will review comments and make a final decision on the request within 45 days of submission. In order for By-law Services to proceed with a request for a relief from a By-law, it is required that you complete this form in **FULL** including your signature and date.

Requestor Information:

Would you like to pay for this application online? *

- ☐ No (Payment must be made in person at City Hall before application will be reviewed by City staff)
- ☒ Yes (Credit Card payments only)

First name *

Annii

Last name *

Okonkwo

Are you the property owner? *

- ☒ Yes
- ☐ No

Address *

[REDACTED]

City *

[REDACTED]

Postal Code *

[REDACTED]

Is the property address in question the same as above? *

- ☐ Yes
- ☒ No

Email *

annii@topwideproperties.com

Phone Number *

[REDACTED]

Proposed Sign Location *

690 Elm Street, Port Colborne

Is the Sign location on a Regional Road? *

☐ Yes

☒ No

Is the Sign adjacent to a driveway? *

☐ Yes

☒ No

Is the Sign encroaching on City property? *

☐ Yes

☒ No

Is there an existing Site Plan Agreement? *

☒ Yes

☐ No

Have you applied for a Sign permit? *

☐ Yes

☒ No

Sign Dimensions *

7 feet by 15 feet

Please upload file of the Site Plan and Elevation(s) ***File Name**

Topwide - Site Sign.pdf
161.3 KB

Reason for application *

We would like to erect a very pleasing sign on our site that would showcase the wonderful development coming to Port Colborne. The 7' x 15' sign would be on a beautiful 4' skirt to avoid the sign being covered by snow during the winter months while still displaying the upcoming development. It would be disastrous to have such a nice sign destroyed due to weather conditions during the fall/winter, this ensures that will not be the case.

Disclaimer: The personal information requested on this form is being collected for the purpose of conducting a By-law Enforcement investigation and may be shared with the applicable departments and agencies for the purpose of initiating action. Collection of personal information is governed, authorized, and protected by the Freedom of Information and Protection of Privacy Act. By providing this information, you consent to its use for the above purposes.

Signature *

Date

7/20/2023



Payment page Request for Relief from Sign By-law

The property in question requesting the relief from such By-law will be posted on the City's website. Citizens can review the request and submit comments in regards to the relief from By-law request. By-law Services will review comments and make a final decision on the request within 45 days of submission.

Application fee: \$810.00

Thank You.

Your request for Relief from Sign By-law Application has been submitted.

City staff will now review your application and be in contact with you with-in 45 days to provide you with a response.

Please note: If making payment in person, the application will not be reviewed until payment is recieved.

If you have any questions, call 905-835-2900 x200 or email bylawenforcement@portcolborne.ca.

Receipt Number: 115055
HST Number: 10698 4107 RT0001
Date: July 20, 2023
Initials: BS

Type	Account / Ref. #	Quantity	Amount Paid	Balance Remaining
General	GL	N/A	\$829.36	N/A

Description:

Bylaws - Licences & Permits

Subtotal:	\$829.36
Taxes:	\$0.00
Total Receipt:	<u>\$829.36</u>
Paymentus:	\$829.36

Total Amount Received:	<u>\$829.36</u>
Rounding:	\$0.00
Amount Returned:	<u>\$0.00</u>



Subject: Downtown BIA – 2023 Harvest Festival

To: Council

From: Corporate Services Department

Report Number: 2023-186

Meeting Date: September 12, 2023

Recommendation:

That Corporate Services Department – Recreation Division Report 2023-186 be received;

That Market Square parking lot be closed to vehicular traffic and parking from 12:00 p.m. on Friday, September 22, 2023, to 5:00 p.m. on Saturday, September 23, 2023;

That Charlotte Street from Catharine Street to West Street be closed to vehicular traffic and street parking from 7:00 a.m. to 5:00 p.m. on Saturday, September 23, 2023;

That a Noise By-law Variance be approved for Harvest Festival on Saturday, September 23, 2023; and

That the \$88.50 park permit fee and \$115.00 Noise By-law Variance fee be waived.

Purpose:

The purpose of this report is to present a request to Council, on behalf of the Port Colborne Downtown Business Improvement Area (Downtown BIA), for road closures, a Noise By-law Variance, access to City supplies and services, and a waiving of fees in support of their annual Harvest Festival.

Background:

Harvest Festival is an annual event organized and hosted by the Downtown BIA. This year, they are expecting over 5,000 attendees to join the festivities on Saturday, September 23, 2023. The following is an outline of the activities taking place during the festival:

- Food vendors, kids' activities, and a magic show at Mariners Park;
- Crafters at St. James & St. Brendan's Anglican Church;
- Sidewalk sales by participating downtown businesses;
- Entertainment provided by participating restaurants and pubs; and
- Buskers provided by the Downtown BIA.

The City will be hosting a free community concert at 6:00 p.m. on Friday, September 22, 2023, in King George Park.

Discussion:

Recreation staff have discussed the above-listed activities with the Downtown BIA, and staff are supportive of both their event plan and the requests below. The Downtown BIA will be renting portable washrooms, and the harbour master building washrooms will remain open for the duration of the festival. The Downtown BIA will have medical staff present to provide medical, first aid, and health and safety services.

The Downtown BIA is requesting that Council approve the following road closures (to vehicular traffic and street parking), list of City supplies and services, as well as a waiving of a park permit fee for King George Park and a Noise By-law Variance fee.

- Road Closures
 - Market Square parking lot from 12:00 p.m. on Friday, September 22, 2023, to 5:00 p.m. on Saturday, September 23, 2023;
 - Charlotte Street from Catherine Street to King Street and from King Street to West Street from 7:00 a.m. to 5:00 p.m. on Saturday, September 23, 2023.
- City Supplies & Services
 - 10 large pylons;
 - 10 road barricades;
 - Extra garbage bins in King George Park, Market Square, Mariners Park, and on Charlotte Street and the Promenade; and
 - Access to hydro at King George Park.

The closure of Market Square at noon on Friday, September 22, will allow the City to begin setting up for its community concert after the Farmers' Market closes. Seeing as Harvest Festival is taking place the following day, and activities will occur in Market Square, a continuous 29-hour closure of Market Square is being requested.

The Noise By-law Variance is required for Saturday, September 23, 2023, as Harvest Festival includes amplified music and buskers.

Internal Consultations:

Recreation staff have informed Public Works, Communications, By-Law, and the Fire Department of this festival event.

Financial Implications:

By approving the Downtown BIA's requests, Council will be waiving a total of \$203.50 in fees (\$88.50 for a park permit and \$115.00 for a Noise By-law Variance) as well as permitting the event to have access to City supplies, services, and hydro (at King George Park).

Public Engagement:

The Downtown BIA has been asked to give advance notice to all of the residents, businesses, and property owners in the areas of the road closures.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
-

Conclusion:

In conclusion, the Downtown BIA is requesting road closures, a Noise By-law Variance, access to City supplies and services, and a waiving of fees in support of their annual Harvest Festival.

Appendices:

- a. 2023 Harvest Festival Road Closure Map

Respectfully submitted,

Olga Loeffen

Business Community and Events Ambassador

905-835-2900 x507

olga.loeffen@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.

2023 HARVEST FESTIVAL ROAD CLOSURES

Version 1 (08/31/23)



FENCING



Subject: Appointment to the Port Colborne Seniors Advisory Committee

To: Council

From: Development and Legislative Services Department

Report Number: 2023-176

Meeting Date: September 12, 2023

Recommendation:

That Corporate Services Department Report 2023-176 be received; and

That Deanna Rudyk be appointed to the Port Colborne Seniors Advisory Committee to serve at the pleasure of Council for a term ending December 31, 2027.

Purpose:

The purpose of this report is to obtain approval regarding the appointment to the Port Colborne Seniors Advisory Committee.

Background:

In 2006, staggered terms were introduced for many of the City's boards and committees and citizens were appointed for terms of two, three, and four years. Future appointments were to be for four-year terms in order to maintain the staggered structure established by the 2006 appointments. Council's current policy regarding the appointments to boards and committees was adopted by Council on November 10, 2008. A copy of the policy is available on the City's website.

New appointments to fill an expired term are for a four-year term currently ending December 31, 2027.

Discussion:

Recruitment took place in June 2023, however one (1) vacancy remained on the Port Colborne Seniors Advisory Committee.

The Clerk's Division reviewed the application received and consulted with the respective committee staff liaison for input and staff recommend that Deanna Rudyk be appointed to the Port Colborne Seniors Advisory Committee to serve at the pleasure of Council for a term ending December 31, 2027.

Internal Consultations:

The Clerk's Division obtained input from the staff liaison assigned to the Port Colborne Seniors Advisory Committee regarding the application received.

Financial Implications:

There are no financial implications.

Public Engagement:

Advertisements regarding recruitment were posted on the City's website, social media channels and in the local newspaper. Applications from persons wishing to stand for appointment (or reappointment) were accepted until end of day on June 30, 2023.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
-

Conclusion:

Staff have prepared this report to obtain approval regarding the appointment to the Port Colborne Seniors Advisory Committee.

Respectfully submitted,

Joanne Goulet
Interim Deputy Clerk
905-835-2900 x115
Joanne.goulet@portcolborne.ca

Report Approval:

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

August 11, 2023

CL 11-2023, July 20, 2023

PWC 7-2023, July 11, 2023

PW 33-2023, July 11, 2023

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Provision of Curbside Collection on behalf of Producers for Residential Blue Box Program

PW 33-2023

Regional Council, at its meeting held on July 20, 2023, passed the following recommendation of its Public Works Committee:

That Report PW 33-2023, dated July 11, 2023, Provision of Curbside Collection on behalf of Producers for Residential Blue Box Program, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Niagara Region **ELECT NOT** to 'opt in' to the continued provision of curbside collection of Blue Box materials (as defined by O. Reg 391/21), from residences, facilities, and public spaces on behalf of producers after Niagara Region's transition date of January 1, 2024;
2. That staff **BE DIRECTED** to notify Circular Materials Ontario and advise Local Area Municipalities of Niagara Region's decision respecting the provision of curbside collection of Blue Box materials; and
3. That, as a service to residents and in the interest of waste diversion, staff **BE DIRECTED** to develop and implement a communication strategy leading up the transition date (January 1, 2024) to advise residents of the changes to the residential Blue Box program.

A copy of PW 33-2023 is enclosed for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

js

CLK-C 2023-84

Provision of Curbside Collection on behalf of Producers for Residential Blue Box
Program
August 11, 2023
Page 2

cc: S. Tait, Manager, Waste Policy and Planning
D. Carnegie, Acting Commissioner, Public Works
N. Coffey, Executive Assistant to the Commissioner, Public Works

Subject: Provision of Curbside Collection on behalf of Producers for Residential Blue Box Program

Report to: Public Works Committee

Report date: Tuesday, July 11, 2023

Recommendations

1. That Niagara Region **ELECT NOT** to 'opt in' to the continued provision of curbside collection of Blue Box materials (as defined by O. Reg 391/21), from residences, facilities, and public spaces on behalf of producers after Niagara Region's transition date of January 1, 2024;
2. That staff **BE DIRECTED** to notify Circular Materials Ontario and advise Local Area Municipalities of Niagara Region's decision respecting the provision of curbside collection of Blue Box materials; and
3. That, as a service to residents and in the interest of waste diversion, staff **BE DIRECTED** to develop and implement a communication strategy leading up the transition date (January 1, 2024) to advise residents of the changes to the residential Blue Box program.

Key Facts

- In accordance with O. Reg 391/21, Niagara Region will transition the residential Blue Box (includes Grey Box) program to full producer responsibility on January 1, 2024 and as of this date will no longer have financial or operational control over the program.
- While Niagara Region does not have any obligation to provide residential Blue Box collection beyond January 1, 2024, the Producer Responsibility Organization (PRO), Circular Materials Ontario (CMO), has reached out to eligible communities to provide curbside collection and related promotion and education services for eligible sources (residences, multi-residential buildings, some long term care homes and retirement homes and some public spaces) on their behalf for the transition period (January 1, 2024 to December 31, 2025 for Niagara Region) provided that eligible communities agree to CMO's terms and conditions contained within Statement of Works and a Master Service Agreement.

- Waste Management Services and Legal Services staff have reviewed the Statement of Works (SOW) and Master Service Agreement (MSA) and have identified significant risks with providing curbside collection from eligible sources including financial risks arising from the scope of work, service level obligations, change management, and termination clauses. Niagara Region would also need to enter into negotiations with existing contractors to amend current contracts to align with CMO's SOW and MSA.
- CMO has advised Niagara Region that they will not be making any changes to the SOW and MSA to address the concerns or discrepancies between their documents and Niagara Region's existing collection contracts and furthermore, Niagara Region's two collection contractors, Miller Waste Systems Inc. and GFL Environmental Inc. indicated they would not agree to the terms within CMO's SOW and MSA as currently written and presented. Both contractors have indicated that while they would not agree to some changes at all, some they would agree to but would come at a cost to Niagara Region.
- Due to the significant risks, CMO's decision not to change the SOW and MSA and Niagara Region's inability to pass along changes to the existing collection contracts to address some of the risks, it is recommended not to opt-in to the continued provision of curbside recycling services on behalf of CMO.
- Promotion and education, customer service and supply and distribution of containers including public space containers becomes the responsibility of CMO's contractor, effective January 1, 2024 with Niagara Region not opting in to provide collection services on CMO's behalf.

Financial Considerations

1. Compensation Offer

Compensation is being offered by CMO to eligible communities that collect recyclables from eligible sources (i.e. residences, multi-residential buildings, some schools and long term care homes and retirement homes and some public spaces) on their behalf and CMO did provide pricing based on stops per month; however, Niagara Region was not able to do a fulsome analysis on the offer as there are outstanding questions related to the offer (ex. did it include administrative costs, how fuel escalations would be handled with Niagara Region having one contractor using diesel and another using compressed natural gas, and it is subject to change prior to January 1, 2024 based on actual CPI

and fuel escalations instead of estimates). CMO did not provide staff with answers to the above questions regarding compensation.

Based on the preliminary price per stop per month offered to Niagara Region (which is subject to escalations), compensation appears to cover the anticipated 2024 Blue Box collection costs; however, the exact compensation amount from CMO may not be known until the transition date if inflationary factors (CPI and diesel index) are applied to CMO's compensation offer which has not been confirmed by CMO to date. Therefore, there is a risk that the compensation offered by CMO may not actually cover the full 2024 costs for recycling collection for eligible sources, which includes collection costs of approximately \$16 million dollars and subject to the points below.

As mentioned, there are also many unknowns related to the exact compensation offer from CMO and although it is currently estimated to cover Niagara Region's curbside Blue Box collection costs and associated administration costs, it can not be guaranteed. Moreover, there could be additional costs associated with opting in which are unknown at this time, including:

- Price increases to the existing collection contracts as a result of negotiations to address discrepancies with CMO's SOW and MSA. As discussed below in the report, the contractors are not willing to renegotiate existing contracts without additional costs to the Niagara Region which would not be funded by CMO;
- Additional administration time/costs on staff in order to meet reporting requirements as set out in CMO's documents; and
- Additional promotion and education costs needed to meet the requirements as set out in CMO's documents.

The risks of not being able to do a full analysis on the CMO offer include:

- The inability to accurately calculate the impact of changes in the assumptions included in CMO's offer leading up to the January 1, 2024 transition date. For example, staff were unable to determine what the impact on the compensation would be if specific escalation factors changed between now and the January 1, 2024 transition. This impacts the Region's ability to accurately estimate 2024 revenues from CMO in comparison to estimated collection costs;
- The impact of CPI and fuel market changes on the current CMO offer would not be known until close to the January 1, 2024 transition date and therefore there is

an inherent risk that the compensation amount may decrease and not provide sufficient funding to cover the Region's collection contract costs; and

- The current collection contracts have different annual escalation factors compared to the escalation factors included in CMO's offer. For example, Niagara Region's collection contracts have annual escalations with 80% of the escalation tied to CPI and 10% tied to changes in the fuel market. CMO's offer includes annual escalations with 80% of the escalation tied to CPI and 20% tied to fuel. Niagara Region does not have information on how CMO will handle the fuel escalations (with the Region having one contractor using diesel fuel and the other using compressed natural gas) and so staff were unable to calculate any potential fluctuations in the fuel market and how that would impact funding received from CMO and compare it against anticipated payments to the collection contractors;

2. Budgetary Considerations

In anticipation of the transition of responsibility for Blue Box collection from municipalities to producers, Niagara Region reserved a right in its collection contracts to remove the residential Blue Box related portion of work, subject to paying any reasonably incurred costs of the collection contractors in winding down that portion of the work (including the value of any stranded assets). In the current context, it is likely that the Region's collection contractors will be in a position to redeploy their capital assets, which mitigates against the risk of there being any stranded capital assets as a result of the removal of this portion of the work.

The decision to not opt-in to the Blue Box collection will result in expenditures associated with this service being removed from the operating budget effective January 1, 2024. The reduction in expenditures would be net of any one-time wind down costs such as potential amounts owing to Miller Waste Systems Inc. and GFL Environmental Inc. noted above. Any one-time wind down costs included in the 2024 operating budget would be removed from the 2025 operating budget with 2025 reflecting the first full year of ongoing collection costs (ex. garbage and organics collection and Blue Box collection from non-eligible sources which will remain the responsibility of Niagara Region following transition).

Staff will soon begin the 2024 operating budget process. Decisions made by Council (i.e., the decision to not opt in of residential Blue Box collection) will be reflected to the extent possible in the 2024 operating budget and the 2025/2026 multi-year budget where applicable. It is important to note that while costs for residential Blue Box

collection will be removed from the 2024 operating budget, this may not result in \$16 million savings in the budget when considering all other operating costs/decision points as part of the 2024 budget planning process. As an example, other operating budget impacts to be considered as part of the 2024 operating budget include, but are not limited to:

- Impact of any one-time wind down costs as noted above. The total amount of wind-down costs are undetermined at the time of writing this report and will be considered during the operating budget process;
- Reduction of Waste Diversion Ontario (WDO) funding (related to the blue box program) which Niagara Region will not longer receive effective January 1, 2024 as a result of the transition to full producer responsibility (2023 budget included WDO funding of \$6.2 million);
- Impact of budget mitigation strategies (including the Waste Management Stabilization reserve and capital reserves)
- Anticipated costs increases due to changes for collection and processing of recyclables from non-eligible properties (commercial) as a result of the transition to full producer responsibility.

Analysis

Background

In June 2021, the Province approved the Blue Box Regulation (O. Reg. 391/21) under the *Resource Recovery and Circular Economy Act*, 2016. This regulation removes the responsibility of the residential Blue Box (including Grey Box in Niagara Region) recycling programs from municipalities and makes Producers of Blue Box material directly responsible for their products and packaging once consumers dispose of them. Between July 1, 2023 and December 31, 2025 all existing residential Blue Box programs in Ontario will move to a single, provincial collection system funded, governed, and operated by the producers.

Eligible communities will start transitioning their residential Blue Box programs between July 1, 2023 and December 31, 2025. Niagara Region transitions on January 1, 2024.

As the majority PRO in Ontario, CMO has reached out to eligible communities to provide collection services on CMO's behalf from their transition date until December 31, 2025 (transition period). If an eligible community wants to provide residential Blue

Box services on behalf of CMO (opts in), they need to sign a contract with CMO and potentially revise the contracts with their current service providers based on the requirements outlined in the CMO contract. CMO has developed forms of contractual agreement (Statement of Works and overall, Master Service Agreement) for eligible communities wishing to opt in for curbside collection from residences, facilities (i.e., multi-residential buildings and some long-term care and retirement homes) and public spaces, depot collection, and delivering promotion and education. For some communities, opting in is beneficial as the community uses municipal forces to complete the work or does not have off-ramp clauses in their existing collection contracts, to allow them to terminate contracts.

If a municipality does not opt in for providing collection services on behalf of CMO, then CMO plans to approach the contracted service provider(s) in the eligible community (Niagara's current providers are Miller Waste Systems Inc./GFL Environmental Inc.) to determine if they would continue providing the service. If they do not wish to contract directly with CMO, CMO will award the work via a competitive Request for Proposal (RFP) to find a new service provider. However, both Miller and GFL Environmental Inc. have indicated that they are interested in negotiating with CMO directly to continue to provide residential Blue Box collection services in Niagara through the transition period. Miller Waste Systems Inc. and GFL Environmental Inc. have been successful in obtaining contracts with CMO to continue providing service in other communities, where the eligible community has elected to not opt in.

Statement of Works (SOW) and Master Service Agreement (MSA)

Confidential report PWC-C 2-2023 provided an overview of the main concerns with CMO's SOW for Collection from Residences, Facilities and Public Spaces and the MSA that eligible communities need to sign to provide services on CMO's behalf. These main concerns were related to the termination, procedures at the receiving facility, documentation, reporting and timelines, the contamination rate, pricing structures and escalations and the receiving facility location.

Legal services has provided an overview and more detailed concerns related to CMO's MSA and discrepancies between MSA and the existing collection contracts. This overview can be found in Confidential Memorandum PWC-C 5-2023. In addition to the concerns noted in PWC-C 5-2023, staff have reviewed the SOWs and below is a summary of the more substantive discrepancies between Niagara Region's existing collection contracts and concerns that could result in additional costs that Niagara Region could bear.

1. Procedures at Receiving Facility

Procedures the contractor will need to follow differ than what is currently in existing collection contracts. For example, a portion of curbside collection vehicles will need to go over weigh scales after emptying each compartment which is currently not a requirement.

2. Documentation, Reporting and Timelines

There are several documentation and reporting requirements and timelines set out with the Statement of Works that need to be met by Niagara Region. Some of the timelines may be difficult to meet. In addition, it would require amendments to existing contracts as the current contractors would be required to submit reports not included in existing contracts (ex. estimated fuel usage and kilometres driven).

3. Contamination Rate

An aggressive contamination target of four (4) percent is identified for collection from eligible sources without any compensation for any increased monitoring, promotion, education, and enforcement needed to try and meet this target. For comparison, Niagara Region's 2021 residue rate was approximately 10% (based on residential tonnes disposed). Niagara Region could be responsible for implementing a plan to mitigate contamination, including best practices as determined by CMO, at the Region's sole cost.

4. Pricing Structure and Escalations

The pricing structure, payment methods and escalations are not the same as Niagara Region's compensation methodologies. For example, for fuel and additional of eligible sources. For example, CMO will compensate eligible communities for collection services based a unit price for eligible sources whereas the Region's current collection contracts are fixed annual price. Fuel escalations in the CMO documents are based on 20% of unit price whereas Niagara Region's collection contract is based on 10% of the per annum contract price. Niagara Region also has one collection contractor using diesel and another using compressed natural gas and it is unclear how this will be reflected in the pricing and future escalations.

A prescribed change order process will need to be completed to add new eligible sources to ensure Niagara Region is compensated for servicing new locations for collection from residences, facilities, and public spaces. The same change order

process will need to be followed to remove any eligible sources. This may result in an administrative burden (at Niagara Region's expense) as currently escalations for new low density residential units is done on a yearly basis for the collection contracts. Differences in the pricing structure and escalations could result in discrepancies between payments from CMO and Niagara Region's expenses for the work.

5. Receiving Facility Location

The location of the receiving facility where Blue Box material will be required to be delivered is not specified within the SOWs. It is stated that the receiving facility will be within one (1) hour driving distance (one way) of the centre of each eligible community (local area municipalities). There will be no additional compensation provided if the receiving facility is farther than the current drop off location for recycling in existing contracts. While it is anticipated that the MRF located in Niagara Falls will be the location of the receiving facility, it has not been confirmed. In addition, CMO has not included any information on unloading times at the receiving facility. If the receiving facility is a farther distance than the existing MRF and unloading times are longer than currently experienced by the existing contractors, this could lead to increased expenses that Niagara Region will not be compensated by CMO for.

The Region would not have certainty of the location at the time of contract execution. If the location is farther than the current MRF, this may not be enough time if Niagara Region's existing contractors require more vehicles, if required.

In addition, if the receiving facility can not take the material, CMO may direct the vehicles to another receiving facility and Niagara Region will only be compensated if the location is beyond the one (1) hour. Any increased driving times to receiving facility may impact the ability of the contractors to complete collection and will increase costs.

Discussions and Correspondence with CMO

Since the last update provided in the confidential report PWC-C 2-2023, Niagara Region has had further correspondence with CMO regarding our concerns with the SOW and MSA. CMO has advised Niagara Region that they will not be making any changes to address our concerns and discrepancies between their documents and Niagara Region's existing collection contracts. If Niagara Region wishes to opt in and provide curbside collection on CMO's behalf, Niagara Region will need to execute these documents as is. Based on the risks and discrepancies between CMO's contract

documents and Niagara Region's current contracts, Niagara Region is not in a position to execute any agreements with CMO.

Discussions and Correspondence with Miller Waste Systems Inc. and GFL Environmental Inc.

As mentioned, there are several clauses in CMO's SOWs and MSA which differ from Niagara Region's existing contracts with Miller Waste Systems Inc. and GFL Environmental Inc. and as a result Niagara Region has had discussions with Miller Waste Systems Inc. and GFL Environmental Inc. The adoption of these new clauses with CMO would, in the case of "opting in", require that the existing collection contracts be amended to ensure alignment with the CMO agreement. Both contractors have indicated that they would not be able to agree to all of the changes that would be required to their existing contracts. Both contractors indicated that while some changes could be made to their existing collection contract to meet the requirements of CMO's SOW and MSA, some would be at an additional expense to Niagara Region. Any additional expenses would not be covered by CMO.

Challenges of Providing Recycling Services on Behalf of Producers

In addition to the concerns noted above in this report, some additional challenges of providing collection for eligible sources and promotion and education on behalf of producers during the transition period include:

- Promotion and costs could exceed the per-household payment of \$1.50 per household.
- There may be additional costs associated with providing and distributing recycling containers that are not covered by the compensation offered by CMO.
- Fundamentally, EPR is intended to reduce financial and operational burden on municipalities. By choosing to remain part of the system, Niagara Region will continue to pay for this work if compensation does not cover all the costs that may be required to provide service including any increases in staff time for overseeing the contract with CMO.

Changes to the Blue Box Program

With the introduction of the Blue Box regulation and producers taking over the responsibility of the Blue Box program, there will be changes to the existing program during the transition and post transition regardless if Niagara Region does not opt in to

provide collection on behalf of producers. Below is a summary of these changes for the transition and post-transition period.

Transition Period and Post Transition

- Removal of non-designated Blue Box material under the Blue Box regulation from the program such as books and flexible plastic used for the containment of food (ex. sandwich bags).
- CMO will be promoting that Blue Box Material should not be placed inside plastic bags when set out for collection as they have indicated this format is problematic for processing facilities.
- If Miller Waste Systems Inc. and GFL Environmental Inc. are successful in contracting with CMO during the transition period, there should be little disruption to the existing collection service but collection times, for example, could change.
- CMO's contractor will be responsible for the purchase and distribution of containers including public space containers which is currently done by Niagara Region and the local area municipalities. Niagara will still be responsible for Green Bins and containers for non-eligible sources. Broken containers are currently collected by recycling collection vehicles and therefore, a new procedure for containers CMO's contractor is not responsible for will be required.
- CMO's contractor will be responsible for the operation of a customer service centre and therefore, residents will need to call a different number for issues related to Blue Box collection with Niagara Region electing to not opt in. Niagara Region will still be responsible for calls from non-eligible sources and garbage and organics related collection issues/questions.

Post Transition

- Starting January 1, 2026, producers are only required to collect Blue Box material every other week.
- More materials will be accepted in the Blue Box program than currently accepted. New items will include single use plastics such as plates, cutlery and straws and multi-laminated packaging.
- Collection methodology could change (ex. move to cart collection or single stream collection); however, CMO has indicated they do not plan to change the methodology at this time.

- The number of public space recycling containers collected by CMO may change as the Blue Box regulation states the number of public space recycling containers producers are required to collect and it is based on a density formula.

Next Steps

Niagara Region will notify CMO, the collection contractors and the local area municipalities of the recommendations related to the residential Blue Box program. In addition, staff will be reporting back to Committee on the provision of depot collection services on behalf of CMO during the transition period and the collection of Blue Box material from non-eligible sources (i.e., Industrial, Commercial, and Institutional) which are not included in O. Reg 391/21.

Alternatives Reviewed

An alternative is to opt-in and provide collection of eligible sources on behalf of producers during the transition period regardless of the compensation and concerns and discrepancies outlined in the Statement of Works and Master Service agreements.

There are short-term benefits associated with providing collection from eligible sources, and related promotion and education on behalf of producers during the transition period (January 1, 2024 to December 31, 2025). However, it should be noted that by opting in, the transition is just delayed until December 31, 2025 and these benefits are only temporary. There are still risks associated with providing collection on behalf of the producers during the transition period.

The benefits include:

- Residents can continue to contact Niagara Region in the event of collection issues, etc. during the transition period (until December 31, 2025).
- The container distribution centre locations remaining the same for the transition period (however, if Miller Waste Systems Inc. and GFL Environmental contract directly with CMO, they may wish to work with Niagara Region and the local area municipalities to continue to operate container distribution centre locations).
- Niagara Region to continue to approve collection from new developments and set-out services (collection of material from alternative location for those who cannot physically take material to the curb for collection) for all material streams during the transition period.

Opting in is not being recommended due to the risks outlined in this report and there is potential the existing collection contractors will continue to provide collection reducing the risk of substantive changes.

Relationship to Council Strategic Priorities

This report strategically enforces Council's Responsible Growth and Infrastructure Planning as it relates to waste management programs and Sustainable and Engaging Government as it relates to fiscally sustainable services and exploring efficiencies.

Other Pertinent Reports

PWC Presentation - Residential Blue Box Transition (February, 14, 2023)

PWC-C 2-2023- A Matter of Plans and Instructions for Negotiations to be Carried out by the Municipality, under s.239(2)(k) of the Municipal Act, 2001 - Provision of Services on Behalf of Producers for Residential Blue Box Program

WMPSC-C 13-2023 - An Update on the Residential Blue Box Program Transition

WMPSC-C 7-2023 - Residential Blue Box Transition - Decision Points

PWC-C 22-2022 - Blue Box Transition Update

PW 48-2021 - Residential Blue Box Program – Authorization to Negotiate with Producers

PWC-C 24-2021 - Residential Blue Box Program – Final Producer Responsibility Regulation

PW 48-2020 - Residential Blue Box Program – Proposed Producer Responsibility Regulation

PW 23-2020 - Residential Blue Box Program Transition to Full Producer Responsibility

Prepared by:

Sherri Tait
Manager, Waste Policy and Planning
Waste Management, Public Works

Recommended by:

Dan Carnegie
Commissioner of Public Works (Acting)
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Brian Wilson, Legal Counsel, Andrea Wheaton, Program Financial Specialist and reviewed by Catherine Habermehl, Director, Waste Management Services



The Corporation of the Township of Emo

P.O. Box 520, Emo, Ontario, P0W 1E0

Website: www.emo.ca
E-mail: township@emo.ca

Phone: 807-482-2378
Fax: 807-482-2741

August 14, 2023

Via email only

Premier's Office
Room 281
Legislative Building
Queen's Park
Toronto, ON
M7A 1A1

Dear Honourable Doug Ford,

Re: Black Ash Tree Classification as "endangered" under the Endangered Species Act

Please be advised that the Council of the Municipality of Emo, at its meeting held on Wednesday, June 14, 2023 passed the following resolution.

Resolution June 14, 2023 No. 16

WHEREAS the Ministry of Environment, Conservation and Parks listed the Black Ash Tree as endangered in the Province of Ontario as a result of the Emerald Ash Borer infestation in eastern and southern Ontario;

WHEREAS this classification was given even though the Emerald Ash Borer is not known to be widespread in Northwestern Ontario;

WHEREAS the Black Ash Tree is assumed to remain abundant on the landscape of Northwestern Ontario;

WHEREAS the Species at Risk in Ontario (SARO) classification of "endangered" under the Endangered Species Act (ESA) prohibits killing (Harvesting), harming, harassing, possessing, transporting, trading, and selling of live or dead Black Ash, and damaging or destroying its habitat on both Crown and Private Land;



The Corporation of the Township of Emo

P.O. Box 520, Emo, Ontario, P0W 1E0

Website: www.emo.ca
E-mail: township@emo.ca

Phone: 807-482-2378
Fax: 807-482-2741

WHEREAS the Species at Risk in Ontario (SARO) classification of “endangered”, for the Black Ash Tree, came into effect on January 26, 2022;

WHEREAS the Ontario Black Ash Recovery Strategy is proposed to come into enforcement in January 2024;

WHEREAS the strategy is not expected to change the 50-99% destruction of Black Ash by the Emerald Ash Borer;

WHEREAS the strategy contains 170 references to possibilities that “may” be or are “poorly understood”, including 80-year climate change models;

WHEREAS one of these unknown factors is the Rainy River forests of Northwestern Ontario;

WHEREAS the Rainy River forests, while having features of Great Lakes – St. Lawrence, also include Boreal and Prairie habitats following a continuum from northern Minnesota rather than from Southern Ontario;

WHEREAS the strategy, if applied, will certainly have severe impact on the economy, agriculture, forestry, tourism, recreation, First Nations and residential landowners of the Rainy River District;

WHEREAS it would be impossible to fully comply with the strategy and continue living in much of the Rainy River District;

WHEREAS consultation on the Black Ash and Emerald Ash Borer did not include the majority of Northwestern Ontario.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Emo urges the Provincial Government to:

- a) Rescind the Ontario Black Ash Recovery Strategy at least as it concerns the Rainy River District and Northwestern Ontario;
- b) Seek further understanding of the health of the Black Ash in the Rainy River District and Northwestern Ontario.
- c) Complete a provincial study regarding socio-economic impact on this part of Northwestern Ontario

in consultation with stakeholders BEFORE any policies are passed and enacted upon.

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

Regards,



Crystal Gray
CAO/Clerk-Deputy Treasurer
Acting Treasurer
Township of Emo
E: cao@emo.ca
P: (807) 482-2378

cc. Thunder Bay – Superior North MP, Marcus Powlowski
Premier Doug Ford
Kenora-Rainy River MPP, Greg Rickford
Ministry of Agriculture, Food, and Rural Affairs
Ministry of Northern Development, Mines, Natural Resources and Forestry
The Association of Municipalities of Ontario (AMO)
The Federation of Northern Ontario Municipalities (FONOM)
Northwestern Ontario Municipal Association (NOMA)
Rural Ontario Municipal Association (ROMA)
The Federation of Agriculture
Ontario Federation of Agriculture
Office of the Ontario Regional Chief – Chiefs of Ontario
Northwestern Ontario First Nations
Rainy River District Municipal Association (RRDMA)
Rainy River District Clerks & CAO's



Administration Office
Mailing address
Email
Phone

1024 Hurlwood Lane, Severn
PO Box 159, Orillia, Ontario L3V 6J3
info@severn.ca
705-325-2315

August 11, 2023

Climate Emergency Unit
c/o The David Suzuki Institute
201 Pringle Farm Rd
Saltspring Island, BC
V8K 2Y2

Dear Erin Blondeau, Director of Communications

Re: Climate Emergency Just Transition Transfer (JTT)

Please be advised that the Council for the Township of Severn received correspondence respecting the Just Transition Transfer (JTT) at their recent August 9th, 2023 Council meeting.

Following discussion Motion C2023-042 was passed:

Moved by Councillor - Ward 3 Phil Brennan

Seconded by Deputy Mayor Judith Cox

WHEREAS Canada's greenhouse gas (GHG) emissions are slowly starting to trend downward, but the reduction trajectory remains incongruent with what science and justice demands;

WHEREAS Canada must spend what it takes to confront the climate emergency, and there is an urgent need for Canada to spend more on climate infrastructure that would drive down GHGs and hasten the transition off fossil fuels;

WHEREAS Canada needs to make an audacious and hopeful offer to those workers and communities whose employment and economic security is currently tied to the fossil fuel industry (and to a lesser extent the auto, steel, concrete, and agriculture industries, etc., all of which face substantial transition challenges), and to Indigenous communities on the frontlines of fossil fuel extraction;

WHEREAS the federal government has introduced a *Sustainable Jobs Act*, but this Act needs to be paired with and backed-up by a substantial investment in the jobs of the future;

WHEREAS much of the climate infrastructure needed will come under provincial, municipal and Indigenous jurisdiction (renewable energy, grid upgrades, public transit, zero-emission housing, etc.), and training comes under provincial jurisdiction, but it is the federal government that has the greatest capacity to pay;

WHEREAS a new federal Climate Emergency Just Transition Transfer (JTT) specifically linked to funding climate infrastructure projects that would create hundreds of thousands of jobs, along with training and apprenticeships programs for workers and those leaving the oil and gas industry -- would be a transformative program that signals that Canada is indeed entering emergency mode;

WHEREAS the JTT would be an annual transfer of approximately \$25 billion from the federal government to provincial/territorial, municipal and Indigenous governments, purpose-built to meet the climate emergency imperative to decarbonize our society, ensuring communities can fund the infrastructure and training needed to transition off fossil fuels, while creating thousands of sustainable jobs in a way that is specific to their needs and locale;

WHEREAS the JTT's distribution would be based on a formula linked to recent GHG emissions in each province (but fixed from that point onward, so as not to perversely incentivize continued high GHGs), recognizing that some jurisdictions face a more challenging task to transition their local economies;

WHEREAS the JTT would transfer federal funds to newly established just transition agencies in each province and territory -- jointly governed by the federal government, provincial/territorial governments, municipal governments, and local Indigenous nations -- and in some case directly to Indigenous nations, ensuring the transfer money is not simply absorbed into provincial or municipal budgets or used to displace other infrastructure or

training funds, but rather, ensuring the money is used for its intended purpose, and that fund are allocated in a manner sensitive to local climate action plans, the unique GHG profiles of each region, and to local labour market/training needs;

WHEREAS a JTT could provide significant, stable, multi-year funding for the climate infrastructure and training/employment needs of municipalities, Indigenous communities, energy utilities, public transit authorities and public housing authorities;

WHEREAS the federal government is welcome to title such a new transfer as they see fit (e.g. a Sustainable Jobs Transfer or a Climate Infrastructure Transfer);

NOW THEREFORE BE IT RESOLVED, that the Township of Severn formally endorses the call for a new Just Transition Transfer; and

THAT the Township of Severn urges the federal government to establish a new Just Transition Transfer, starting with a major financial commitment in the next federal budget; and will write to the federal ministers concerned expressing this support;

AND THAT this resolution be circulated to all municipalities.

Carried

Should you have any questions or concerns, please feel free to contact me at (705) 325-2315 x 232 or by email at agray@severn.ca

Regards,

Alison Gray

Alison Gray, BAH, CMO, AOMC
Clerk

Cc Ontario Municipalities



Northumberland County

Council Resolution

SENT VIA EMAIL

August 18, 2023

Hon. Paul Calandra (Minister of Long-Term Care)
Hon. Peter Bethlenfalvy (Minister of Finance)
Hon. David Piccini (Minister of Environment, Conservation and Parks & MPP for
Northumberland - Peterborough South)
Association of Municipalities of Ontario
All Ontario Municipalities

**Re: Northumberland County Resolution – 'Use of Long Term Care Funding to
Support Community Care Services'**

At a meeting held on August 16, 2023 Northumberland County Council approved the following Council Resolution # 2023-08-16-556 adopting the below recommendation from the July 31, 2023 Community Health Committee meeting.

Moved by: Councillor Lucas Cleveland
Seconded by: Councillor Robert Crate

"**That** the Community Health Committee, having considered correspondence from the City of Pickering regarding 'Use of Long Term Care Funding to Support Community Care Services', recommend that County Council support this correspondence; and

Further That the Committee recommend that County Council direct staff to send a copy of this resolution to the Honourable Paul Calandra (Minister of Long-Term Care), the Honourable Peter Bethlenfalvy (Minister of Finance), the Honourable David Piccini (Minister of the Environment, Conservation and Parks and MPP for Northumberland - Peterborough South), the Association of Municipalities of Ontario (AMO), and all Ontario Municipalities."

Council Resolution # 2023-08-16-556

Carried



**The Corporation of the
County of Northumberland**

555 Courthouse Road
Cobourg, ON, K9A 5J6

If you have any questions regarding this matter, please do not hesitate to contact the undersigned at matherm@northumberland.ca or by telephone at 905-372-3329 ext. 2238.

Sincerely,
Maddison Mather

A handwritten signature in blue ink that reads "M. Mather".

Manager of Legislative Services / Clerk
Northumberland County

Council Resolution

Moved By L. Cleveland

Seconded By R. Crake

Agenda
Item 10

Resolution Number
2023-08-16 - SSG

Council Date: August 16, 2023

"That Council adopt all recommendations from the five Standing Committees, as contained within the Committee Minutes (meetings held July 31, August 1, and August 2, 2023), with the exception of the following items (referenced from the Standing Committee Minutes), that will be held for discussion:

Committee Name	Item #	Description	Held By
-------------------	-----------	-------------	---------

- | | | | |
|---|--|---|--|
| - | | Community Health Committee, Item 7.b, 'Correspondence, Municipality of Port Hope 'Public Health and Opioid Overdose Crisis – Renewal of a Drug Strategy' – Held by Councillor Cleveland | |
|---|--|---|--|

And Further That the items listed above and held for separate discussion each require a separate resolution."

Recorded Vote
Requested by

Councillor's Name

Deferred

Warden's Signature

Carried



Warden's Signature

Defeated

Warden's Signature

Community Health Committee Resolution

Committee Meeting Date: July 31, 2023

Agenda Item: 7.a

Resolution Number: 2023-07-31- 516

Moved by: L. Cleveland

Seconded by: M. Martin

Council Meeting Date: August 16, 2023

"**That** the Community Health Committee, having considered correspondence from the City of Pickering regarding 'Use of Long Term Care Funding to Support Community Care Services', recommend that County Council support this correspondence; and

Further That the Committee recommend that County Council direct staff to send a copy of this resolution to the Honourable Paul Calandra (Minister of Long-Term Care), the Honourable Peter Bethlenfalvy (Minister of Finance), the Honourable David Piccini (Minister of the Environment, Conservation and Parks and MPP for Northumberland - Peterborough South), the Association of Municipalities of Ontario (AMO), and all Ontario Municipalities."

Carried 
Committee Chair's Signature

Defeated _____
Committee Chair's Signature

Deferred _____
Committee Chair's Signature

Sent by Email

May 29, 2023

The Honourable Doug Ford
Premier of Ontario
Room 281
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Subject: Re: Resolution – Use of Long-Term Care Funding to Support Community Care Services
Corr. 24-23
File: A-1400

The Council of The Corporation of the City of Pickering considered the above matter at a Meeting held on May 23, 2023 and adopted the following resolution:

1. That Corr. 24-23 from Chris Bantock, Deputy Clerk, City of Stratford, dated April 17, 2023, regarding Resolution – Use of Long-Term Care Funding to Support Community Care Services, be received and endorsed; and,
2. That a copy of this Resolution be forwarded to The Honourable Premier Doug Ford, The Honourable Paul Calandra, Minister of Long-Term Care, Matthew Rae, Member of Provincial Parliament, Perth-Wellington, The Honourable Peter Bethlenfalvy, Member of Provincial Parliament, Pickering-Uxbridge, the Association of Municipalities of Ontario (AMO), and all Ontario Municipalities.

A copy of the original correspondence is attached for your reference.

Should you require further information, please do not hesitate to contact the undersigned at 905.420.4660, extension 2019.

Yours truly,



Susan Cassel
City Clerk

SC:am

Encl.

Copy: The Honourable Paul Calandra, Minister of Long-Term Care
 The Honourable Peter Bethlenfalvy, Member of Provincial Parliament, Pickering-Uxbridge
 Matthew Rae, Member of Provincial Parliament, Perth-Wellington
 Chris Bantock, Deputy Clerk, City of Stratford
 The Association of Municipalities of Ontario (AMO)
 All Ontario Municipalities
 Chief Administrative Officer



City of Stratford
Corporate Services Department
Clerk's Office
City Hall, P. O. Box 818
Stratford, Ontario N5A 6W1
Tel: 519-271-0250, extension 5237
Email: clerks@stratford.ca
Website: www.stratford.ca

April 17, 2023

Via email: ltcminister@ontario.ca

Ministry of Long-Term Care
6th Floor, 400 University Avenue
Toronto, ON M5G 1S5

Dear Hon. Paul Calandra:

Re: Resolution – Use of Long-Term Care Funding to Support Community Care Services

At their April 11, 2023 Regular Council meeting, Stratford City Council adopted the following resolution requesting the provincial government to support community driven home care services through the redirect of ministry beds in abeyance funding:

THAT staff be requested to send a letter to the provincial government to endorse the redirect of current ministry beds in abeyance funding towards the support of community care services.

We kindly request your support and endorsement.

Sincerely,

Chris Bantock

Chris Bantock
Deputy Clerk

cc: Premier Doug Ford
Matthew Rae, MPP
Association of Municipalities of Ontario
All Ontario municipalities



9.5.2.

THE CORPORATION OF THE TOWN OF PARRY SOUND
RESOLUTION IN COUNCIL

NO. 2023 – 087

DIVISION LIST

YES NO

DATE: June 20, 2023

Councillor **G. ASHFORD**
Councillor **J. BELESKEY**
Councillor **P. BORNEMAN**
Councillor **B. KEITH**
Councillor **D. McCANN**
Councillor **C. McDONALD**
Mayor **J. McGARVEY**

MOVED BY:

SECONDED BY:

CARRIED: ✓ DEFEATED: _____ Postponed to: _____

That Council of the Corporation of the Town of Parry Sound hereby supports the Township of the Archipelago's Resolution attached as Schedule A, as submitted to and approved in June, 2023 by the Great Lakes and St. Lawrence Cities Initiative, with respect to the following calls for action:

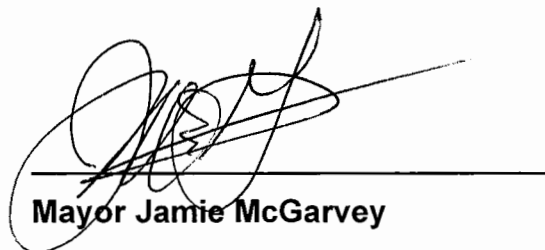
THAT the Province of Ontario continue working with municipalities and municipal organizations on the implementation of Bill 23 and other housing initiatives to identify a range of solutions that will address the lack of attainable and affordable housing in the province, while building new housing units in a sustainable manner that is consistent with the province's and municipalities' mandate of keeping people and property safe from natural hazards and protecting the health of our essential freshwater resources; and

THAT the Province of Ontario create a permanent, predictable and dedicated infrastructure program to ensure that municipalities can service lands for housing and address growth pressures on existing water and road systems without placing the burden on existing property taxpayers; and

THAT the Province of Ontario take a regional approach to the implementation of Bill 23 and other housing policy initiatives to respond to the varying needs of urban, suburban, rural and Northern communities in addressing attainable housing needs and environmental protection; and

...2

THAT this resolution be forwarded to: the Premier of Ontario and Quebec, the Ontario Minister of Municipal Affairs and Housing, the Ontario Minister of Natural Resources and Forestry and the Ontario Minister of Environment, Conservation and Parks, the Governors of Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, and New York, federal Minister of Environment and Climate Change, MP Terry Duguid, Parliamentary Secretary to the Minister of Environment and Climate Change, MP Vance Badawey, Niagara Centre, MP Scott Aitchison, Parry-Sound Muskoka, the six International Joint Commission Commissioners, the Association of Municipalities of Ontario, and all municipalities in the province of Ontario.



Mayor Jamie McGarvey



GREAT LAKES AND ST. LAWRENCE
CITIES INITIATIVE
L'ALLIANCE DES VILLES
DES GRANDS LACS ET DU SAINT-LAURENT

**Responding to Ontario Bill 23 (More Homes Built Faster Act)–
Protecting Our Natural Capital While Addressing the Housing Crisis**

June 2023



A Resolution Submitted by the Township of The Archipelago

WHEREAS the Province of Ontario's Bill 23, *More Homes Built Faster Act* (Bill 23) – which makes significant changes to the land use planning system in the Province of Ontario – received Royal Assent on November 28, 2022; and

WHEREAS the Province of Ontario has the longest shoreline and largest watershed along the northern shores of the Great Lakes and St. Lawrence River, including Lake Superior, Lake Huron, Georgian Bay, Lake Erie and Lake Ontario. Seven states share the southern shores of the Great Lakes including Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, and New York; and

WHEREAS the State of the Great Lakes 2022 Report written by the U.S. Environmental Protection Agency and Environment and Climate Change Canada classify the Watershed Impacts Status of the Great Lakes as "Fair" (Some ecosystem components are in acceptable condition) and Water Quality Index 65-79 on scale of 0-100; and

WHEREAS per the Independent review of the 2019 flood events in Ontario, "the development of the modern floodplain policy in Ontario, the watershed approach, the conservation authority model and the flood standards have been extremely effective at reducing flood risks, especially in new greenfield development areas"; and

WHEREAS climate change is leading to greater water variability and contributing to increased storm severity and increased flood and erosion risks along the Great Lakes and St. Lawrence River; and

WHEREAS all levels of government, including the Province of Ontario, have a role to play in addressing the housing supply crisis; and

WHEREAS Ontario municipalities recognize the importance of building additional housing units to ensure that current and future residents can continue to find accessible and affordable shelter that meets their needs and have taken steps to promote housing developments within their jurisdictions; and

WHEREAS all levels of government also have a role to play in protecting freshwater resources, particularly in an integrated multinational system like the Great Lakes and St. Lawrence River Basin; and

WHEREAS Bill 23 amends the *Development Charges Act* by freezing, reducing, and exempting fees typically levied by municipalities and other authorities; and

WHEREAS the Association of Municipalities of Ontario estimates that Bill 23 will reduce municipal resources available to service new developments by \$5.1 billion over the next nine years; and

WHEREAS the Ontario Minister of Municipal Affairs and Housing has indicated to municipalities that the government is committing to ensuring municipalities are kept whole following changes made in Bill 23; and

WHEREAS Bill 23 limits the role of Conservation Authorities and makes changes to the Ontario Wetland Evaluation System, notably by no longer recognizing or considering wetland complexes (hydrological connections) or species at risk in the evaluation process; and

WHEREAS members of the Great Lakes and St. Lawrence Cities Initiative (Cities Initiative) have identified coastal resilience as a priority issue of concern to ensure the integrity of public infrastructure and private property remains in the face of a changing climate in the Great Lakes and St. Lawrence River Basin; and

WHEREAS municipal governments, as frontline actors, are critical decision-makers and hold essential knowledge for balancing local needs and planning for growth, while preparing their communities for climate change and protecting the environment and freshwater resources of the basin; and

WHEREAS despite their critical role, local governments already struggle to shoulder their responsibilities with limited tools to finance those obligations, particularly for rural, remote, and Northern communities; and

WHEREAS the Cities Initiative has put in place an Ontario Regional Working Group to engage the Province of Ontario on priority areas of interest to the organization and its members, including ecosystem and source water protection, climate change and coastal resilience, the safe, clean and affordable provision of water services and developing a blue economy in the Great Lakes and St. Lawrence River Basin.

THEREFORE BE IT RESOLVED THAT the Province of Ontario continue working with municipalities and municipal organizations on the implementation of Bill 23 and other housing initiatives to identify a range of solutions that will address the lack of attainable and affordable housing in the province, while building new housing units in a sustainable manner that is consistent with the province's and municipalities' mandate of keeping people and property safe from natural hazards and protecting the health of our essential freshwater resources;

FURTHER IT BE RESOLVED THAT the Province of Ontario create a permanent, predictable and dedicated infrastructure program to ensure that municipalities can service lands for housing and address growth pressures on existing water and road systems without placing the burden on existing property taxpayers;

FURTHER IT BE RESOLVED THAT the Province of Ontario take a regional approach to the implementation of Bill 23 and other housing policy initiatives to respond to the varying needs of urban, suburban, rural and Northern communities in addressing attainable housing needs and environmental protection;

FURTHER BE IT RESOLVED THAT the Cities Initiative is prepared to work with the province and other municipal organizations through its Ontario Regional Working Group to support the twin goals of building more housing and protecting our freshwater resources, which are critical to sustain Ontario's rapidly growing population;

FURTHER BE IT RESOLVED that the Cities Initiative directs staff to forward a copy of this resolution to the Premier of Ontario and Quebec, the Ontario Minister of Municipal Affairs and Housing, the Ontario Minister of Natural Resources and Forestry and the Ontario Minister of Environment, Conservation and Parks, the Governors of Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, and New York, federal Minister of Environment and Climate Change, MP Terry Duguid, Parliamentary Secretary to the Minister of Environment and Climate Change, MP Vance Badawey, Niagara Centre, MP Scott Aitchison, Parry-Sound Muskoka, the six International Joint Commission Commissioners, the Association of Municipalities of Ontario, and all municipalities in the province of Ontario.



Quote: 280622

Charlotte Madden
City Clerk
City of Port Colborne
66 Charlotte Street
Port Colborne ON L3K 3C8

Dear Charlotte Madden:

I am writing in response to your correspondence to the former Minister of Agriculture and Agri-Food, the Honourable Marie-Claude Bibeau, in which you express support for the views of the Town of Bradford West Gwillimbury regarding the Government of Canada's commitment to extend the right to repair to Canadians while undertaking specific consultation efforts with farmers.

Please be assured that the Government of Canada is committed to implementing a right to repair to extend the life of home appliances, particularly electronics, by requiring manufacturers to supply repair manuals and spare parts and by amending the *Copyright Act* to allow for the repair of digital devices and systems. These measures promote sustainability, reduce electronic waste and empower consumers by providing them with more control over their purchases. By extending the lifespan of products, the need for new production and consumption decreases, which has positive environmental implications.

.../2

In 2021, the Government conducted a public consultation to modernize the *Copyright Act* and received submissions from many stakeholders, including those from the agriculture sector, on the right to repair. Two of the issues raised in this consultation included how best to remove obstacles to repair and interoperability in the *Copyright Act*.

As you may be aware, there are currently two private Member's bills in Parliament related to the Government's commitment to remove copyright barriers to repair. Bill C-244 would ensure that it is permitted under Canada's copyright framework to circumvent technological protection measures (otherwise known as TPMs or digital locks) when repairing a product. Bill C-294 would allow a computer program, or a device in which it is embedded, to be made interoperable with any other computer program, device or component.

Recently, Budget 2023 reaffirmed the right-to-repair commitment and expanded its scope to include farming equipment. The Government of Canada will work closely with provincial governments and undertake further stakeholder engagement later this year to seek views on other aspects of this commitment. The Government's aim is to allow Canadians the flexibility to choose the best options for repairing the devices and equipment that they own, while maintaining environmental goals and supporting competitiveness in the marketplace.

Thank you for writing on this matter.

Sincerely,

Akman, Justine Digitally signed by Akman, Justine
Date: 2023.08.16 15:53:40 -04'00'

Justine Akman
Acting Assistant Deputy Minister
Strategic Policy Branch

c.c.: Office of the Honourable François-Philippe Champagne, PC, MP

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre
777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



234-2023-4434

September 6, 2023

Dear Clerks, CAOs, and Conservation Authority Administrators:

Re: Proposal to return lands in Ajax to the Greenbelt

In December 2022, to accommodate Ontario's unprecedented growth by supporting the building of more homes, our government removed or redesignated 15 areas of land totaling approximately 7,400 acres from the edge of the Greenbelt Area. At the same time, a portion of the Paris Galt Moraine was added to the Greenbelt, along with 13 Urban River Valleys, totalling 9,400 acres, for an overall expansion of approximately 2000 acres.

The government was clear that owners of the lands removed from the Greenbelt would be expected to develop detailed plans to build housing with landowners also being responsible for paying for the full cost of housing-enabling and community-building infrastructure. It is the government's expectation that significant progress on approvals and implementation be achieved by the end of 2023.

It has come to the government's attention that the discussions surrounding the development of the lands removed from the Greenbelt located at 765 and 775 Kingston Road East in the Town of Ajax were at an early stage, and that a 104-acre parcel within the lands was recently listed for sale. These actions run counter to the government's objective of building homes quickly. The government is now seeking feedback on a proposal to return these lands, amounting to approximately 133 acres, to the Greenbelt Area through an amendment to the Greenbelt Area boundary regulation ([O. Reg. 59/05](#)) and an amendment to the Greenbelt Plan.

Further information on the proposal to amend the Greenbelt Plan and Greenbelt Area boundary regulation, can be found at:

- [ERO #019-7561 – Proposal to return lands to the Greenbelt \(Amendment to the Greenbelt Plan\)](#)
- [ERO #019-7562 – Proposal to return lands to the Greenbelt \(Amendment to Greenbelt Boundary Regulation O. Reg. 59/05\)](#)

Information and mapping on the 2022 decision to amend the Greenbelt Plan can be found here:

- [ERO #019-6216 - Amendments to the Greenbelt Plan](#)
- [Greenbelt Maps](#)

The comment period on the Environmental Registry of Ontario is open for 45 days and will close on October 20, 2023. I look forward to receiving your input on this proposal.

In the meantime, my ministry is working to prepare a review of the Greenbelt to ensure that it is appropriately accommodating Ontario's significant growth, as is mandated in provincial legislation. This review will be informed by the recommendations of the Auditor General's report

and will include an evaluation of the remaining properties that were removed from the Greenbelt late last year.

As ministry officials design and launch this review, the non-partisan Provincial Land and Development Facilitator will continue to work with proponents of the remaining sites to ensure that progress on these lands continues, including the obligation to provide community benefits such as parks, community centres, schools and hospitals. This work will be an important input into the mandated review into the Greenbelt, as will meaningful consultation with municipalities, Indigenous communities and regular people living in these areas who deal with the negative impacts of the housing supply crisis the most. The properties that were removed from the Greenbelt will have to stand on their own merits: If the review finds these properties cannot support the government's objective of building homes quickly, they will be returned to the Greenbelt.

We have been clear that progress on these sites must meet the government's expectations. If planning and approvals have not significantly progressed by the end of this year and if shovels are not in the ground by 2025, the government will return these lands to the Greenbelt.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul Calandra', with a large circular flourish at the beginning and a horizontal line at the end.

The Hon. Paul Calandra

Minister of Municipal Affairs and Housing

- c. Martha Greenberg, Deputy Minister, Municipal Affairs and Housing
Sean Fraser, Assistant Deputy Minister, Municipal Affairs and Housing,
Planning and Growth Division

City of Port Colborne Heritage Committee Meeting Minutes

Date: Monday, June 19, 2023
Time: 6:00 pm
Location: L.R Wilson Heritage Research Archives
286 King Street, Port Colborne ON

Members Present: Gary Hoyle
John Maloney
Bonnie Schneider
Luke Brazeau

Staff Present: Chris Roome, Planner
Michelle Vosburgh, Archivist
Stephanie Baswick, Director of Museum and Culture
Denise Landry, Chief Planner

1. Call to Order

2. Election of a Chair and Vice Chair

Member Schneider nominated Member Brazeau as Chair.
Seconded by Member Hoyle.

Carried: 3-0

3. Disclosures of Interest

Nil.

4. New Business

a) Draft Heritage Committee Guidelines

The Chair recommended that the section regarding research plaques should be more specific.

Member Maloney asked if the City needs confirmation that the owner will maintain the plaque.

Staff responded that they will look into the procedures for giving plaques. The City

may stop providing them unless requested by the owner. In this case they will be responsible for the cost and maintenance.

Member Hoyle recommended that the guidelines should outline the process for additions or alterations to designated properties.

b) Draft Heritage Registry Review Action Plan

The Chair recommended that, under the engagement section, the wording be revised to state that staff will not conduct a review of the property if the owner has not expressed interest in designation unless otherwise directed by the Committee.

Member Maloney asked what happens if the property owner does not want to have the property designated but the Committee wants to pursue the designation.

The Chief Planner stated that if the owner declines, but the Committee wants to proceed, Staff may have to inform the committee of the pros and cons of pursuing designation.

The Planner added that it will also depend on the findings of the research.

c) Rating List

The Chair requested that the ranking list also be provided in alphabetical order.

The Planner responded that Staff would provide an alternative list.

The Director of Museum and Culture added that Staff could look into the possibility of Heritage Districts and advised that an information session could be held by Staff, information could be provided via social media, or an informative summer series could be provided for existing heritage properties.

The Planner added that a letter would be prepared and sent to the highly rated properties informing them that their properties may qualify for heritage designation and added that the Committee would be consulted on the letter, prior to it being sent out.

5. Other Business

The Chair brought to the attention of the Committee that the property located at 293 King Street was no longer on the list of nationally registered properties.

The Archivist added that the property has not been removed from the municipal register, and as a result, many of the control mechanisms are still in place.

The Chair mentioned that marketing materials may need to be revised to reflect that the property is no longer nationally registered.

The Planner added that Planning Staff's summer student has done some research on the topic and has discovered through contact with Parks Canada that the property is on their internal database but not currently published on the public-facing website. The property is still designated as national historic site of Canada.

6. Adjournment

The Chair adjourned the meeting at approximately 7:20.



Memorandum

To: City Council
From: Library Services
Date: September 12, 2023
Re: Port Colborne Public Library Board 2024 Budget Presentation

The purpose of this report is to present the Port Colborne Public Library Board's 2024 budget estimates to Council, and to request the addition of a part-time assistant management position through a shared-services agreement with the Thorold Public Library to reduce costs.

The Port Colborne Public Library Board (the Board) acknowledges that needs, opportunities, and challenges change as the Library strives to meet the needs of its user communities year by year. The Board prepares budgets that support the library services required for a growing and vibrant community, and prioritizes maintaining an accessible, inclusive, and welcoming space where residents, visitors, and tourists can access informational, recreational, technological, and cultural resources and experiences that support the well-being of a vibrant and growing city. The public, community agencies, local business, and other community groups rely on the library for relevant and reliable services and support.

The Board prioritizes its fiscal responsibility to ensure that the budget is kept as low as possible to reduce the impact on tax payers, not only during the pandemic, but with each budget it presents to Council for approval. Upon careful assessment, and acknowledging its duty to adequately staff the library to support and ensure the continuity of operations, the Board has identified the need for a part-time management position.

The Board recommends that this position be filled through a shared-services agreement with the Thorold Public Library. The shared-services solution is an efficient, creative, and collaborative strategy to benefit tax payers and creates cost-savings for enhanced library services and streamlined workflows.

The *Public Libraries Act*, RSO 1990, c. P.44 (the Act) governs the operation of public libraries in Ontario. The Act states that a public library is under the management and control of a board (R.S.O. 1990, c. P.44, s. 3 (3)). The Act requires that the board shall submit to the appointing council, annually or on the date and in the form specified by the council, estimates of all sums required during the year for the purposes of the board (R.S.O. 1990, c. P.44, s. 24 (1)).

Under the provisions of the Act:

- a. It is the board's duty is to provide a comprehensive and efficient public library service that reflects its community's unique needs.
- b. The board oversees the library's finances and has financial oversight which involves understanding the implications of a budget and a financial report; recognizes the allocation of monies with board priorities; and, ensures that financial policies are in place.
- c. The *Act* and *Regulation 976* specify that most library services must be offered to residents free of charge. This requirement makes the library different from other community services which are often expected to generate revenue from user fees. Access to library service must remain free because universal access to information is a fundamental human right and a cornerstone of democracy.
- d. The Board is the employer of all library staff and has employer obligations.

Municipal Funding accounts for over 95% of the Library's operating budget. The Board acknowledges the continued support of Council in providing library services to support the needs of the community.

Provincial funding has remained unchanged since the mid-1990s. The Library does not anticipate any increase to the provincial Public Library Operating Grant (PLOG) of \$38,300 (which includes a pay equity component) in 2024.

Other grants, including federal grants, are generally dependent on applications based on programming and other needs identified during the operating budget year. For example, the Library received a \$121,200.00 Ontario Trillium Foundation grant to invest in and revitalize the library's interior spaces; however, this grant is no longer available to the library (or the municipality) as the City's increased population size now disqualifies the library from applying.

The 2024 budget focuses on leveraging strategic partnership opportunities. Partnerships are key to the Library's continued success and to keep operating costs as low as possible.

Library staff have identified areas for increased efficiencies and cost-savings, opportunities that target modernization and streamlining of services, and the need to deepen strategic partnerships with Niagara Region libraries and with the City of Port Colborne. Staff currently use the expertise and services of City departments to reduce costs.

a. City of Port Colborne Collaboration and Support

- **Financial services** (e.g., implementing City financial software to avoid duplication of services and repetitive input of data between organizations)
- **Information technology** (e.g., partnering with City IT to modernize technology and improve efficiencies for both staff-facing and public-facing equipment, interfaces, and other technology solutions)
- **Human resources** (e.g., assistance with reviewing the library's staffing model)
- **Communications and website** (e.g., creating an internal communications and marketing library team to enhance services)
- **Facilities maintenance and improvements** (e.g., working with the City to identify and implement capital projects to ensure sustainability and optimal building condition; procuring a Building Condition Assessment Report to plan future improvements)

b. The Cultural Block (Library and Museum Collaboration)

The Cultural Block was formally introduced in March 2010 with resolutions passed by both the Library and Museum boards to improve programming, enhance efficiencies, support resource-sharing, and increase cross-promotion of events. The resolution also recommends the need for capital funding by Council to support infrastructure on the Cultural Block.

c. Libraries in Niagara Cooperative (LiNC) and Niagara Regional Libraries

The LiNC partnership is a shared service among nine Niagara Region library systems. It is a highly successful collaboration initiated and maintained by local libraries in an effort to simplify, collaborate, reduce costs for technology and resources, and to establish a reciprocal borrowing and delivery system that benefits local tax payers. The Library joined LiNC in 2019 and has realized cost-savings and benefited from the expansion of shared services and collaborations. These include:

- Resource-sharing (books and other materials formats)
- Region-wide courier delivery to LiNC library partners
- Shared open-source Integrated Library System and online catalogue
- Cooperative working groups
- Collaborative programming, marketing, and promotion
- Training and other staff development opportunities as a shared cost

- A strategic plan that focuses on improved and expanded services for LiNC partners, opportunities to benefit residents locally and within the Niagara Region, preparing for future opportunities, and to reduce the impact on tax payers and decrease barriers to library service

Building on the Library's successes with LiNC, the Board prioritizes expanding shared services and collaboration with the City and with Niagara Region libraries as integral to its duty to ensure a budget that is fiscally responsible.

Due to the continuing impact of inflation and the need for an increase in personnel costs, the proposed operating budget will reduce municipal funding for **non-personnel expenses**. The reduction in **non-personnel** expenses is to help offset an anticipated increase in personnel costs due to annual wage increases and the request for an additional management position through a shared-services agreement with the Thorold Public Library.

The 2024 operating budget is also informed by the Board's 2023-2027 strategic plan and looks forward to the implementation of services and strategies which started in 2023 and will move forward incrementally throughout the life of the Board's strategic plan.

With the return to normal operations, the proposed budget supports the goals of the strategic plan by:

- Ensuring cost-effective and operational efficiencies
- Focusing on expanding quality library service and enhancing the user experience
- Optimizing customer-focused service levels to ensure accessible, diverse, and affordable programs
- Modernizing and investing in leading-edge technology
- Planning for and meeting the needs of an energized City, a rising population, and changing demographics
- Ensuring that library staff are well-trained, equipped, supported, and ready for the future
- Focusing on recruiting and retaining staff, strengthening organizational structure for stability, reducing risk, and ensuring continuity of service with appropriate staffing in place to provide services to the community and with an assistant library manager on staff who can step in to run the library on an emergency basis in the absence of the library CEO
- Ensuring operational efficiency and accountability, community responsiveness, and barrier-free, fair and equitable service

Non-Personnel Operating Expenses

Staff propose a decrease to the overall **non-personnel** budget, and have made adjustments to reallocate spending to areas where there is greater need.

Areas of Focus and Budget Pressures

a. Self-Generated Revenue

With the return-to-normal in 2022/2023, self-generated revenue has increased. Grant revenue from the province is not guaranteed year to year. Although programming and fundraising revenue is increasing, staff recommend a cautious approach to projecting revenue for 2024.

Fines – The Board eliminated fines for overdue materials in 2021, joining hundreds of other libraries across North America that have chosen to go fine-free to ensure equity of access. The library continues to charge for damaged and lost books, and for the replacement of lost library cards.

Fees and Sales – The Library charges fees for some services including print services, room rental, and sign rental.

Fundraising – The Library's ongoing book sale generates revenue year-round. In 2023, the Library is expanding its fundraising efforts.

Donations and Other Grants – Donations and grants are cyclical in nature and depend on certain programs and events planned during the operating budget year. Staff will continue to explore new funding opportunities in 2024, in tandem with enhanced donor engagement strategies.

b. Technology

The budget allows for an increased investment in digital and community-based services that support vulnerable populations. Spending in 2024 supports the strategic plan in the area of technology through:

- Continued investment in modernization and innovation to enhance the user experience and to give ease of access to library collections and services
- Updating staff-facing software and equipment to streamline workflows and

reduce repetitive tasks

- Updating customer-facing technology to meet the public's need to connect, work, and learn in an accessible, welcoming space
- Responding to the increased demand for staff with technical and digital technology expertise (for both staff-use and patron-use) and rising expectations from library users for staff to solve their technology needs in an increasingly digital environment
- Building and maintaining a leading-edge information infrastructure that understands library users' requirements, supports technological innovation, integrates multiple information systems, connects to global information sources, and provides self-service access to core library services remotely

c. Library Collections

The collections budget includes print materials, digital materials, audiovisual and electronic materials (which are expensed in the operating budget and then capitalized as assets and amortized). The collections budget has been divided into traditional and non-traditional collections (physical materials), and digital resources.

Spending in 2024 will support the strategic plan in the development of the library collections by responding to the demand for:

- Digital resources such as downloadable audiobooks, eBooks, and digital magazines
- Online learning resources for the public
- Free lendable technology (e.g., Wi-Fi hotspots) to help break down the digital divide for vulnerable populations
- Free lendable non-traditional items to help patrons explore items that they may not otherwise be able to afford including musical instruments, board games, gaming systems, and more

d. Resource Delivery

Expenses for resource delivery are primarily associated with the integrated library software system (ILS), Libraries in Niagara Cooperative (LiNC) consortium fees, resource-sharing, training, and delivery service.

e. Staff Development

Spending in 2024 will support the strategic plan to ensure the continued empowerment, enrichment, and education of library staff at all levels through training, and to support mastery of technology that supports their ability to best perform their jobs.

f. Modernization and Innovation

Spending in 2024 will support the strategic plan to continue modernization and innovation efforts in telecommunications, computer and software upgrades, and further digital innovations in media spaces.

Connectivity, telephone, and networking expenses fall under this category. The Board's capital project to upgrade fibre and voice services will be completed in 2023 with the final stage of the installation of phones and equipment. The connectivity upgrade has significantly improved the delivery of reliable internet service for staff and the library's ability to meet increasing user demands. Connectivity expenses also support the Museum and Archives.

g. Facilities Maintenance, Utilities, Cleaning and Associated Contract Services

Spending in 2024 will support the strategic plan to focus on preventative maintenance to prolong the life of the building, the prudent management of a sustainable facility, and energy conservation strategies to reduce utilities costs. Facility cleaning and security monitoring contracts are in place, with both contractors offering excellent value for cost. The facilities budget estimates are set in collaboration with the City of Port Colborne.

h. Supplies and Services

Spending in 2024 will support the strategic plan through the continued prudent procurement of supplies and equipment.

i. Personnel

Salaries and benefits are the key cost driver for the Port Colborne Public Library. The Board identifies staff as its most important resource in the delivery of library services. The Board identified staffing as a goal in its strategic plan. The Board is

committed to ensuring that the operating budget focuses on retaining, recruiting, and innovating in human resources. Increases in **personnel costs** in 2024 will be based on:

- Wage rates negotiated through union-management relations
- Shared services contract due to the addition of an assistant manager

Currently, there is only one manager on staff (the CEO). The library's organizational structure was changed in 2001 with the removal of the Assistant to the CEO non-Union position. The library's staffing and organizational structure has not been revisited since then. Library operations and services have changed significantly over the course of 20 years. The library is busier, faces new and challenging demands (e.g., legislative requirements and risk management) all of which require heightened oversight of service delivery, efficiencies, and staff activities. The Library proposes a management structure with the CEO and a part-time assistant manager to enhance efficiencies, streamline workflows, and to satisfy a succession plan that optimizes efforts to attract, recruit, and retain the highest quality staff on its team.

The Board recommends the addition of part-time manager through a shared-services agreement. The shared-services solution will provide coverage in the absence of the CEO, and assist in the management, administration and supervision of day-to-day operations.

The cost to add an assistant management position through a shared services agreement is \$63,200.00.

The budget supports the City's pillar(s) of the strategic plan:

- Welcoming, Livable, Healthy Community
- Economic Prosperity
- Sustainable and Resilient Infrastructure.

The budget supports the Library's 2023-2027 Strategic Plan, priority goals, mission, vision, and values:

- To maintain and develop high-quality, inclusive programming and services for our user communities
- Retaining, recruiting, and innovating in human capital
- Strengthening accessibility and sustainability of library spaces / Developing the Cultural Block
- To exercise financial stewardship by leveraging all funding sources and partnership opportunities
- Trailblazing library trends while maintaining core library services / Developing methods to deliver and strengthen innovative user experiences

- Engaging our external stakeholders and user communities to ensure good decision-making for the benefit of all

The 2024 operating budget ensures sufficient funding to meet the needs of the Library's user communities while being mindful of inflation, fiscal restraints, and operational costs. The budget will allow the Library to move forward, build toward the future, and support the Board's goals in the second year of its strategic plan during a time of increased inflation.

The budget allows reasonable flexibility to adapt and optimize activities with restraint, responsible planning, and accountability. While finalizing the budget submission, staff have been cognizant that the City provides over 95% of the Library's operating revenue, and of the Board's role as a supportive partner of the City.

The Library requests a part-time assistant management position through a shared-services agreement with the Thorold Public Library to reduce costs.

With Council's support, the Port Colborne Public Library can maintain its operations and continue to fulfil its evolving and vital role in the community. The Library will be well-positioned to respond to expected residential and economic growth within the City of Port Colborne.

Board Motions and direction to staff supporting the recommendations contained in the Library Services Memorandum:

MOTION: 2023-043

Moved by: A. Desmarais

Seconded by: B. Beck

That the Board approves the 2024 operating budget estimates as presented.

CARRIED.

MOTION: 2023-052

Moved by: B. Ingram

Seconded by: C. MacMillan

That the Board requests a shared assistant management employee with the Thorold Public Library Board for the 2024 operating budget, contingent upon the acceptance of a mutually agreeable memorandum of agreement.

CARRIED.

At the September 6, 2023 meeting of the Port Colborne Public Library Board, the Board directed the Chief Executive Officer to submit the Library Services Memorandum as amended, including recommendations to Council.

Respectfully submitted,



Susan Therrien
Chief Executive Officer
Port Colborne Public Library
905-834-6512
Susan.Therrien@portcolborne.ca

The Corporation of the City of Port Colborne

By-Law No. _____

Being a By-Law to Amend By-Law No. 89-2000, as amended, Being a By-Law regulating Traffic and Parking on City Roads (Stop Sign Locations)

Whereas the Council of the Corporation of the City of Port Colborne is desirous of amending the provisions of By-Law 89-2000, as amended, as recommended within Public Works Department Report 2023-55, Traffic Calming Initiatives and Update, approved on September 12, 2023; and

Whereas Section 11 of the *Municipal Act*, 2001 S.O. 2001, c.25 provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, including the passing of by-law within the respective sphere of jurisdiction.

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

1. That Schedule “P” Stop Sign Locations to By-Law 89-2000 as amended, be further amended by adding thereto the following:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
Highway	At	Facing Traffic
Knoll St.	Highland Ave.	North, South, West, and East Bound
Delhi St.	Catharine St.	North, South, West, and East Bound
Omer Ave.	Queen St.	North, South, West, and East Bound
Wellington St.	John St.	North, South, West, and East Bound

2. That the provisions of this By-Law shall take effect on the day of passing, subject to the display of official signs.

Enacted and passed this 12th day of September, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Authorize Entering into an Amending Agreement with His Majesty the King in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs for the Rural Economic Development program

Whereas at its meeting of September 12, 2023, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Office of the Chief Administrative Officer – Report No. 2023-181, Subject: Rural Economic Development – Amending Agreement; and

Whereas Council is desirous of entering into an Amending Agreement with the His Majesty the King in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs for the Rural Economic Development program; 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 Amending Agreement with the His Majesty the King in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs for the Rural Economic Development program; and
2. That the Mayor and the Acting 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 or any other phase of the Rural Economic Development program, and the Acting City Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 12th day of September, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

This Amendment is effective as of June 28, 2023.

AMENDING AGREEMENT

BETWEEN:

HIS MAJESTY THE KING IN RIGHT OF ONTARIO
as represented by the Minister of Agriculture, Food and Rural Affairs

(the “Province”)

AND

CORPORATION OF THE CITY OF PORT COLBORNE
CRA #106984107

(the “Recipient”)

I. BACKGROUND

Ontario and the Recipient (the “**Parties**”) entered into an agreement (the “**Agreement**”) with an Effective Date of April 1, 2022 under the *Rural Economic Development (RED) program*.

Part V of the Agreement allows the Parties to make amendments to the Agreement, provided such amendments are in writing, agreed upon and signed by the Parties;

II. CONSIDERATION

In consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is expressly acknowledged, the Parties agree to amend the Agreement under this amending agreement (the “**Amendment**”) as follows:

1. **Revocation and Replacement of Expiration Date in Section B.1.2 of Schedule “B”.** The date in Section B.1.2 of the Agreement is revoked and replaced with the following:

B.1.2 Expiration Date. The Expiration Date of this Agreement is November 15, 2025.

2. **Revocation and Replacement of Project Completion Date in Section B.1.4 of Schedule “B”.** The date in Section B.1.4 of the Agreement is revoked and replaced with the following:

B.1.4 Project Completion Date. The Project Completion Date is November 15, 2024.

3. **Revocation and Replacement of Incurring Eligible Costs in Section D.2.2 of Schedule “D”.** Section D.2.2 of Schedule D is revoked and replaced with the following:

D.2.2 Incurring Eligible Costs. The Recipient will incur Eligible Costs in accordance with the following chart and no later than by the Project Completion Date

TOTAL ELIGIBLE COSTS TO BE INCURRED BY QUARTER WITHIN FUNDING YEAR					
FUNDING YEAR	QUARTER 1 (APR. – JUN.)	QUARTER 2 (JUL. – SEP.)	QUARTER 3 (OCT. – DEC.)	QUARTER 4 (JAN. – MAR.)	TOTAL
2023-24	\$15,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$40,000.00
2024-25	\$0.00	\$153,800.00	\$64,600.00	\$0.00	\$218,400.00
TOTAL ELIGIBLE COSTS UP TO					\$258,400.00

4. **Revocation and Replacement of Payment of Funds in Section E.1 of Schedule “E”.** The date in Section E.1.3 of Schedule E is revoked and replaced with the following:

E.1.3 Final Report Date. The Final Report (Schedule “E.4” of this Agreement) is to be completed and submitted to the Province on or before: March 15, 2025.

5. **Revocation and Replacement of Project Activities Eligible for Funding in Section C.3 of Schedule “C”.** The activity descriptions in Section C.3 of Schedule C is revoked and replaced with the following:

PROJECT ACTIVITIES ELIGIBLE FOR FUNDING INCLUDE
Implement lighting on West Street and near Waterfront Centre
Implement Promenade Lighting along the wall of the Welland Canal on West Street
Implementation of Wayfinding Signage along West Street
Implement Interpretive Signage
Purchase and install benches for Waterfront Streetscaping
Purchase and plant trees along the Waterfront for landscaping

Further scoping and specification of project activities may be determined once the work plan is developed to avoid overlap with another project through the Ministry of Infrastructure’s Strategic Priorities Infrastructure Fund (SPIF).

6. **Defined Terms.** Any capitalized term used but not defined herein shall have the same meaning given to it in the Agreement.
7. **Referential Incorporation Of Certain Provisions Of Agreement Into Amendment.** Sections 1.1, 2.1 and 2.2, as well as Articles 19, 21 to 25 and 30 of Schedule “A” of the Agreement are referentially incorporated into this Amendment with any and all necessary modifications to make them applicable to this Amendment.

III. THE AGREEMENT

The Parties acknowledge that the Agreement continues as a valid and binding agreement, subject only to this amendment, and that all other terms and conditions of the Agreement continue to apply.

IV. COUNTERPARTS

This Amendment may be signed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

V. ACKNOWLEDGEMENT

The Recipient:

- (a) Acknowledges that it has read and understands the provisions contained in the entire Amendment; and
- (b) Agrees to be bound by the terms and conditions in the entire Amendment.

[REST OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF the Parties have respectfully signed this Amendment as of the dates indicated below:

HIS MAJESTY THE KING IN RIGHT OF ONTARIO

as represented by the Minister of Agriculture, Food and Rural Affairs

Name: Alan Crawley
Title: Director, Rural Programs Branch

Date: _____

I have the authority to bind the Crown pursuant to delegated authority.

CORPORATION OF THE CITY OF PORT COLBORNE

Name: William C. Steele
Title: Mayor

Date: _____

Name: Saima Tufail
Title: Acting City Clerk

Date: _____

I/We have the authority to bind the Recipient.

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 September 12, 2023

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 September 12, 2023, 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 September, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk