



**City of Port Colborne  
Regular Meeting of Committee of the Whole 18-19  
Monday, June 24, 2019 – 6:30 p.m.  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

- 1. Call to Order:** Mayor William C. Steele  
Please silence all electronic devices
- 2. National Anthem:**
- 3. Introduction of Addendum and Delegation Items:**
- 4. Confirmation of Agenda:**
- 5. Disclosures of Interest:**
- 6. Adoption of Minutes:**
  - (a) Regular meeting of Committee of the Whole 17-19, held on June 10, 2019.
- 7. Determination of Items Requiring Separate Discussion:**
- 8. Approval of Items Not Requiring Separate Discussion:**
- 9. Presentations:**  
Nil.
- 10. Delegations (10 Minutes Maximum):**
  - (a) Vittoria Wikston, Senior Manager, Marketing and Community Development, 2021 Canada Games Host Society Inc., and Doug Hamilton, Chairman presenting The Canada 2021 Games – Niagara Region (Page No. 9 )
- 11. Mayor's Report:**
- 12. Regional Councillor's Report:**
- 13. Councillors' Items:**
  - (a) Councillors' Issues/Enquiries
  - (b) Staff Responses to Previous Councillors' Enquiries
- 14. Consideration of Items Requiring Separate Discussion:**
- 15. Notice of Motion:**
- 16. Adjournment:**

<b>Upcoming Committee of the Whole and Council Meetings</b>	
Monday, July 8, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, July 22, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, August 12, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, August 26, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, September 9, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, September 23, 2019	Committee of the Whole/Council – 6:30 P.M.

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

## Committee Items:

Notes	Item	Description / Recommendation	Page
WCS MB EB RB GB FD AD DK HW	1.	<p><b><u>Fire and Emergency Services Department, Report 2019-93, Subject: Fire Department Fee Schedule</u></b></p> <p>That Fire and Emergency Services Department Report 2019-93, Subject: Fire Department Fees Schedule, be received for information.</p> <p><b>Note:</b> Fire Chief Tom Cartwright will be providing a presentation with regard to the above report.</p>	21
WCS MB EB RB GB FD AD DK HW	2.	<p><b><u>Engineering and Operations Department, Operations Division, Report 2019-100, Subject: Energy Conservation and Demand Management Plan 2019-2024</u></b></p> <p>That Engineering and Operations Department, Operations Division Report 2019-100, Subject: Energy Conservation and Demand Management Plan, 2019-2024" be received; and</p> <p>That the Energy Conservation and Demand Management Plan, 2019-2024, be approved; and</p> <p>That staff be directed to publish, make available to the public and implement the City's Energy Conservation and Demand Management Plan, in compliance with Ontario Regulation 397/11; and</p> <p>That Councillor _____ be appointed to sit on the Energy Conservation Committee for the term of Council.</p> <p><b>Note:</b> Darlene Suddard, Environmental Compliance Supervisor and Mae Lannan, Environmental Compliance Student Assistant, will be providing a presentation with regard to the above report.</p>	29
WCS MB EB RB GB FD AD DK HW	3.	<p><b><u>Fire and Emergency Services Department, Report 2019-71, Subject: Emergency Management Program</u></b></p> <p>That the updated Emergency Management Program and updated Emergency Management Plan attached to Fire and Emergency Services Department Report 2019-71 be adopted by by-law; and</p> <p>That By-law No. 6555/10/18 be repealed.</p>	63

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WCS RB AD	MB GB DK	EB FD HW	4.	<p><b><u>Fire and Emergency Services Department, Report 2019-73, Subject: Mutual Assistance Agreement</u></b></p> <p>That the Chief Administrative Officer be directed to sign the Mutual Assistance Agreement Mutual Assistance Agreement with all municipalities within Niagara, as well as the Regional Municipality of Niagara.</p> <p>That the necessary by-law be prepared.</p>	111
WCS RB AD	MB GB DK	EB FD HW	5.	<p><b><u>Fire and Emergency Services Department, Report 2019-92, Subject: Fire and Emergency Services Information Report</u></b></p> <p>That Fire and Emergency Services Department Report 2019-92, Subject: Fire and Emergency Services Information Report, be received for information.</p>	149
WCS RB AD	MB GB DK	EB FD HW	6.	<p><b><u>Engineering and Operations Department, Operations Division, Report 2019-82, Subject: Energy Consumption and Greenhouse Gas Emissions Report (2017)</u></b></p> <p>That Engineering and Operations Department, Operations Division Report 2019-82, Subject: Energy Consumption and Greenhouse Gas Emissions Report (2017), be received for information.</p>	207
WCS RB AD	MB GB DK	EB FD HW	7.	<p><b><u>Planning and Development, By-law Enforcement Division, Report 2019-98, Subject: By-law Appointment of Municipal Law Enforcement Officers and a Building Inspector</u></b></p> <p>That Charlotte Cooper be appointed as a Municipal Law Enforcement Officer; and</p> <p>That Alexandra Campbell be appointed as a Municipal Law Enforcement Officer, Property Standards Officer and a Building Inspector.</p>	215

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WCS RB AD	MB GB DK	EB FD HW	8.	<p><b><u>Planning and Development Department, Planning Division, Report 2019-85, Subject: Recommendation Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street and Accompanying Memo Re: Ministry of Environment D-6 Guidelines</u></b></p> <p>That the Official Plan Amendment, attached to Planning and Development Department, Planning Division, Report 2019-85 as Appendix A, changing the designation of the property from “Parks and Open Space” to “Industrial Areas”, be approved.</p> <p>That the Zoning By-law Amendment, attached to Planning and Development Department, Planning Division, Report 2019-85 as Appendix B, rezoning the land from “P-CH” to “LI-51”, be approved</p> <p>That Planning staff be directed to prepare the Notice of Passing in accordance with the <i>Planning Act</i> and circulate to all applicable parties.</p> <p><b>Note:</b> At its meeting of June 10, 2019 Council Deferred the above report.</p>	217
WCS RB AD	MB GB DK	EB FD HW	9.	<p><b><u>Planning and Development Department, Planning Division, Report 2019-99, Subject: Recommendation Report for Zoning By-law Amendment D14-02-19, 45-53 West Side Road</u></b></p> <p>That the Zoning By-law Amendment, attached as Appendix A to Planning and Development Department, Planning Division Report 2019-99, be approved, rezoning 45-53 West Side Road from Commercial Plaza to CP-52; and</p> <p>That staff be directed to prepare the Notice of Passing in accordance with the <i>Planning Act</i> and circulate to all applicable parties.</p>	281
WCS RB AD	MB GB DK	EB FD HW	10.	<p><b><u>Planning and Development Department, Planning Division, Report 2019-101, Subject: Creation of an Affordable Housing Strategy for Port Colborne</u></b></p> <p>That Planning and Development Department, Planning Division Report 2019-101 be received for information.</p>	311

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<p>WCS MB EB RB GB FD AD DK HW</p>	<p>11.</p>	<p><b><u>Corporate Services Department, Finance Division, Report 2019-102, Subject: Property and Liability Insurance Policy Renewal</u></b></p> <p>That coverage with Frank Cowan Company be approved to provide the City’s comprehensive property and liability insurance program for the next 18 months to December 31, 2020, as outlined and recommended in this report; and</p> <p>That the addition be approved for Environmental Liability coverage which carries a limit of \$3,000,000 with an aggregate of \$5,000,000 and an estimated premium of \$8,250.</p>	<p>319</p>
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>12.</p>	<p><b><u>Community and Economic Development Department, Health Services Division, Report 2019-95, Subject: Establishment of a Locum Physician Support Program</u></b></p> <p>That the Locum Physician Support Program, as outlined in Community and Economic Development Department, Health Services Division Report 2019-95, be approved.</p> <p>That the City of Port Colborne Locum Physician Support Program include the following provisions:</p> <ol style="list-style-type: none"> <li>1. Physicians seeking support are required to submit a written request for locum physician assistance to the Health Services Committee.</li> <li>2. Locum financial assistance from the City is funded from the City’s Physician Recruitment Reserve account.</li> <li>3. Total financial support is at a rate of \$500 per eight-hour workday, with a maximum amount of not more than \$5,000 per calendar year, per physician.</li> <li>4. The application shall be reviewed by the Health Services Committee for approval.</li> <li>5. Upon the Health Services Committee’s approval, the Director of Community and Economic Development shall authorize the application for locum physician assistance.</li> <li>6. Payment shall be issued upon completion of the locum, to the Practice Physician.</li> </ol>	<p>381</p>

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WCS RB AD	MB GB DK	EB FD HW	13.	<p><b><u>Community and Economic Development Department, Health Services Division, Report 2019-96, Subject: One-time Funding Request for Amalgamation Support – Port Colborne Family Health Organization and Mapleview Family Health Organization</u></b></p> <p>That the City of Port Colborne financially support the amalgamation of the Port Colborne Family Health Organization and the Mapleview Family Health Organization, at a one-time cost of \$30,000, to be funded from the Physician Recruitment Reserve Fund.</p>	385
WCS RB AD	MB GB DK	EB FD HW	14.	<p><b><u>Community and Economic Development Department, Health Services Division, Report 2019-97, Subject: Physician Recruitment Incentive – Dr. Fraelic</u></b></p> <p>That the City of Port Colborne enter into a partnership with the Town of Fort Erie to offer an incentive contractual agreement to Dr. Joe Fraelic, at a total approved cost of \$35,000 – representing the City's share (one half) of the incentive amount; and</p> <p>That the City's cost be funded from the Physician Recruitment Reserve Fund; and</p> <p>That the appropriate by-law be presented for approval.</p>	389
WCS RB AD	MB GB DK	EB FD HW	15.	<p><b><u>Community and Economic Development Department, Parks and Recreation Division, Report 2019-94, Subject: Fourth Annual Summer Concerts in King George Park</u></b></p> <p>That the Summer Concerts in King George Park event, to be held on August 6, 13, 20, and 27, 2019, be supported, as outlined in Community and Economic Development Department, Parks and Recreation Division, Report 2019-94, Subject: Summer Concerts in King George Park;</p> <p>That the fees for the park permit and use of hydro at King George Park, be waived;</p> <p>That the Noise By-law Exemption application fee, be waived;</p> <p>That the Event Organizer be required to file a certificate of Insurance, naming the City as additional insured, in the amount of \$2,000,000, prior to the event.</p>	391

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Miscellaneous Correspondence					
WCS	MB	EB	16.	<b>Ritesh Malik of 2493207 Ontario Inc., Re: Request for Relief of Property Taxes/Interest for the duration of Development Process – 599 Main Street, West, Port Colborne</b>	395
RB	GB	FD			
AD	DK	HW		Council direction required.	
Outside Resolutions – Requests for Endorsement					
Nil.					
Responses to City of Port Colborne Resolutions					
Nil.					

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From: "Vittoria Wikston" <[vwikston@2021canadagames.ca](mailto:vwikston@2021canadagames.ca)>  
To: "Nancy Giles" <[mayoradmin@portcolborne.ca](mailto:mayoradmin@portcolborne.ca)>  
Cc: [amberlapointe@portcolborne.ca](mailto:amberlapointe@portcolborne.ca)  
Date: 2019-04-03 09:27 PM  
Subject: Re: City Council Presentations | Niagara 2021 Games | Can we schedule....

I'm reaching out to you for assistance please. The 2021 Canada Games Host Society is preparing to schedule a series of community impact presentations come late spring. Before we hit the community, we'd would appreciate the opportunity to 'first' present to your individual city council meetings and deliver a 'state of the games' address.

Would this be possible?

Our chairman, Doug Hamilton will be presenting on behalf of the 2021 Canada Games Host Society ensuring Q&A is properly addressed.

Could we schedule him into your June council meetings?

Thank you for your time & consideration. I look forward to hearing back from you.

Vittoria Wikston, CMP, CMM  
Senior Manager | Marketing & Community Development  
2021 Canada Games Host Society, Inc.



## About The Canada Games



- Celebration of sport and culture
- First held during Canada's 1967 centennial
- Held every two years; alternating winter | summer
  - 2017 Summer Games | Winnipeg, Manitoba
  - 2019 Winter Games | Red Deer, Alberta
- 2021 will be the third games in Ontario
- Approximately 60% of Olympic medalists participated in Canada Games

## About 2021 Canada Games - Niagara



- August 2021
  - Opening Ceremony – Friday, August 6<sup>th</sup>
  - Closing Ceremony – Saturday, August 21<sup>st</sup>
- 18 Sports
- 5000 Game Participants

## Sport Program | The Sports



- 18 sports competing at venues across Niagara
- 3 sports with para-athletes
  - Athletics, Swimming, Sailing
- 2 sports with Special Olympic Athletes
  - Athletics, Swimming
- Inclusion of Box Lacrosse as pilot program
  - Important opportunity for Indigenous inclusion

4000 Strong | Volunteer Led Games



involved  
unteeer

CELEBRATION EVENTS



CULTURE

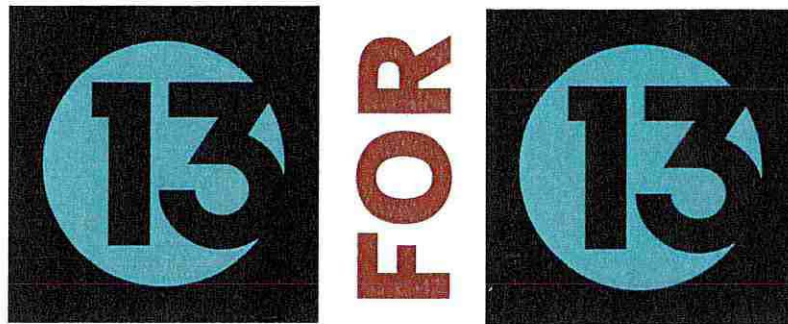
OPENING CEREMONIES | FRIDAY, AUGUST 6<sup>TH</sup>, 2021



CLOSING CEREMONIES | SATURDAY, AUGUST 21<sup>ST</sup>, 2021



## FESTIVAL PROGRAM



## 13 FOR 13 FESTIVAL | CONCEPT



THE “13 FOR 13” PROGRAM WILL BE AN INNOVATIVE PROGRAM THAT WILL PARTNER EACH OF THE 13 COMMUNITIES IN NIAGARA (INCLUDING THE REGION) WITH ONE OF THE 13 PROVINCES AND TERRITORIES THAT WILL BE PARTICIPATING IN THE GAMES.

THIS PROGRAM WILL ULTIMATELY RESULT IN 13 DIFFERENT CULTURAL EVENTS THAT WILL HAPPEN THROUGHOUT THE COMPETITION DAYS, FROM THE 7TH TO THE 20TH OF AUGUST.



## TORCH RELAY PROGRAM

## TORCH PROGRAM | 2021



- STARTS IN OTTAWA
- ENDS IN NIAGARA

ROUTE | TBA

- WATERWAYS
- ALL MUNICIPALITIES
- WINE | CYCLE ROUTE



## MILESTONE EVENT | COUNTDOWN CELEBRATION



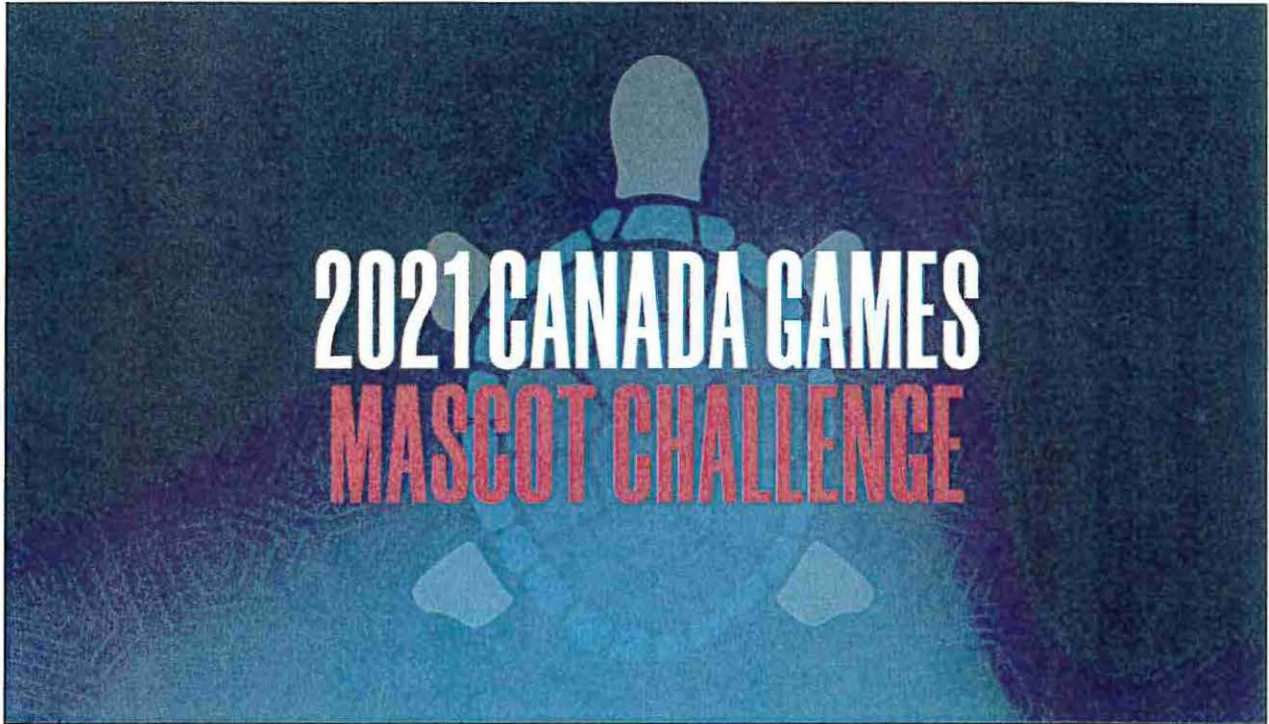
# 2

- MONDAY, AUGUST 5<sup>TH</sup>, 2019
- HENLEY GRAND STAND
- FREE CONCERT CELEBRATION
  - GLEN SMITH DUO
  - FLAT BROKE



OUTLET COLLECTION  
- AT NIAGARA -





## Why The Turtle?

There are many wonderful coincidences that explain why the turtle is the perfect fit for the 2021 Canada Games in Niagara. :

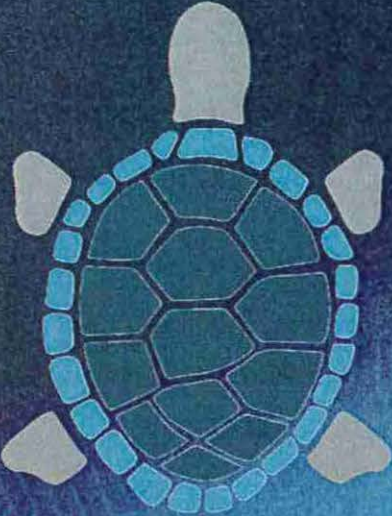
**Turtle Island**  
The belief by our Indigenous community that the Niagara Escarpment is the backbone, or heart of "Turtle Island".

**Our First Nations People**  
The significance of turtles to Niagara's Indigenous community

**The Case For Number 13**  
The symmetry between the turtle's 13 large sections on its shell, Niagara's 13 municipalities (12 municipalities plus 1 region), and Canada's 13 provinces and territories.

**28 for 28**  
The alignment between the turtle's 28 small sections on its shell and the 2021 Canada Games being the 28<sup>th</sup> Canada Games.

A light blue silhouette of a turtle, facing forward. The shell is filled with a pattern of dark blue and teal geometric shapes that resemble the scutes of a turtle's shell. The background of the entire section is a dark blue with a subtle, repeating pattern of the same turtle shell design.



**A Natural Habitat**  
The abundance of turtles and turtle species in Niagara and southern Ontario

**Making A Splash**  
The many water sports featured at the Canada Games.

**A Matter of Conservation**  
The importance of protecting these endangered species.

**Athlete Development**  
The Canada Games are an important part of the development of Canada's young athletes. Achieving one's potential in any sport requires persistence and diligence. As our friend the turtle has taught us, slow and steady wins the race!

INSPIRE · TRANSFORM · UNIFY

**ONCE, AND FOR ALL.**

INSPIRE · TRANSFORM · UNIFY

**UNE FOIS, POUR TOUS.**

# THANK YOU

INSPIRE. TRANSFORM. UNIFY.



INSPIRER. TRANSFORMER. UNIFIER.

# MERCI

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Report Number: 2019-93

Date: June 24, 2019

**SUBJECT: Fire Department Fee Schedule**

**1) PURPOSE**

The Fire Chief prepared this report at the direction of the Chief Administrative Officer. The current fee schedule has been in place since September of 2015. A modification was made to the fee schedule in 2016 at the direction of Council with regards to the fee proposed for bed and breakfast establishments.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

Fees for service were introduced in the early 1990s within the Fire Service. One of the first fees for service within the Province was enacted as a deterrent for false alarms, and in particular, multiple false alarms.

Prior to that, the only fee for services was the Ministry of Transportation fee for services on Kings and Queens Highways, involving motor vehicle incidents. The theory in the 1980s was that the Ministry of Transportation owned and was responsible for those highways and did not have a fire service so a fee for services was enacted.

The process involved the municipality billing the Ministry of Transportation a defined hourly rate per apparatus and the Ministry of Transportation would then recover those costs from the offending owner/insurance company of the vehicle.

**Council Policy**

Once fees were introduced successfully, Councils of the day throughout Ontario found this method as a means to reduce/control the cost by increasing user fees in multiple areas. The fees vary in each municipality and are driven by a means to control costs; the user pays the fee. Abuse of the system is penalized (e.g., false alarms) as a form of revenue for the municipality.

**3) STAFF COMMENTS AND DISCUSSIONS**

The City is allowed to implement fees for services. According to the user fee provision of the *Municipal Act, 2001* Section 391, a municipality has the ability to impose fees or charges for services or activities. It has been determined that Section 391 of the *Municipal Act, 2001* and O. Regulation 584/06 allow the City to recover costs as provided for within the Department's fee schedule (attached as Appendix "A").

## Comments

In the eighteen (18) years that the Fire Chief has provided oversight of the fee schedule there has only been one (1) complaint regarding the amount of the fee. That complaint was addressed by Council of the day through the Fire Department's Master Planning Committee. That resulted in reduction of that fee which is now reflected in the current fee schedule.

### 4) OPTIONS AND FINANCIAL CONSIDERATIONS

The current fees authorized by Council have been the result of Provincially recognized rates (MTO), that were established in past years and updated based on what others are charging or a combination of hourly rates, cost to the City through inflation and administration fees that at least partially cover office expenses.

#### Additional Fees

An example of fees that could also be incorporated into the department's fees are the following:

- a) Vulnerable occupancy certification
- b) Daycares being operated at schools
- c) Re-inspections
- d) Installation of smoke and carbon monoxide alarms (use the M.T.O. rate)

#### Options

- i) Do nothing. Not recommended. Past practice has been to enact a fee schedule.
- ii) Repeal the Fire Department's Fee Schedule and reduce revenue. Not recommended.
- iii) Provide the Fire Chief with a means by which all fees are calculated that meet the wishes of Council. Preferred.
- iv) Continue with past practices using previously determined fees adjusted through inflation in consultation with Council. Recommended.

### 5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable at this time. Council is in the process of establishing strategic initiatives.

### 6) ATTACHMENTS

Appendix "A" – Schedule C to By-law No. 6638/02/19

**7) RECOMMENDATION**

That Fire and Emergency Services Department Report 2019-93 Subject: Fire Department Fee Schedule, be received for information.

**8) SIGNATURES**

Prepared on June 4, 2019

Reviewed by:



Thomas B. Cartwright,  
City Fire Chief



Brenda Garrett,  
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey,  
Chief Administrative Officer

## Appendix "A" to Fire and Emergency Services Report 2019-93

### Schedule C Services by Fire and Emergency Division

Emergency Response	2017 Fee	2018 Fee	2019 Fee
<i>All fees identified with an asterisk will be billed using the applicable MTO Rate at the time of billing. Administrative Fee of \$50.00 to be charged to all invoices.</i>			
*Nuisance false alarms and nuisance deployments First false alarm in any calendar year: Subsequent false alarms in calendar year:	Nil MTO Rate per apparatus dispatched	Nil MTO Rate per apparatus dispatched	Nil MTO Rate per apparatus dispatched
Billing for fire fighting services using a third party, as necessary.			Applicable MTO Rates Per apparatus dispatched
Failure to Extinguish Open Air Burning (liable for costs under Section 2.5 By-Law 6280/106/15). Owner responsible for any and all additional expenses – to retain a private Contractor, rent special equipment, preserve property or evidence, or in order to eliminate an emergency or risk of an emergency situation.	Actual Costs	Actual Costs	Actual Costs
Hourly Rate of Personnel			Current
*Motor vehicle accident/vehicle fire and providing firefighting or other emergency services to a non-resident: a) For the first hour or any part thereof b) For each additional one half hour or part thereof  <i>Note: MTO Rates are applicable to residents when Fire Department services are provided on Hwy. No's 3, 58 and 140.</i>	\$410.00 Per apparatus dispatched \$205.00 Per apparatus dispatched	\$410.00 Per apparatus dispatched \$205.00 Per apparatus dispatched	Applicable MTO Rates Per apparatus dispatched
Response to fires on or beside rail lines caused by Railway Company – owner responsible for any and all additional expenses – to retain a private Contractor, rent special equipment, preserve property or evidence, or in order to eliminate an emergency or risk of an emergency situation.	Actual Costs	Actual Costs	Actual Costs
*For attending a natural gas incident a) For the first hour or any part thereof b) For each additional one half hour or part thereof	\$410.00 Per apparatus dispatched \$205.00 Per apparatus dispatched	\$410.00 Per apparatus dispatched \$205.00 Per apparatus dispatched	Applicable MTO Rates Per apparatus dispatched



Extraordinary expenses – Owner responsible for any and all additional expenses that the Fire Chief or Deputy Fire Chief determines – to retain a private Contractor, rent special equipment, preserve property or evidence, or in order to eliminate an emergency or risk of an emergency situation.	Actual Costs	Actual Costs	Actual Costs
*For responding to non-emergency assistance requests a) For the first hour or any part thereof  b) For each additional one half hour or part thereof	\$410.00 Per apparatus dispatched \$205.00 Per apparatus dispatched	\$410.00 Per apparatus dispatched \$205.00 Per apparatus dispatched	Applicable MTO Rates Per apparatus dispatched
<b>Fire Prevention</b>	<b>2017 Fee</b>	<b>2018 Fee</b>	<b>2019 Fee</b>
<i>Commercial (GROUP A, D &amp; E OCCUPANCY)</i> Refreshment Vehicle	\$125.00	\$125.00	\$125.00
Inspect base building, less than 3,000 sq. ft. (gross area) Plus inspect each additional 3,000 sq. ft. Plus inspect each suite in addition to base building	\$250.00 \$125.00 \$25.00	\$250.00 \$125.00 \$25.00	\$250.00 \$125.00 \$25.00
Day Cares: Home Day Cares with less than 5 children Licenced Day Cares with occupant load of 40 or less Licenced Day Cares with occupant load of more than 40	\$75.00 \$150.00 \$250.00	\$75.00 \$150.00 \$250.00	\$75.00 \$150.00 \$250.00
Repeat follow-up inspections on a violation	\$75.00	\$75.00	\$75.00
<i>Institutional (GROUP B) or Residential (GROUP C containing a Care Facility)</i>			
Inspect base building, less than 3,000 sq. ft. (gross area) Plus inspect each additional 3,000 sq. ft. Plus each dwelling/unit/sleeping room in addition to base building	\$275.00 \$125.00 \$10.00	\$275.00 \$125.00 \$10.00	\$275.00 \$125.00 \$10.00
Repeat follow-up inspections on a violation	\$75.00	\$75.00	\$75.00
<i>Residential (GROUP C, Not Including Care Facilities) (Includes Hotels, Motels, Apartments and Bed and Breakfast)</i>			
Small building – 3,000 sq. ft. or less – containing single dwelling unit Small building – 3,000 sq. ft. or less – containing two dwelling units Large building – more than 3,000 sq. ft. OR contains 3 to 5 dwelling units/suites of residential occupancy 6 to 18 dwelling units/suites of residential occupancy More than 18 dwelling units/suites of residential occupancy Repeat follow-up inspections on a violation	\$75.00 \$300.00 \$500.00 \$750.00 \$1,500.00 \$75.00	\$75.00 \$300.00 \$500.00 \$750.00 \$1,500.00 \$75.00	\$75.00 \$300.00 \$500.00 \$750.00 \$1,500.00 \$75.00

Bed and Breakfast – up to four (4) sleeping rooms	\$275.00	\$275.00	\$275.00
<b>Industrial (GROUP F OCCUPANCY)</b>			
Inspect base building, less than 3,000 sq. ft. (gross area)	\$175.00	\$175.00	\$175.00
Plus inspect each additional 3,000 sq. ft.	\$75.00	\$75.00	\$75.00
Plus inspect each suite in addition to base building	\$25.00	\$25.00	\$25.00
Repeat follow-up inspections on a violation	\$75.00	\$75.00	\$75.00
<b>Fire Prevention (Cont'd)</b>	<b>2017 Fee</b>	<b>2018 Fee</b>	<b>2019 Fee</b>
<b>Miscellaneous Inspections/Application Review</b>			
Open Air Burning Site Inspection and Clearance	\$75.00	\$75.00	\$75.00
Fireworks Vendor – Site Inspection	\$75.00	\$75.00	\$75.00
Propane Licence Application Review (Basic)	\$100.00	\$100.00	\$100.00
Propane Licence Application Review (Complex)	\$60.00/hour	\$60.00/hour	\$60.00/hour
Marijuana Grow-Op/Drug Lab Compliance Inspection	\$250.00	\$250.00	\$250.00
Review of Site Plans	\$60.00/hour	\$60.00/hour	\$60.00/hour
Sale of Consumer Fireworks Vendor Permit	n/a	n/a	\$100.00/annually
Display Fireworks Discharge Permit	n/a	n/a	\$150.00/per event
<b>Fire Department Assistance</b>			
Fire Watch	\$60.00/hour	\$60.00/hour	\$60.00/hour
Securing Buildings	\$60.00/hour	\$60.00/hour	\$60.00/hour
Fire Prevention Assistance	\$60.00/hour	\$60.00/hour	\$60.00/hour
Training Assistance	\$60.00/hour	\$60.00/hour	\$60.00/hour
<b>File Reports and File Searches</b>			
File Search/File Reports – Environmental Issues	\$250.00	\$250.00	\$250.00
File Search/File Reports – Information	\$125.00	\$125.00	\$125.00
Letters and Produce Incident Reports to Insurance Companies	\$125.00	\$125.00	\$125.00
LLBO – Letters of Compliance	\$125.00	\$125.00	\$125.00
<b>Smoke and Carbon Monoxide Alarm Installations</b>			
Installation of Smoke Alarm	\$10.00 each	\$10.00 each	\$10.00 each
Installation of Carbon Monoxide Alarm (Plug-In)	\$25.00 each	\$25.00 each	\$25.00 each
Installation of Carbon Monoxide Alarm (Combination)	\$30.00 each	\$30.00 each	\$30.00 each
<b>Fire Department Services</b>			
Refilling of Air Cylinders	\$12.00 each	\$12.00 each	\$12.00 each

Fire Extinguisher Rentals	\$10.00 each	\$10.00 each	\$10.00 each
Photographs	\$5.00 each	\$5.00 each	\$5.00 each
I.D. Photos	\$10.00 each	\$10.00 each	\$10.00 each
Meeting Room Rental	\$100.00 daily	\$100.00 daily	\$100.00 daily

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Report Number: 2019-100

Date: June 24, 2019

**SUBJECT: Energy Conservation and Demand Management Plan  
2019-2024**

## 1) PURPOSE

This report, was prepared by Mae Lannan, Environmental Compliance Student Assistant, under direction from Darlene Suddard, Environmental Compliance Supervisor, and authorized by Chris Lee, Director of Engineering and Operations, to seek Council approval for the Energy Conservation and Demand Management Plan, which is required to be updated every five years under O. Reg 507/18 – Energy Conservation and Demand Management Plans, under the *Electricity Act, 1998*.

## 2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

It was formerly a requirement of regulations made under the *Green Energy Act* for municipalities to prepare a five-year Energy Conservation and Demand Management Plan (Plan) and to annually report energy consumption and greenhouse gas emissions. With the repeal of the *Green Energy Act*, the Province transferred the requirement for the Plan and annual reporting to the *Electricity Act, 1998*. Under O. Reg 507/18 - Broader Public Sector: Energy Reporting and Conservation and Demand Management Plans, the City is required to compile and submit energy consumption data annually and to develop an Energy Conservation and Demand Management Plan.

The City's first annual Energy Consumption and Greenhouse Gas Emissions Report, was due July 1, 2013, and subsequent reports have been due by July 1 annually. These reports are a compilation of energy consumption data (electricity and natural gas) and resultant greenhouse gas (GHG) emissions for all City-owned facilities that are heated and/or cooled from the calendar year two years previous (i.e., 2011 data reported in 2013, 2012 data reported in 2014 and so on). As of 2019, the report must be submitted by July 1 annually to the Ministry of Energy, Northern Development and Mines.

The second requirement of O. Reg 507/18 involves the preparation and implementation of an updated Energy Conservation and Demand Management Plan every five years. The plan must outline any new objectives and report on the outcome of previously recommended actions, be endorsed by Council and posted on the City's website and made available to the public by July 1. As the initial Plan was submitted by July 1, 2014, the updated Plan is required to be approved by July 1, 2019

The Plan has been developed to guide the City of Port Colborne in establishing energy management practices, promoting energy conservation, and integrating these measures into all aspects of the organization. Doing so will reduce energy consumption, increase energy efficiency, and ultimately reduce the environmental, social, and economic impacts

of energy consumption. The Plan will evolve as the understanding of the City's energy demands and conservation opportunities develop. Outlined in the Plan are the City's commitment to energy conservation, previous and current energy practices, and the goals and objectives to which the City shall aim.

### **3) STAFF COMMENTS AND DISCUSSIONS**

The City of Port Colborne's second Energy Conservation and Demand Management Plan (2019-2024) is required in completed form by July 1, 2019. The Plan has been reviewed and approved by upper management. Along with identifying the City's vision statement and commitment to energy conservation, this two-part plan consists of both the identification and implementation of key strategies, while indicating the need for post development monitoring of results. Strategies are based on previous analysis of the City's current state of energy consumption, taking into account energy use and associated greenhouse gas emissions from 2011 to 2017.

An analysis of facilities by category has been included for the 2017 year; this is to understand which facilities are consuming at the highest rates. A full list of facility categorization details is provided in Appendix A of the Plan, which is provided with this report. Although the Recreation category was the largest consumer of both electricity and natural gas in 2011, it is important to note that three of the facilities included in this category ceased operations between 2010 and 2013: West Side Arena, Centennial Swimming Pool, and Teeder Kennedy Youth Arena. Replacing these facilities is the new Vale Health and Wellness Centre (which contains a twin pad arena, swimming pools and recreational space). Since the opening of the Vale Health & Wellness Centre, recreation has continued to have the largest consumption of all the categories, and has in fact increased the recreation energy consumption. However, when comparing energy intensity (as seen in Figure 1 below) the recreation sector is contributing significantly less to the City's overall energy intensity than some of the older facilities.

Based on this analysis (as shown in Figure 1 below), it is clear that Recreation, Museum/Tourism, and Public Works are the most energy intense categories. While Figure 2 below shows that recreation has by far the highest consumption of both natural gas and electricity. Staff are monitoring consumption and are interested to see how energy intensity will change due to the opening of the new Engineering and Operations Centre, where occupancy began in August 2017.

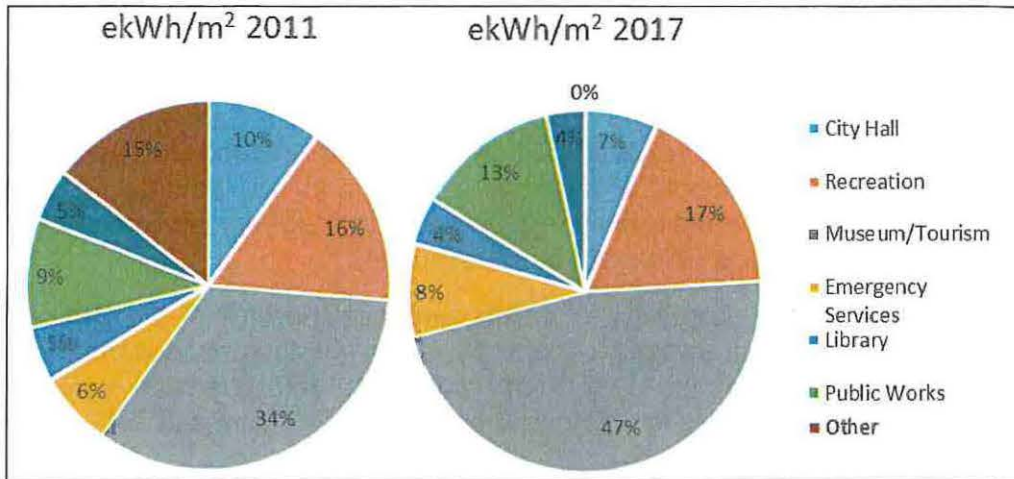


Figure 1 displays the energy intensity for each facility type in 2011 compared to 2017.

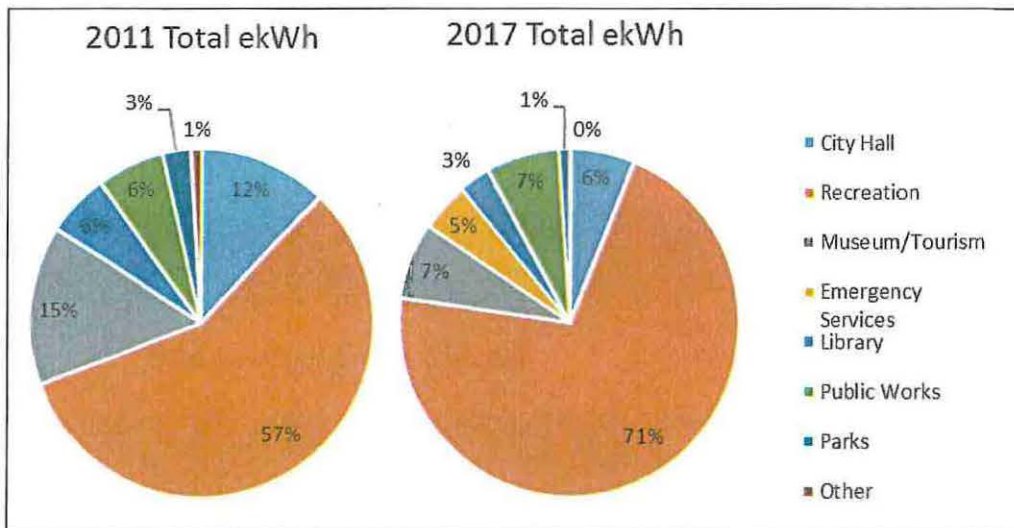


Figure 2 displays the total energy consumption per each facility type in 2011 compared to 2017.

Within the Plan, Port Colborne's overall vision for energy conservation and demand management is supported by four overarching, high-level goals. These goals are centered on opportunities for enhanced leadership, energy conservation, energy efficiency, and renewable energy. Five key focus areas have been developed in order to better categorize and implement strategies for goal achievement. These focus areas include:

- Organizational integration,
- Facility energy management,
- Energy data management,
- Energy supply management, and;
- Procurement.

Multiple objectives, each of which falls into a specific focus area, have been developed in order to guide achievement of the long term, high-level goals. These objectives can be broadly defined as either programs, processes, or projects. Objectives were developed through meetings with staff during the 2018 Energy Awareness Campaign, as well as considerations from previous facility audits. Each objective is followed by a list of actions required to obtain it, key measures of success, a timeline for implementation, and the estimated costs and savings of the operation. Costs and savings vary, as some objectives are behaviorally focused, while others are more technical.

A detailed list of these key objectives, of which comprise the bulk of the City's future energy goals, can be found in Appendix C of the Plan. While the previous plan focused around more conceptual goals, the 2019-2024 plan has set four quantitative goals, that each of the objectives contributes to fulfilling. These goals are outlined in Table 1 below:

**Table 1: Quantitative Goal Outlines**

Goal Number	Goal	Associated Savings	Year achieved by
(1)	Reduce annual energy intensity associated with electricity	10% in yearly energy intensity	2024
(2)	Reduce electricity consumption from computer server	25% reduction in electricity used by computer servers	2024
(3)	Electricity reduction from limiting unnecessary electricity usage	200,000 kWh reduction from electricity consumption associated with lighting and plug load	2024
(*4)	Manage load demand and energy consumption for an overall reduction	15% reduction of yearly kWh/HDD	2024

**Each goal uses 2017 as the baseline year for data.**

In Appendix C all objectives have been assigned a goal number to indicate which target the objective will assist in meeting. No objectives are numbered (\*4), since the 15% reduction of yearly kWh/HDD is an overall target.

In order to meet targets, it is important to include city staff in the implementation of the Plan. The goals and objectives are designed for equitable efforts to be taken at all City facilities; therefore, it is necessary that staff from different facilities participate in order to achieve our targets. To provide an organized approach to energy conservation efforts, staff are resurrecting the Energy Conservation Committee. This Committee will include staff representatives from all City facilities and all departments to promote and oversee the implementation of the Plan at their respective facilities. Historically, this committee has also included a representative from Council, as having a Council representative on the committee will aid in the continual improvement of the City's energy conservation efforts and the implementation of the Plan at all levels of the City. Staff request that



Council appoint a representative to the Energy Conservation Committee to assist with ongoing conservation efforts.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS**

**a) Do nothing.**

This is not an option. Under O. Reg 507/18, the City is mandated to develop and implement an Energy Conservation and Demand Management Plan in order to comply with requirements.

**b) Other options**

Council may choose to review the attached Energy Conservation and Demand Management Plan (2019-2024) in order to provide feedback regarding the applicability of goals and objectives currently outlined, and/or to provide suggestions for further inclusion, in order for staff to finalize the Plan by July 1, 2019.

Council may choose to approve the current plan and provide confirmation of approval, or ask for revisions to be made.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not Applicable

**6) ATTACHMENTS**

Energy Conservation and Demand Management Plan (2019-2024)

**7) RECOMMENDATION**

That Engineering and Operations Department, Operations Division Report 2019-100, Subject: Energy Conservation and Demand Management Plan, 2019-2024" be received; and

That the Energy Conservation and Demand Management Plan, 2019-2024, be approved; and

That staff be directed to publish, make available to the public and implement the City's Energy Conservation and Demand Management Plan, in compliance with Ontario Regulation 397/11; and

That Councillor \_\_\_\_\_ be appointed to sit on the Energy Conservation Committee for the term of Council.

8) SIGNATURES

Prepared on June 13, 2019 by:



Mae Lannan  
Environmental Compliance Student  
Assistant

Reviewed by:



Darlene Suddard  
Environmental Compliance Supervisor

Reviewed by:



Chris Lee  
Director, Engineering and Operations

Reviewed and respectfully submitted:



C. Scott Luey  
Chief Administrative Officer

2019-2024

# Energy Conservation and Demand Management Plan



PORT COLBORNE

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## Introduction

### Electricity Act, 1998

Formerly a requirement of regulations made under the Green Energy Act, the Corporation of the City of Port Colborne is required, under Ontario Regulation 507/18: Broader Public Sector: Energy Reporting and Conservation and Demand Management Plans under the Electricity Act, 1998, to compile and submit energy consumption data by July 1<sup>st</sup> annually and to develop and implement an updated five year Energy Conservation and Demand Management Plan (Plan) every five years.

The City's first Plan was endorsed by Council by the July 1, 2014 deadline, and the regulated deadline for updated Plans to be prepared, endorsed by City Council and posted to the City's website is on or before July 1, 2019 and on or before every fifth anniversary. As such, the City of Port Colborne has developed and updated this Plan to meet the requirements set out by the Electricity Act under Ontario Regulation 507/18.

### Introduction to the Energy Conservation and Demand Management Plan

The Plan has been developed to guide the City of Port Colborne in establishing energy management practices, promoting energy conservation, and integrating these measures into all aspects of the organization. Doing so will reduce energy consumption, increase energy efficiency, and ultimately reduce the environmental, social, and economic impacts of energy consumption. The Plan will evolve as the understanding of the City's energy demands and conservation opportunities develop. Outlined in the Plan are the City's commitment to energy conservation, previous and current energy practices, and the goals and objectives to which the City shall aim. The overall approach to the development and post development of the Plan is detailed in Figure 1.

### Terminology

A commonly used unit in energy analysis is ekWh, which means equivalent kilowatt-hours. This unit allows comparisons to be made between natural gas and electricity consumption. Energy intensity is a measurement of how much energy is consumed per square meter, and uses a unit of ekWh/m<sup>2</sup>. Normalized energy intensity measures the rate of energy consumption per square meter, and removes variation due to weather. Normalized energy intensity is measured in units of ekWh/m<sup>2</sup>/HDD. Heating and cooling degree days (HDD and CDD respectively) is a measurement used to normalize annual weather conditions and quantify the impact on facility heating and cooling systems. The greater the variability from ideal indoor climate control, the more energy is needed to reach the ideal condition. Heating Degree Days (HDD) is contrasted to that of natural gas, and Cooling Degree Days (CDD) is contrasted to electricity. This is because air conditioning systems typically use electricity and heating systems use natural gas.

## Energy Conservation and Demand Management Plan Framework

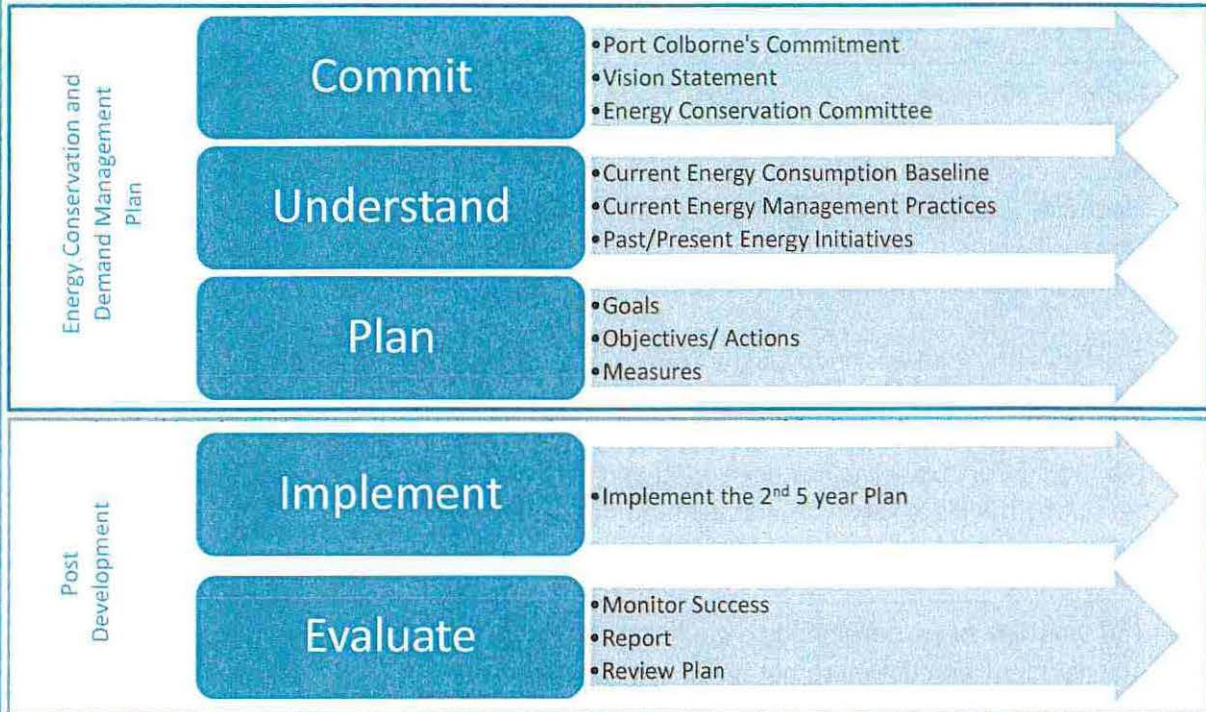


Figure 1: ECDM Plan Framework



## Port Colborne's Commitments

The Energy Conservation and Demand Management Plan has been developed and updated to reflect the values and strategic directions of the City of Port Colborne. These values and directions are encapsulated in the Vision Statement and Commitments that follow.

### Vision Statement

To carry out the strategic and proactive pursuit of responsible energy management, in order to contribute to the environmental, economic, and social wellbeing of the residents, businesses and visitors of the City of Port Colborne.

### Commitment

The City of Port Colborne aims to lead the community by example, and therefore commits to the following:

- 1) Allocation of the resources necessary to develop and implement a strategic energy management plan, aimed at reducing our energy consumption and its related environmental impact
- 2) Promotion of responsible energy management throughout the City, implementing economically viable energy conservation projects, organizational measures, and renewable energy initiatives where possible
- 3) Compliance with legislated environmental requirements and standards
- 4) Continual improvement of the Plan and its projects and initiatives

The vision and subsequent commitments of the Plan outline the approach towards improving energy management within City facilities and act as a foundation for the remainder of the Plan.

### Energy Management and Leadership

The development and implementation of the Plan is the responsibility of the City's Environmental Compliance Supervisor and the Energy Conservation Committee.

#### Energy Conservation Champion

The City's Environmental Compliance Supervisor, Darlene Suddard, has been designated as the City's Energy Conservation Champion, tasked with chairing the Energy Conservation Committee (ECC) and guiding the City in matters of energy conservation and of the Plan. As the Champion, the Environmental Compliance Supervisor ensures that the City is in compliance with legislative requirements, stays current with municipal energy related topics, organizes regular meetings of the ECC,

and works closely with City Council and Staff to promote energy management throughout the City.

### Energy Conservation Committee

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The ECC is comprised of City Staff members, who have responsibility over energy-consuming facilities (Appendix A). An appointed member of Council is also a part of the ECC. Members are committed to the continual improvement of the City's energy conservation efforts, while ensuring the success of the Plan. The Committee meets regularly to discuss energy related issues, economic considerations of initiatives, regulatory requirements, and incorporation of proposed initiatives into current policies and operational standards. The integration of the Plan across the City, and the support of the ECC, will be instrumental in the success of Port Colborne's energy management efforts.

### Renewable Energy

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While there are no current renewable energy systems within the City of Port Colborne, the City commits to explore the viability of implementing and developing renewable energy systems in City facilities. Research regarding the technical and economic feasibility of incorporating renewable energy systems will be performed and presented to the Energy Conservation Committee. The City aims to establish a well-informed foundation for future development of renewable energy systems.





## Current Energy State

A thorough understanding of the current state of energy use within the City is required in order to formulate the Plan. Developing this understanding will assist in determining which commitments and objectives to implement, as well as assist in identifying possible conservation opportunities. The following section outlines the historic energy consumption and greenhouse gas emissions from 2011-2017, and discusses current energy management and supply.

### Summary of Current Energy Consumption, Cost and GHGs

The annual energy consumption of City facilities can be calculated from the Energy Baseline Report (2014), as well as the annual Energy Consumption and Greenhouse Gas Emissions Reports. Table 1, below, demonstrates that although total energy consumption and greenhouse gas (GHG) emissions have increased from 2011 to 2017, the overall GHG intensity and energy intensity (the amount of GHG and energy used per square metre of floor space), have been reduced by 50% and 40%, respectively. This reduction in GHG intensity and energy intensity is a direct result of the City constructing two new energy efficient buildings (Vale Health & Wellness Centre (2012) and Engineering and Operations Centre (2017)) to replace five old, inefficient buildings (Teeder Kennedy Arena, West Side Arena, Centennial Pool (2012) and Public Works, Parks Depot (2017)).

Continual energy tracking and reporting will provide a more accurate picture of patterns in energy consumption with these new energy efficient buildings over the years. Also of note is the cost associated with the City's energy consumption. Electricity cost, as shown in Table 2, has significantly increased. This cost increase is a result of both increased consumption and increased cost over the years, as demonstrated in Table 1.

**Table 1: Summary of Port Colborne City Facility Energy Consumption, 2011-2017**

Year	Electricity (kWh)	Natural Gas (m <sup>3</sup> )	GHG Emissions (Kg CO <sub>2</sub> e/yr)	GHG Intensity (kg CO <sub>2</sub> e/m <sup>2</sup> )	Energy Intensity (ekWh/m <sup>2</sup> )
2011	2,116,820	377,222	885,169.61	851.12	5,840.99
2017	4,704,970	521,347	1,069,738.30	418.66	3,477.66
Change(+/-)	(+)2,588,150	(+)144,125	(+)184,568.69	(-)432.46	(-)2,363.33

**Table 2: Summary of Port Colborne City Facility Energy Cost, 2011-2017.**

Year	Electricity Cost (\$)	Natural Gas Cost (\$)
2011	160,485.78	77,260.53
2017	586,440.50	59,345.81
Change (+/-)	(+)439,290.95	(-)17,914.72

An analysis of facilities by category has been included for the 2017 year; this is to understand which facilities are consuming at the highest rates. A full list of facility categorization details is provided in Appendix B. Based on this analysis (as shown in Figure 2 below), it is clear that Recreation, Museum/Tourism, and Public Works are the most energy intense categories. While Figure 3 below shows that recreation has by far the highest consumption of both natural gas and electricity. It will be interesting to see how energy intensity will change due to the new Engineering and Operations Centre, where occupancy began in August 2017.

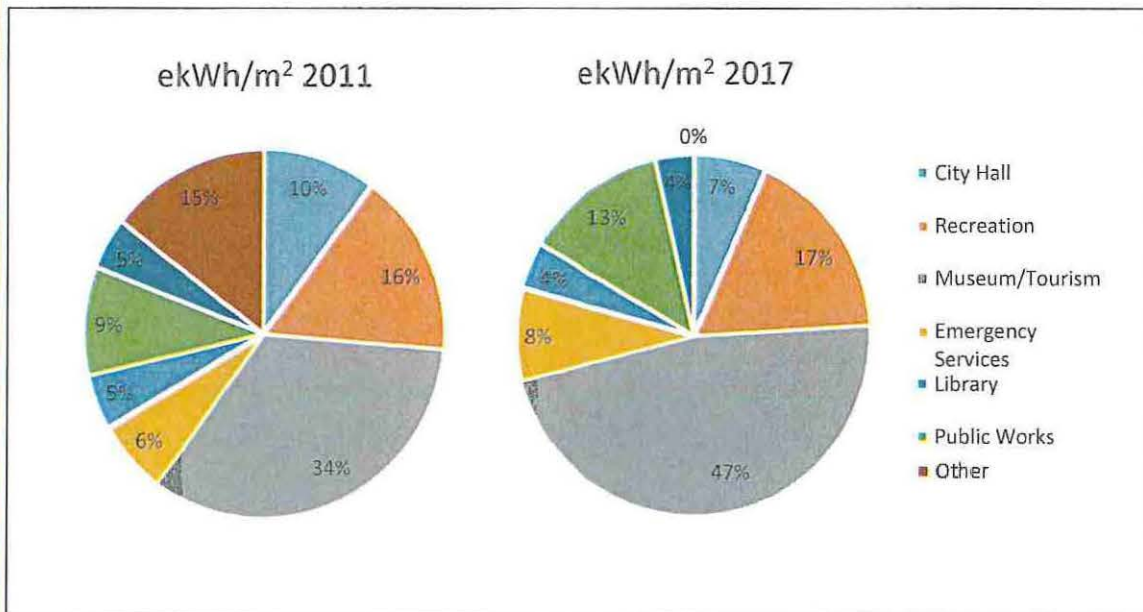


Figure 2: Energy intensity for each facility type in 2011 compared to 2017

Although the Recreation Category was the largest consumer of both electricity and natural gas in 2011, it is important to note that three of the facilities included in this category ceased operations between 2010 and 2013: West Side Arena, Centennial Swimming Pool, and Teeder Kennedy Youth Arena. Replacing these facilities is the new Vale Health and Wellness Centre (which contains a twin pad arena, swimming pools and recreational space). Since the opening of the Vale Health & Wellness Centre, recreation has continued to have the largest consumption of all the categories, and has in fact increased the recreation energy consumption. However, when comparing energy intensity (as seen in Figure 2 above) the recreation sector is contributing less to the City’s overall energy intensity than some of the older facilities.

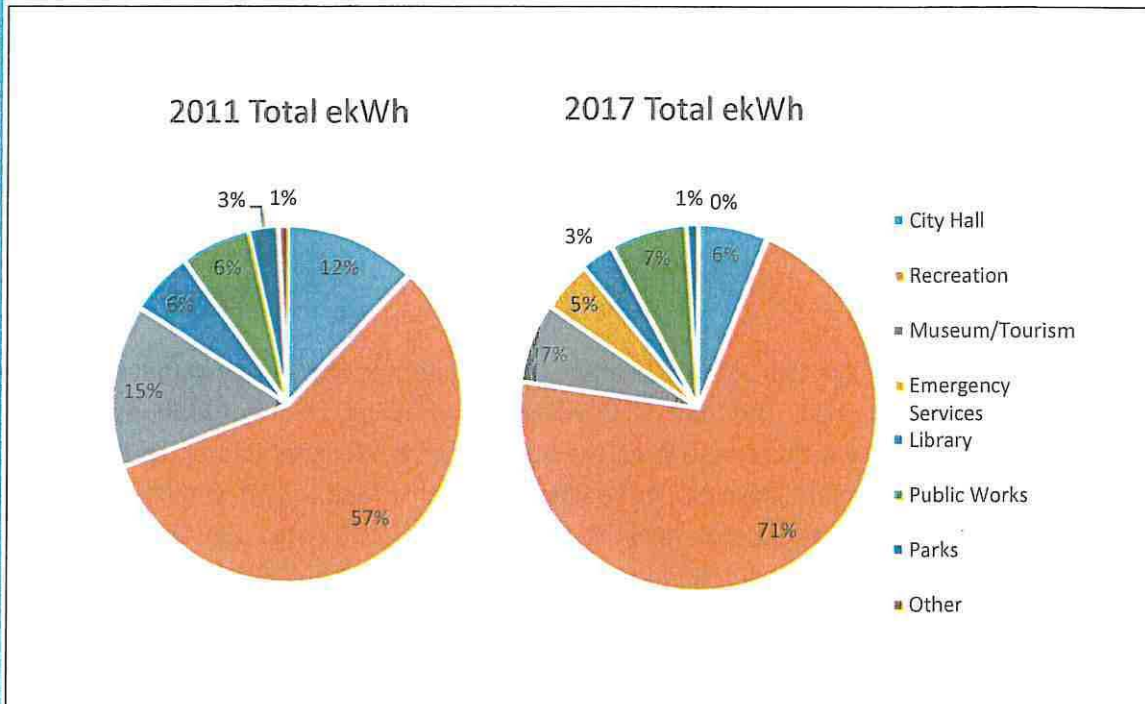


Figure 3: Total energy consumption per each facility type in 2011 compared to 2017.

### Energy Conservation Efforts – 2014-2019

The majority of energy conservation efforts from 2014-2019 focused on the Facility Energy Management goals

#### Energy Supply Management

The City was able to work with Canadian Niagara Power (CNP), our LDC (local utility distributing company), to explore conservation measures, and funding opportunities for energy conserving retrofits. The City was fortunate to have the individualized services of an Energy Manager through the LDC for a one year term, to assist with finding energy saving opportunities, rebates, and incentives.

#### Facility Energy Management

In 2012 and 2013, the City took advantage of small business lighting retrofit incentive programs, offered through the City's local distribution company (LDC). Through this program, all T12 fluorescent bulbs in qualifying City facilities were upgraded to more energy efficient T8 fluorescent bulbs and incandescent lights were upgraded to compact fluorescent lights (CFLs) in the same year. After the upgrade, these facilities saw a notable drop in normalized energy intensity, as demonstrated in Table 3. Note that values for Teeder Kennedy Youth Arena, West Side Arena, Centennial Swimming Pool, and Vale Centre are not included, as these facilities were not part of the retrofit.

**Table 3: Overview of Electrical Energy Intensity Before and After Lighting Upgrade.**

Year	Electricity Energy Intensity (ekWh/m <sup>2</sup> )	HDD	Electricity Energy Intensity/HDD	Change
2011	1433.92	3642.8	0.394	21% decrease in normalized electrical energy intensity
2014	1266.26	4049.1	0.313	

In 2018 and into 2019, the City again took advantage of another lighting retrofit incentive program offered by the LDC. This time, all City facilities, including the larger facilities such as City Hall, the Fire Department and even the Vale Health & Wellness Center, qualified, and virtually all lamps and bulbs in all City facilities were retrofitted to LED, with speciality lighting where no compatible LED light was available retrofitted to CFL lights. The effectiveness of the retrofits completed in 2018/19 cannot be quantified until 2020/21; however, the City's LDC estimated that the annual savings would total 113,529 kWh.

Streetlighting retrofit to LED began in 2015, and was completed in 2016. The switch from high-pressure sodium lights to LED lights resulted in savings of \$135,182 (a 41% decrease in cost) from 2014-2018, as seen in Table 4, from reduced electricity use and reduced maintenance cost.

**Table 4: Annual Streetlight Cost and Overall Change in Cost.**

Year	Cost (\$)
2014	327,091
2015	284,488
2016	209,253
2017	198,657
2018	191,909
<b>Overall Difference</b>	<b>\$135,182</b>
<b>% Change</b>	<b>41.33%</b>

#### *Heating, Ventilation and Cooling (HVAC) upgrades*

New HVAC units were installed at two City facilities during the first five-year Plan. In 2016 the HVAC units at the Library and Roselawn were replaced with newer more energy efficient models. After the HVAC upgrade the Library saw a 20% reduction in normalized energy intensity associated with natural gas consumption, and Roselawn saw a 10% decrease in normalized energy intensity associated with natural gas.

In 2015 as part of the City's commitment to investigate energy conservation opportunities, the City received funding to complete an engineering evaluation study and additional funding for a subsequent detailed engineering study for a combined heat and power (CHP) system at the Vale Health & Wellness Centre. The CHP system was evaluated on the basis of saving energy and reducing overall energy costs in the facility. While the preliminary study was very promising, with a projected payback of just over 5 years, the final detailed engineering study revealed that the payback time was actually closer to 11 years. It was felt that 11 years was too long of a payback period and that it would be more cost effective to invest in multiple smaller energy savings projects with shorter projected payback periods.

#### *Routine Maintenance and Building Assessments*

Regular maintenance checks were successful in identifying energy waste; for example, maintenance staff discovered in December 2016 that a valve at the Vale Health & Wellness Centre had been installed incorrectly, and was contributing to excessive electricity consumption. Since this problem was corrected, the Vale Health & Wellness Centre has experience a 4% decrease in electricity contributed to a reduction in cooling requirements.

A building envelope assessment was conducted on City Hall in 2016. This report pinpointed the problem areas of heating loss at this facility, primarily the windows. Based on this assessment and other observations from maintenance staff, there are plans to make building envelope updates over the next three years. Similarly, the Marina has updated their office windows to improve the building envelope. The Marina also is continuously updating their dock lights to more efficient bulbs, whenever financially possible.

#### *New Construction*

The Engineering and Operations building, constructed between June 2016 and August 2017, was built with energy efficiency in mind. Although this particular facility is not LEED (Leadership in Energy and Environmental Design) certified; lighting, heating, and cooling fixtures are energy saving. The building automation system provides optimal indoor climate control with the most efficient use of energy, and the design of the building itself makes use of natural light, limiting the need for artificial light. As of yet, an energy audit has not been completed for this facility, so it is unclear at this time what changes can be made to energy usage.

#### *Organizational Integration*

Originally planned to be an annual event, energy awareness campaigns were completed on a more informal basis during the previous Plan. The awareness efforts provided insight into the regular uses of City facilities and created an opportunity for all staff to participate in reducing the City's energy usage.

In the beginning years of the 2014-2019 Plan, the City aspired to host quarterly Energy Conservation Committee meetings. This objective was not met; however, energy awareness opportunities were pursued by various student intern and summer student projects throughout the term of the Plan. These projects included facility energy audits, scheduling meetings with facility staff to discuss energy consumption at their facility and solicit suggestions for reducing energy consumption, and creating energy awareness materials.

During the original Plan, energy audits were completed of all major energy using facilities, and many have already been re-audited to evaluate the effectiveness of energy conservation initiatives. The work of student interns and summer students to complete these audits has involved little to no cost to the City for this valuable data. The current model is to re-audit each facility on a roughly five year cycle.

### How Energy Is Currently Managed

The management of the City's energy consumption is divided into three categories: energy supply management, energy data management and energy use management.

### Energy Supply Management

The municipality is serviced through the providers outlined in Table 5:

**Table 5:** City of Port Colborne Energy Suppliers

Supplier	Energy	Rate	Agreement
Canadian Niagara Power	Electricity	Standard Rates based on a Threshold	None
Enbridge	Natural Gas	Standard Rates	None

Prior to January 2012, the City held a supply agreement for natural gas through the Association of Municipalities of Ontario (AMO) Local Authority Services (LAS). However, through a suggestion submitted to the Employee Suggestion Program, it was detailed that the prices paid under the LAS agreement were significantly higher than the "market" prices provided by Enbridge. The agreement was cancelled in early 2012 as a cost savings measure. *Canadian Niagara Power*<sup>1</sup> and Enbridge are the City's utility providers.

### Energy Data Management

Energy data is currently managed through various departments. Electricity and natural gas bills are received and saved electronically, paid, and filed by the Accounts Payable

<sup>1</sup> Please see Appendix C, page 19 for important information on Canadian Niagara Power

Clerk. The bills are then filed at City Hall (as of April 2017, all utility bills are saved electronically on the server) and copies retrieved by the Environmental Compliance Supervisor, or designate, when conducting energy audits or analyzing energy consumption trends. The Environmental Compliance Supervisor carries out the tracking, monitoring and analyzing of energy data, with utilization of the on-line Energy Planning Tool provided by the Local Authority Services. Suggested improvements to energy data management are discussed further in this Plan.

### Energy Use Management

The management of energy consumption and the energy performance of City facilities and equipment are the responsibility of Department/Facility Managers and Maintenance.

### Energy Initiatives

Port Colborne has been proactive in improving the energy conservation and efficiency of its facilities. Table 6 below is an outline of energy related projects that have already been implemented, and/or budgeted for. As many of these projects were carried out or began in 2018-2019, the impact of these measures has yet to be analyzed and accounted for in energy data. Future energy reports and Plans will highlight the effectiveness of various conservation projects and their impact on overall consumption.

**Table 6:** City of Port Colborne's Implemented Energy Initiatives.

Project	Facility	Year
HVAC Replacement	Museum- Heritage & Resource Centre	2019
	Museum- Complex	2019
Window Replacement	City Hall	2019-2021
	Roselawn Centre- Kitchen	2019
	Marina- Store and Restaurant	2024
Timed Lighting	Lion's Field	2019
Lighting Retrofit: T8 to LED	City Hall	2018
	Vale	2019
	Roselawn	2018
	Marina	2018
	Museum	2018
	Fire Hall	2018

One of the most significant initiatives being undertaken by the City during this Plan, is the implementation of a Greenhouse Gas (GHG) Emissions Reduction Plan project. The City received funding from the Federation of Canadian Municipalities (FCM) - Municipalities for Climate Innovation Program (MCIP), for a Climate Change Staff Grant, providing funding for a full time contract position from May 2019 to February 2021. This position will be

tasked with implementing the project, and the main goal is inventory the City's overall GHG emissions – not just for the buildings, but also those from day-to-day operations – and to create and finalize the GHG Emissions Reduction Plan. While the focus of this funded project is to reduce GHG emissions, it will incorporate the goals from this Plan and implementation of the project will result in reducing energy consumption for the City's facilities and assist with meeting the goal and targets of this Plan.





# The Plan

## Goals

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The energy conservation goals set forth by the City of Port Colborne are long-term, high level strategies that support the energy vision of the City. They provide a framework within which conservation and demand management objectives have been developed.

The goals are as follows:

- 1) Provide the leadership and organization necessary to promote a culture of energy conservation throughout City facilities
- 2) Reduce energy consumption and greenhouse gas emissions through energy conservation and management
- 3) Continuously improve the energy efficiency of City facilities and processes
- 4) Seek opportunities to utilize renewable energy sources where feasible and practical

## Focus Areas

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In order to better categorize and manage the objectives of the City, focus areas have been generated based on the goals and overall vision. These focus areas include:

- Organizational Integration
- Facility Energy Management
- Energy Data Management
- Energy Supply Management
- Procurement

## Objectives

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The objectives for the Plan have been designed to provide direction on how to achieve the goals and energy vision. Recognizing potential resource constraints, consideration has been given to the need for the City to build and enhance internal capacity in order to develop the necessary resources to implement the Plan. As the City progresses in its energy practices, it is expected that the objectives will evolve as well.

The objectives outlined in Appendix C contain information regarding the initiative category, required actions, estimated costs and savings, as well as timelines. The initiative categories organize objectives based on their implementation times and resources required. These categories are identified as Programs, Processes, and/or Projects which are explained in Table 7 below.

**Table 7:** Description of Initiative Categories

Initiative Category	Definition	Example
Program	Longer term objectives with broad applications	Awareness Programs
Process	Shorter term objectives with more specific applications	Facility energy tracking
Project	Specific actions (generally capital projects) to improve efficiencies	Retrofits and upgrades to building envelopes

In addition to these categories, cost and savings estimates, along with timeline estimates, have been provided to help guide decision making and planning of energy conservation and demand management objectives. These estimates have been categorized into Low (\$0-5,000), Medium (\$5,001-10,000), and High (\$10,001 +) levels. Where exact costs or savings values are known, they too are included.

### Quantitative Goals – 2019-2024

The City has four main quantitative goals in regard to energy management, summarized in Table 8 below. These goals were determined through meetings with management and staff to generate attainable goals for the next five years. All targets are based on 2017 values as the baseline.

**Table 8:** Outline of quantitative energy management goals

Goal Number	Goal	Target	Year achieved by
(1)	Reduce annual energy intensity associated with electricity	10% reduction in annual energy intensity	2024
(2)	Reduce electricity consumption from computer server	25% reduction in electricity used by computer servers	2024
(3)	Electricity reduction from limiting unnecessary electricity usage	200,000kWh reduction from electricity consumption associated with lighting and plug load	2024
(*4)	Manage load demand and energy consumption for an overall reduction	15% reduction of yearly kWh/HDD	2024

**Each goal uses 2017 as the baseline year for data.**

In Appendix C all objectives have been assigned a goal number to indicate which target the objective will assist in meeting. No objectives are numbered (\*4), since the 15% reduction of yearly kWh/HDD is an overall target.



## Evaluation

### Monitoring Progress

The implementation of the Energy Conservation and Demand Management Plan will allow for strategic and centralized monitoring of energy consumption. As part of the plan, a monitoring system will be developed to provide continuous information to key staff members. In addition, the Plan identifies the use of the Energy Planning Tool (EPT) as a method of monitoring and consolidating consumption data. Additionally, the EPT is used to track the progress and success of conservation and demand management initiatives. Continual monitoring will contribute to informed decision-making and the development of stronger objectives in future Plans.

### Reporting

The development of reports based on progress monitoring will deliver key information to various stakeholders:

#### City Stakeholders

Reports regarding progress of the Energy Conservation and Demand Management Plan, including conservation measures, and changes in the processes and implementation of programs, will be developed by the Energy Conservation Committee and delivered to key identified audiences within the City. Suggested audiences include the Mayor and Council, Directors, and the Senior Management Team.

#### Electricity Act

Required legislative reports, under the Electricity Act, have been incorporated into this Plan and will be included in stakeholder reports.

### Reviewing and Moving Forward

The City has committed to review and evaluate the Plan, revising and updating it as necessary. The progress towards identified goals and objectives will be evaluated and new objectives will evolve as the capacity for energy conservation and demand management within the City grows. The review and evaluation process is ongoing and will provide critical feedback that contributes to the commitment to continuous improvement in energy conservation and demand management of Port Colborne's facilities.

## Appendix A

### Energy Conservation Committee

Facility	Designated Member of ECC
City Hall	Pending
Vale Health & Wellness Centre	Pending
Engineering and Operations Centre	Darlene Suddard
Community Services (including Roselawn - may also include Community Service facilities such as Lions Field)	Pending
Museum	Pending
Marina	Pending
Library	Pending
Fire Hall	Pending
An appointed member of Council will also a part of the ECC.	
<b>Environmental Compliance Supervisor, Darlene Suddard is the chair of this committee</b>	

## Appendix B

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### Facility Category Lists

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City-owned facilities that are heated and/or cooled, which the City pays the utility bills for, are included in this list and, in most cases, have been accounted for in a broader category. The electrical and natural gas consumption, as well as the energy intensity for 2011 and 2017 for these categories was previously presented in Figures 2 and 3:

#### *2011*

**City Hall**

**Library**

**Emergency Services**

**Parks Depot**

**Recreation**

Centennial Swimming Pool

West Side Arena

Lions Field Park Canteen

**Public Works**

Public Works Yard

Public Works Site Trailer

**Museum/Tourism**

Marine Lighthouse Exhibit

Port Colborne Museums

Roselawn Center

First Rose Lawn

Sugarloaf Marina

Tourism Info Center

Harbour Master

Tour Booth Lighthouse

**Other**

Dog Pound

#### *2017*

**City Hall**

**Library**

**Emergency Services**

**Parks Depot**

**Recreation**

Vale Health and Wellness Centre

Lions Field Park Canteen

**Public Works**

Public Works Yard

Public Works Site Trailer

Engineering and Operations Centre

**Museum/Tourism**

Marine Lighthouse Exhibit

Port Colborne Museums

Roselawn Center

First Rose Lawn

Sugarloaf Marina

Tourism Info Center

Harbour Master

Tour Booth Lighthouse

## Appendix C

### Objectives Outline

#### Focus Area: Energy Plan Management

Objective	Type (Process, Program, Project)	Action	Measure of Success	Estimated Costs/Savings (if applicable)	Timeline	Goal No.
Continue Energy Conservation Committee meetings to effectively govern energy consumption in the City	Program	Host annual meetings (or as frequently as needed) to effectively monitor energy consumption and carry out energy conservation planning	Meeting minutes distributed to key staff	Cost: Low	2019-2024	(1-3)

#### Focus Area: Energy Supply Management

Objective	Type (Process, Program, Project)	Action	Measure of Success	Estimated Costs/Savings (if applicable)	Timeline	Goal No.
<i>Investigate alternative funding opportunities with utility distribution companies to enhance energy conservation and demand management opportunities</i>	<i>Program</i>	<i>Contact electricity and natural gas distributors to develop possible energy conservation measures (annually)</i>	<i>Development of relationship between utility distributors and the City</i>	<i>Cost: Low</i>	<i>2019-2024</i>	<i>(1)</i>
	<i>Process</i>	<i>Work with utility distributors to investigate public-private partnership (P<sup>3</sup>) options</i>	<i>Documented research and feasibility analysis of P<sup>3</sup> options</i>	<i>Cost: Low</i>	<i>2019-2024</i>	<i>(1)</i>
	<i>Process</i>	<i>Work with utility distributors to research funding opportunities for energy conservation measures</i>	<i>Creation of a database of potential initiatives and funding</i>	<i>Cost: Low</i>	<i>2019-2024</i>	<i>(1)</i>
Investigate the opportunity of creating a revolving fund based on energy cost avoidances, to be reinvested in energy initiatives	Program	Identify and analyze revolving fund models to determine viability of implementing one in the City	Documented research and analysis of funding models	Cost: Low	2019-2022	(1)
Strengthen partnerships with utility distribution companies to enhance energy conservation and demand management opportunities	Program	Contact electricity and natural gas distributors to develop possible energy conservation measures (when possible)	Documented contact with Utility providers	Cost: Low	2019-2024	(3)

### *1. Canadian Niagara Power*

The greyed out entries will be more difficult to achieve after December 31, 2019, considering the change in how the incentive programs are delivered. The incentive programs themselves have not significantly changed in terms of offerings and/or incentive dollars. However, instead of applying directly to the City's local utility (CNP), the City will now apply through the new incentive portal to the IESO (Independent Electricity System Operator). The IESO (and their contracted third-party technical reviewer) is then responsible for reviewing the applications and issuing pre-approvals. CNP can still assist with the administrative work required (submission, responding to RFIs, gathering of paperwork), however this service will only be available for as long as the CDM team (conservation and demand management team) are still employed by CNP - which is effective until December 31st, 2019. These entries were included in this document to demonstrate the changes in incentive program delivery, as this is the first document affected by these changes.

There are also some other program changes, namely (and for the Retrofit program):

- Application post-project paperwork must be submitted within 6 months of receiving an application pre-approval
- The project must be in-service no later than December 31st, 2021
- Prescriptive incentives must be a minimum of \$500.00

Throughout the years of collaborating with our LDC's Conservation and Demand Management team, the City has benefitted through collaborating with CNP. Many energy saving initiatives and retrofits were made possible through our CDM team contacts at CNP; however, CNP will no longer be the City's main contact for incentive programs.

## Focus Area: Facility Energy Management

Objective	Type (Process, Program, Project)	Action	Measure of Success	Estimated Costs/Savings (if applicable)	Timeline	Goal No.
Create an enhanced understanding of energy use within facilities	Program	Continue to engage post-secondary students and/or summer student(s) to conduct energy audits on City facilities on a five year cycle	Completed audits	Cost: Low-Medium	2019-2024	(3)
	Program	Engage an audit consultant to complete audits on any equipment or facility identified as requiring more in-depth analysis	Completed professional audits (where needed)	Cost: Low-Medium	2019-2024	(1)
Establish an equipment inventory for each City facility, to be reviewed by facility managers and the ECC	Process	Create an inventory of energy consuming equipment (including motors, fans, HVACs, controls etc., and ages of equipment), and include energy rating of the equipment	Established energy consuming equipment inventory	Cost: Low	2020-2024	(1)
Establish rigorous building management and maintenance practices to increase energy efficiency of equipment and facilities	Project	Develop a maintenance optimization plan for each facility (highlighting optimized equipment standards and maintenance schedules to increase the efficiency of equipment)	Established maintenance optimization plan	Cost: Low	2020-2024	(3)
	Process	Create a walkthrough checklist based on the maintenance plan and conduct semi-annual inspections for facilities	Established checklist to ensure semi-annual maintenance inspections	Cost: Low	2020-2024	(3)



Objective	Type (Process, Program, Project)	Action	Measure of Success	Estimated Costs/Savings (if applicable)	Timeline	Goal No.
Carry out continual building envelope improvements on City facilities, when possible	Process	Establish a list of building envelope improvement opportunities	Documented list of buildings which require envelope improvements to be recorded in the Energy Planning Tool (EPT)	Cost: Low	2019-2024	(1)
	Project	Carry out building envelope improvements (weather-stripping, caulking, insulation) when financially and practically possible	Continue to update EPT to track current and proposed energy conservation measures	Cost: Low-Medium	2019-2024	(1)
Carry out continual energy retrofits and upgrades to City facilities, when possible	Process	Establish a comprehensive list of upgrading and retrofitting opportunities for each facility	Documented list in the Facility audit	Cost: Low	2019-2024	(1&2)
	Project	Carry out building energy retrofits and upgrades (i.e. lighting, HVAC, computer upgrades) when financially and practically possible	Continue to update EPT to track current and proposed energy conservation measures	Cost: Low-Medium	2019-2024	(1&2)
Develop a commitment to high level energy efficiency requirements for new construction buildings	Program	Research best practice energy efficiency building requirements and determine which will be applied to new constructions; implement the commitment in all new constructions	Developed formal commitment; new constructions will have followed this commitment	Cost: Low	2019-2024	(1)

Objective	Type (Process, Program, Project)	Action	Measure of Success	Estimated Costs/Savings (if applicable)	Timeline	Goal No.
Update all facility lighting	Project	Carry out remaining lighting retrofits and upgrades when financially and practically possible	Continue to update EPT to track current and proposed energy conservation measures.	Cost: Low-Medium	2019-2024	(1)
	Project	Upgrade lighting fixtures to sensor lighting where possible				
Develop a plan to reduce energy used by computers	Project	Reduce the number of computer servers where possible (City Hall)	Continue to update EPT to track current and proposed energy conservation measures.	Cost: Low	2019-2024	(2)
	Project	Program auto shut-off on staff computers so that computers are not left on overnight				
Conserve energy through adjusted lighting and plug load	Program	Create a 'smart energy use' presentation to encourage staff to conserve energy	All staff have been educated on how to save energy through reduced lighting and plug load (when and where applicable and safe)	Cost: Low	2019-2024	(2&3)
			Electricity reduction from waste diversion			(3)
Increase the efficiency of HVAC units in select City Facilities	Project	Reduce humidity in Library and Marina to increase HVAC efficiency	Reduced humidity during the summer months	Cost: Low	2019-2024	(3)
Further investigation into the energy consumption, and conservation opportunities, for facilities older than 10 years	Program	Budget for further assessments (professional audits, building envelope assessments, etc.) of City facilities 10 years or older	Completed in-depth reports (where needed)	Cost: Low-Medium	2019-2024	(3)

Focus Area: Organizational Integration

Objective	Type (Process, Program, Project)	Action	Measure of Success	Estimated Costs/Savings (if applicable)	Timeline	Goal No.
Conduct employee training and awareness to educate both new and existing City employees on energy consumption and conservation measures associated with their job functions	Program	Develop an Energy Training Program presentation to deliver at training events	Developed Energy Training Program and associated educational materials	Cost: Low	2019-2024	(3)
		Deliver Energy Training Program to new employees (including seasonal staff)	Incorporation of energy training into orientation package			(3)
	Program	Develop an annual Energy Awareness Campaign, developed and implemented by summer student(s) to educate employees and raise the awareness of the Energy Conservation and Demand Management Plan and associated energy conservation measures	Developed campaign and associated educational materials.	Cost: Low	2019-2024	(3)
		Deliver Energy Awareness Campaign to employees	Delivery of campaign material to targeted audiences annually			(3)
Incorporate energy management policies into all staff job functions	Program	Create broad energy management policies to assist staff to incorporate energy management practices into their job functions	Developed and distributed energy management policies	Cost: Low	2024	(3)

Objective	Type (Process, Program, Project)	Action	Measure of Success	Estimated Costs/Savings (if applicable)	Timeline	Goal No.
Develop an energy communication strategy to sustain awareness of energy management, including consumption, reports, and initiatives	Program	Develop a communication strategy that outlines how energy management information will be distributed (i.e. emails), to whom (key staff/all employees), and how frequently the communication will be released	Documented strategy for energy communications, including consideration of using "Deck Hands" newsletter	Cost: Low	2019-2021	(3)
			Distributed energy communications to identified audiences			(3)
Allocate student intern resources to carry out Plan objectives and initiatives, when possible	Program	Engage students/interns to help carry out the energy conservation programs and initiatives when possible (i.e. energy auditing) and/or to evaluate the effectiveness of the programs/initiatives	Record of work completed by interns/students.	Cost: Low	2019-2024	(3)
Enhance communication concerning energy conservation success	Program	Report annually to council a summary of ECDM progress	Meeting minutes distributed to key staff	Cost: Low	2019-2024	(1&3)
	Program	Communicate energy conservation successes regularly	Successes documented and distributed through "Deck Hands" newsletter-when applicable	Cost: Low	2019-2024	(1&3)

## Focus Area: Energy Data Management

Objective	Type (Process, Program, Project)	Action	Measure of Success	Estimated Costs/Savings (if applicable)	Timeline	Goal No.
Establish a City-wide procedure for energy record keeping, monitoring and reporting, to be followed by key staff members	Program	Discuss the potential procedural options with the Energy Conservation Committee and outline a procedure (assign responsibilities, timelines, reporting and tracking procedures) to be followed by key staff members	Documented procedure for energy data management delivered to key staff members	Cost: Low	2021	(1&3)
	Process	Coordinate the training of assigned Staff on the EPT	Documented training records	Cost: Low	2019-2024	(3)
Utilize the Energy Planning Tool to better analyze energy use and costs within City facilities and operations	Process	Update the energy consumption data for all City facilities on an annual basis	Updated EPT	Cost: Low	2019-2024	(3)
Develop a commitment to manage load demands and to shift and reduce energy demand during peak periods, when possible	Program	Evaluate current energy demand and consumption and determine opportunities for improvement in each facility	Completed assessment of load demand for each facility uploaded into the EPT	Cost: Low	2019-2024	(1&3)
	Program	Develop a commitment target to reduce energy demand during peak hours	Manage load demand and energy consumption through lighting and plug load reduction	Cost: Low	2019-2020	(3)
		Carry out energy demand management initiatives	Shifted consumption to off peak hours and reduced demand			(3)

Focus Area: Procurement

Objective	Type (Process, Program, Project)	Action	Measure of Success	Estimated Costs/Savings (if applicable)	Timeline	Goal No.
Develop and implement an Energy Efficiency Procurement Policy, which ensures that new equipment purchases (computers, HVAC etc.) undergo an energy efficiency assessment before purchase	Process	In cooperation with the Chief Administrative Officer’s office, create an Energy Efficiency Procurement Policy to be implemented	Policy created and implemented	Cost: Low	2024	(1)
			New purchases will have undergone energy efficiency assessment before purchase			(1)
Develop and implement a policy that states tenants who lease City facilities are required to use energy star, or equivalent appliances	Process	In cooperation with our facility directors, create an Energy Efficiency Appliance Policy to be implemented	Policy created and implemented	Cost: Low	2024	(1)

Focus Area: Renewable Energy

Objective	Type (Process, Program, Project)	Action	Measure of Success	Estimated Costs/Savings (if applicable)	Timeline	Goal No.
Develop a Renewable Energy Plan to guide the research and possible implementation of renewable energy initiatives within the City	Program	Establish a City-wide commitment to renewable energy	Developed Renewable Energy Plan	Cost: Low	2019-2024	(1)
	Process	Monitor available renewable energy technologies and market conditions to make recommendations to the ECC and ultimately to Council	Evolving list of recommended projects including financial considerations	Cost: Low	2019-2024	(1)



Report Number: 2019-71

Date: June 24, 2019

**SUBJECT: Emergency Management Program**

**1) PURPOSE**

The Fire Chief prepared this report in his role as Community Emergency Management Coordinator. The Province of Ontario requires that every Municipality shall develop and implement an Emergency Management Program.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The City of Port Colborne has an Emergency Management Program in place that was adopted through By-law 6555/10/18.

The proposed Emergency Management Program formalizes various components that have been common practice in Port Colborne since its implementation, as follows:

- a) emergency plan;
- b) training program;
- c) public education;
- d) hazard identification and risk assessment;
- e) incident management system;
- f) designation of a Community Emergency Management Program Coordinator;
- g) annual exercises;
- h) other elements as may be required, although all of these components are currently being practiced within the city. The province now requires that they be adopted by Council by by-law.

**3) STAFF COMMENTS AND DISCUSSIONS**

The implementation of the Emergency Management Program within the City of Port Colborne allows for continuous improvement to develop, implement, maintain and evaluate emergency management. It will also provide for the continuation of operational programs that address prevention, mitigation, preparedness, response and recovery that meet or exceed all of the necessary requirements of the Emergency Management and Civil Protection Act.

The proposed Emergency Management Program will ensure the City's compliance as has been past practice.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS**

- i) Do nothing. Not recommended.

- ii) Implement proposed program through by-law as is required by Provincial legislation. Recommended.

**Financial Considerations**

The City provides funding through its annual budget.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

**6) ATTACHMENTS**

Appendix "A" – updated Emergency Management Program  
Appendix "B" – updated Emergency Management Plan

**7) RECOMMENDATION**

That the updated Emergency Management Program and updated Emergency Management Plan attached to Fire and Emergency Services Department Report 2019-71 be adopted by by-law; and

That By-law No. 6555/10/18 be repealed.

**8) SIGNATURES**

Prepared on May 14, 2019

Reviewed by:



Thomas B. Cartwright,  
City Fire Chief

Amber LaPointe,  
Manager of Legislative Services  
City Clerk

Reviewed and respectfully submitted by:



C. Scott Luey,  
Chief Administrative Officer



# City of Port Colborne

## Emergency Management Program



June, 2019

## 1. Introduction

The Emergency Management and Civil Protection Act requires that “2.1(1) every municipality shall develop and implement an emergency management program and the council of the municipality shall by by-law adopt the emergency management program. 2002, c.14,s4”.

The Act further requires that “2.1 (2) The emergency management program shall consist of,

- (a) an emergency plan as required by section 3;*
- (b) training programs and exercises for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;*
- (c) public education on risks to public safety and on public preparedness for emergencies; and*
- (d) any other element required by the standards for emergency management programs set under section 14, 2002, c. 14, s. 4”*

The program implemented within the City of Port Colborne allows for continuous improvement to develop, implement, maintain and evaluate emergency management and the continuity of operational programs that address prevention, mitigation, preparedness, response and recovery that meet and exceed all of the necessary requirements of the Act.

The City of Port Colborne includes the following:

- an Emergency Management Plan
- designation of a Community Emergency Management Program Coordinator (CEMC) and alternate CEMC, by Council
- a community Hazard Identification and Risk Assessment (HIRA) and Critical Infrastructure (CI) identification
- implementation of the Incident Management System (IMS) model
- training programs for Emergency Operations Centre (EOC) personnel
- exercise for EOC personnel and key stakeholders

- public education on risks, safety and preparedness
- guidance and advice from the Emergency Management Program Committee (EMPC)
- identification of City of Port Colborne EOC Personnel
  - level one activation
  - level two activation
- identification and equipping of a primary and alternate EOC
- Public Information Officer
- updates, when necessary, to respond to changes to applicable legislation, policies, regulatory requirements, directives, standards and codes of practice made at various levels of government and other decision making authorities.

## **2. Emergency Plan**

The City of Port Colborne Emergency Plan will guide the Corporation of the City of Port Colborne in managing an appropriate response to any emergency situation, either occurring within or impacting within regional boundaries.

## **3. HIRA and CI Identification**

The Act requires each municipality to identify and assess the various hazards and risks to public safety and identification to facilities and infrastructure that may be affected by these risks.

The program, in partnership with key stakeholders, annually identifies and monitors the hazards that can have an impact on operations and areas of responsibility. Hazards from the following three categories are considered:

1. natural,
2. human, and
3. technology

The program provides for an annual HIRA review that includes evaluating the likelihood of a hazard or combination of hazards occurring, taking into account factors such as threat analysis, frequency, history, trends and

probability. The HIRA also includes data on the impact of the risk event on the Region and on City of Port Colborne citizens, property and the environment. The HIRA is developed and maintained in cooperation and collaboration with the Region of Niagara and forms an annex of the Region's HIRA.

The CI is identified based on critical categories for the Regional Municipality of Niagara and the City of Port Colborne. It includes identification of ownership and contact information for each infrastructure which is reviewed on an annual basis and updated as required.

#### **4. Emergency Plan**

To manage an incident, the program has established and implemented the IMS Model to direct, control and coordinate operations during and after an emergency. IMS assigns specific organizational roles, titles and responsibility for each incident management function, and procedures for coordinating response, continuity and recovery activities.

#### **5. Training and Exercise Programs**

The program was developed, implemented and maintained as competency based training and educational curriculum to support the EOC personnel. The objective of the curriculum is to create awareness and enhance the skills required to develop, implement and execute the program within the IMS model.

The program evaluates program plans, procedures, and capabilities through a review, testing and an annual exercise. Exercises are designed to test individual essential elements, interrelated elements, or the entire plan. Additional evaluations are based on post-incident analyses and reports, lessons learned and performance evaluations. Procedures are established to correct and improve on any areas identified during evaluation. Training records of EOC personnel are maintained. For each exercise, an after action report identifying the strengths, opportunities and improvement plan is developed and shared with the EMPC.

## **6. Public Education**

Public awareness and public education programs are implemented to increase the capacity of the public to be prepared for, respond to and recover from an emergency incident. Where the public is potentially impacted by a hazard, procedures are developed to communicate information and respond to requests from internal and external audiences, including media, for pre-incident information.

## **7. Emergency Management Program Committee**

As a provincially mandated body, the EMPC oversees the implementation and operation of the program as required by the Act.

## **8. Municipal Emergency Control Group**

The City of Port Colborne's Emergency Control Group is made up of City of Port Colborne senior staff and technical specialists, as well as key stakeholders in the region. The IMS model implemented in the City of Port Colborne provides for the identification of primary and alternate designated control group personnel for all sections within the structure.

EOC personnel are trained both generally on the principles of IMS and specific training is provided based on the Section, including Management Team, Operations, Planning, Logistics, Finance and Administration. Operational Guidelines (OGs) have been developed and distributed, which include an overview of the IMS model, position checklists, contact information and required forms.

In addition, the City of Port Colborne has trained scribes to support the key personnel in the EOC with documentation.

## **9.EOC**

The City of Port Colborne has designated a primary, as well as a secondary EOC. Both EOC's are equipped with resources required by the EOC personnel, including telecommunications systems to ensure effective communication in an emergency. The EOC is utilized during exercises to increase familiarity with the layout and resources available.

## 10. Initial Response Team

- C.A.O., or alternate
- C.E.M.C., or alternate
- Fire Chief, or alternate
- Director of Engineering and Operations, or alternate
- Public Information Officer, or alternate

## 11. Emergency Control Group

### a) Level One Activation (City Hall – Committee Room No. 3 or alternate)

Mayor of the City of Port Colborne, or alternate (two members of Council)

EOC Director (C.A.O.), or alternate

Operations Section Chief (Director of Engineering and Operations), or alternate

Planning Section and Logistics Chief (Director of Planning and Development), or alternate

Finance and Administration Section Chief (Director of Community and Corporate Services), or alternate

Community and Economic Development Section Chief (Director of Community and Economic Development), or alternate

Risk Management/Liaison Officer (CEMC) (City Clerk), or alternate

Mayor and C.A.O.'s Executive Assistant/scribe, or alternate

Public Information Officer, or alternate

Fire Chief, or alternate

C.E.M.C., or alternate

### b) Level Two Activation (City Hall – Council Chambers or alternate)

Superintendent Public Works

Health and Safety Co-ordinator

Human Resources Co-ordinator

Manager of Information Technology

EAA to Director of Community & Corporate Services

EAA to Community Services

EAA to Fire Chief

## **12. Public Information Officer**

The Public Information Officer will ensure the following:

- a central point of contact for the media,
- procedures to gather, monitor, and disseminate emergency information,
- pre-scripted information bulletins,
- procedures to coordinate and approve information for release,
- procedures to communicate with special needs populations, and protective action guidelines for shelter-in-place and evacuation



City of Port Colborne  
Emergency Management Plan

DISCLAIMER

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The City of Port Colborne Emergency Management Plan has been formulated to contain information pertinent to the City of Port Colborne

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June 2019



# City of Port Colborne Emergency Management Plan

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## 1.0 INTRODUCTION

This Emergency Management Plan will serve the Corporation of the City of Port Colborne as an operational guideline for managing an appropriate response to any emergency situation occurring within or impacting within its municipal boundaries. This Emergency Management Plan will:

- Define an emergency within the municipal context,
- Describe emergency control and incident management structure to be used by the Municipality,
- Describe the procedure for declaring an Emergency to exist, and
- Define the emergency assistance structures that may be employed during any event.

This Emergency Management Plan has been designed to be flexible and adaptable to any emergency or crisis situation that may impact the City of Port Colborne. However, in order for it to be operationally sound, identified Municipal departments, emergency services and other key stakeholder agencies must:

- Maintain familiarity with the Emergency Management Plan contents
- Remain committed to participation in annual mandated training and exercises
- Ensure any required emergency supporting/departmental plans are in place as required
- Contribute to the annual Plan review to ensure its contents remain current and appropriate

This Emergency Management Plan outlines how the City of Port Colborne as a Corporation will notify and assemble key executive/ senior staff to communicate, collaborate, coordinate and manage the City of Port Colborne response to and recovery from the impact of any major crisis and/or emergency event.

This Emergency Management Plan should be interpreted as the primary tool for the strategic incident management of any major event impacting the City of Port Colborne and as such it must be supported by operational emergency plans/procedures/protocols as developed on an as required basis by municipal corporate departments/ emergency services and/or associated boards/agencies.

## 1.1 Legal Authority

The legislation that empowers and mandates the City of Port Colborne to prepare for, respond to and recover from emergency situations is as follows:

### 1.1.1 Emergency Management & Civil Protection Act

The *Emergency Management & Civil Protection Act* requires that municipalities within the Province of Ontario have both an Emergency Management Program and an Emergency Plan (Sections 2.1 and 3.1 respectively) that are empowered by Municipal By-law.

“Every Municipality shall formulate an emergency plan governing the provision of necessary services during an emergency and the procedure under and the manner in which employees of the municipality and other persons shall by by-law adopt the emergency plan.” [Section 3 (1)]

“The head of council in a Municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area.” [Section 4 (1)]

### 1.1.2 Ontario Regulation 380/04

Ontario Regulation sets in place the standards for both Provincial Ministry Emergency Management Programs and Municipal Emergency Management Programs. These standards describe the minimum provisions that must be provided to constitute an emergency management program at the essential level.

### 1.1.3 Municipal By-Law

The Council of the City of Port Colborne has empowered both the Municipal Emergency Management Program and this Emergency Management Plan by Municipal By-Law.

As enabled by the Emergency Management & Civil Protection Act this Emergency Response Plan and its elements have been:

- Adopted by the City of Port Colborne by a duly passed by-law.
- Filed with Emergency Management Ontario, Ministry of Community Safety and Correctional Services and the Regional Municipality of Niagara.

## 1.2 Definition of Emergency

The *Emergency Management & Civil Protection Act* defines an emergency as:

*“a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.”*

Therefore, any situation occurring within / impacting within the City of Port Colborne that meets the above definition may precipitate the activation of this Plan.

An emergency according to the above definition is usually the result of an existing hazard, a transitory hazard or the threat of an impending hazard abnormally impacting the life, health, safety, well being and/or property of the City of Port Colborne communities. Regardless of the specific hazard that results in an emergency situation, it is essential to recognize that emergency events as defined in this Plan are different and distinct from what would be considered normal daily operations carried out by professional / volunteer emergency first response agencies within municipal boundaries. These agencies include (but are not limited to) the twelve Local Municipal Fire Services, Niagara Regional Police Service, Niagara Emergency Medical Services, Niagara Region Public Health, Niagara Region Community Services and municipal and regional Public Works.

## 1.3 Emergency Plan Alignment

Within the Niagara Region there are twelve local area municipalities and one upper tier municipality. It is essential that the Emergency Plans of these thirteen municipalities align as emergencies and their consequences frequently cross municipal boundaries and municipalities must work together to manage the emergency and its consequences. As well, plan alignment is essential to ensure the effective delivery of Niagara Region services provided to a municipality in an emergency.

## 1.4 Activation of the Emergency Management Plan

The Emergency Management and Civil Protection Act authorizes any employee of the City of Port Colborne to take any actions required as described in this Plan where an emergency is imminent or exists but has not yet been declared to exist in order to protect property and the health, safety and welfare of the City of Port Colborne. An emergency declaration is not required to activate this Plan and activation of this Plan does not in itself constitute an emergency declaration.

## 1.5 Emergency Planning Assumptions

This Plan has been developed based on the following assumptions:

### 1.5.1 Normal Emergency Operations

In the course of normal business operations, various municipal departments may be required to respond to an impending threat and/or hazardous situation. A normal emergency event is one that can be effectively managed and mitigated by a department operating independently or in coordination with other departments. When these events occur, normal emergency operations are conducted according to department emergency plans / procedures / protocols and may not require activation of this plan.

### 1.5.2 Rapid Escalation Emergencies

An emergency event within the definition and purview of this Plan may occur with little or no warning and escalate in short order. When these events occur, immediate management of the event rests with emergency services and or regional departments with jurisdiction over the response to the event where it occurs. Control of these events and their impact on the community at large remains with the site response personnel until such a time that this Plan is activated. Once activated this Plan operates in support of the emergency site.

### 1.5.3 Extraordinary Emergency Measures

An emergency event that overwhelms or threatens to overwhelm municipal resources (response capacity) and that has a significant impact on the community at large will precipitate the activation of this Plan. When these events occur, the overarching aim of this Plan is to provide the foundation for effective and appropriate regional control of extraordinary actions and measures that must be taken to mitigate the emergency.

## 2.0 EMERGENCY CONTROL STRUCTURE

In the event of an actual or potential emergency situation, any Emergency Control Group member, or designate, may activate the Emergency Control Structure in whole, or in part, by contacting the Fire Department and requesting that the emergency Alerting System be activated. The ECG member must provide information about the nature and location of the emergency and specify whether the ECG is to assemble at the primary Emergency Operations Centre, or an alternate EOC location.

By the nature of the emergency, some ECG members may be aware of the events prior to the activation.

## Activation of the Emergency Control Structure / Notification of the ECG

Each Department within the City of Port Colborne has the responsibility of supplying the initial response in an emergency. The Director of the affected Department may request assistance from other Departments within the City. This may be done without activating the City Emergency Notification System.

However, when the resources of the affected Department are deemed insufficient to control the emergency, the Mayor, CAO, Fire Chief, Emergency Management Coordinator and / or the Police Chief or any of their designates, shall activate the City Emergency Notification System.

This decision shall be passed on to the Fire Department informing him/her of the situation and directing that the City of St. Port Colborne Emergency Notifications Systems be activated.

The threat of an emergency situation developing or the potential for such a situation to change or develop in severity may require different levels of Emergency Notification. The Emergency Notification Levels at which emergency personnel can be altered are:

### 2.1 Emergency Control Group

An emergency precipitating the activation of the Emergency Control Structure will require that extraordinary actions and measures be taken under the direction of appropriate senior officials. Those senior officials will collectively make up the membership of a Community Emergency Control Group that implements an Emergency Control Structure.

### 2.2 Emergency Control Group Members (ECG)

The Emergency Control Group (ECG) includes the following positions:

- Mayor of the City of Port Colborne, or alternate;
- EOC Director (**CAO**), or alternate;
- Operations Section Chief (**Director of Engineering and Operations**), or alternate;
- Planning Section and Logistics Chief (**Director of Planning & Development**), or alternate;
- Finance and Administration Section Chief (**Director of Community and Corporate Services**), or alternate;
- Community and Economic Development Section Chief (**Director of Community and Economic Development**), or alternate;
- Fire Chief/C.E.M.C., or alternate;
- Manager of Legislative Services/City Clerk/C.E.M.C., or alternate

### 2.3 Level One Activation

Level One Activation includes the following positions:

- Mayor of the City of Port Colborne, or alternate;
- EOC Director (**CAO**), or alternate;
- Operations Section Chief (**Director of Engineering and Operations**), or alternate;
- Planning Section and Logistics Chief (**Director of Planning & Development**), or alternate;
- Finance and Administration Section Chief (**Director of Community and Corporate Services**), or alternate;



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- Community and Economic Development Section Chief (**Director of Community and Economic Development**), or alternate;
- Risk Management/Liaison Officer (**Manager of Legislative Services/City Clerk/C.E.M.C.**), or alternate;
- Mayor and C.A.O.'s Executive Assistant/Scribe, or alternate;
- Corporate Communications Officer/Public Information Officer, or alternate;
- Fire Chief, or alternate;

### 2.4 Level Two Activation

Level Two Activation includes the following positions:

- Superintendent Public Works, or alternate;
- Health and Safety Co-ordinator, or alternate;
- Human Resources Co-ordinator, or alternate;
- Manager of Information Technology, or alternate;
- Executive Administrative Assistant to Director of Community & Corporate Services, or alternate;
- Executive Administrative Assistant to Community Services, or alternate;
- Executive Administrative Assistant to Fire Chief, or alternate.

### 2.5 Emergency Support Group

The Emergency Support Group shall be composed of representatives from the following:

- Niagara Regional Police
- Canadian Niagara Power
- Niagara Emergency Medical Services
- Medical Officer of Health
- Niagara Regional Municipality
  - Social Services
  - Water
  - Public Works
  - Emergency Management
- Ontario Provincial Police
- Emergency Management Ontario
- Niagara Conservative Authority
- St. Lawrence Seaway Authority.
- Telecommunications (ARES) Co-ordinator/Fire Department Representative

### 2.6 ECG Collective Responsibilities

During any emergency event, the ECG members are collectively responsible for the direction and co-ordination of the Municipal emergency response and recovery operations within the City of Port Colborne. The collective goals are to:

- Preserve life, health and safety
- Reduce human suffering
- Protect, maintain and/or restore essential services
- Mitigate the impact of the emergency on the community
- Minimize property damage where capable

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In order to accomplish the above goals, the ECG member responsibilities include, but are not limited to:

- Mobilization of staff, resources and equipment in response to the emergency event, emergency support operation and/or in response to human suffering
- Directing municipal resources tasked to hazard mitigation and ensuring necessary actions are taken that are not contrary to law
- Facilitating procurement of non-municipal resources as required and appropriate in support of an emergency site, or other necessary emergency operations
- Ensuring appropriate messaging to the public, staff and the mass media
- Notifying and requesting assistance from and/or liaison with higher levels of government and/or cross border partners
- Approving the expenditure of financial resources in support of emergency operations
- Maintaining a log of decisions made and actions taken both collectively and in relation to their 2.
- Participating in a post emergency debriefing and contributing to the post emergency report

*The individual responsibilities of Emergency Control Group members are outlined in Attachment "A". As well, the individual responsibilities of a Level One Activation are outlined in Attachment "B", Level Two Activation in Attachment "C" and Attachment "D" outlines the Emergency Support Group Responsibilities. . Attachment "E" notes support/advisory staff.*

### 2.7 ECG Notification

This Plan is activated through notification of the ECG members of an impending, imminent or occurring emergency event that requires them to (in whole or in part) assemble at a pre-determined Emergency Operations Centre (EOC). ECG members are notified using telecommunications technology designed for the task, with various redundancies to ensure notifications are received.

### 2.8 ECG Solidarity

At any time this Plan is activated, all decisions made and actions taken by the ECG members from that point forward are made under the authority of the Head of Council and/or designate as empowered by the *Emergency Management & Civil Protection Act*. The ECG members will advise and make recommendations to the Head of Council and/or designate and carry out emergency operations under that authority. All ECG members must accept this process and take a position of "ECG Solidarity" as follows:

*During ECG meetings all members will provide advice and make recommendations regarding actions taken by the City of Port Colborne. However, once a decision is approved by the Head of Council and/or designate, all ECG members must collectively support under public scrutiny the actions taken / decisions made, whether opposed to those decisions at the discussion level or not.*

## 2.9 ECG Staff Rotation

A staff rotation will be established if an emergency is expected to last greater than 12 hours in total duration. If a staff rotation is anticipated, each RECG member is responsible for arranging their own relief through one of their designated alternates to include an overlap allowing ECG members to bring their alternates up to speed on current emergency operations. ECG staff rotations may be staggered as required.

If an emergency occurs during regular business hours, ECG members must adapt a staff rotation as appropriate that takes into consideration time already worked that day. Under no circumstances should staff work longer than 12 consecutive hours under any circumstances and preferably no longer than 8 consecutive hours during intense emergency operations.

## 3.0 EMERGENCY OPERATIONS

Emergencies require a controlled and coordinated response effort by multiple agencies under the direction of appropriate officials. For these emergency operations to be successful, clear lines of control, communication and reporting must be established and maintained between the various locations and stakeholder groups. Emergency operations may be conducted at / as follows:

- Emergency Operations Centre(s)
- Emergency Site Operations
- Emergency Support Operations

### 3.1 Emergency Operations Centre(s)

An Emergency Operations Centre (EOC) serves as the nerve centre / communications hub for the control, facilitation and administration of any emergency response from multiple agencies. Emergency Operations Centre(s) can exist at three levels of government in the Province of Ontario applicable to the City of Port Colborne as follow:

- Municipal Emergency Operations Centre(s)
- Regional Emergency Operations Centre(s)
- Provincial Emergency Operations Centre

#### 3.1.1 Municipal Emergency Operations Centre

Each of Niagara Region's twelve local area municipalities has designated a Municipal Emergency Control Group that operates out of the Municipal Emergency Operations Centre to control and facilitate their response to any emergency occurring within municipal boundaries.

***All Emergency Control Group members, designated alternates and other designated support staff must be familiar with the Emergency Operations Centre Attachment "G".***

### 3.1.2 Regional Emergency Operations Centre

The Regional Emergency Control Group operates out of the Regional Emergency Operations Centre (REOC) to control the regional response to any emergency occurring within or impacting within regional boundaries.

### 3.1.3 Provincial Emergency Operations Centre

The Provincial Emergency Operations Centre is located in Toronto and maintained by Emergency Management Ontario. This is the location where Provincial Government staff and Provincial Ministry Action Groups (MAG) coordinate the Provincial response and support to any localized emergency and facilitate Federal government support.

## 3.2 Emergency Site Operations

During any emergency situation where the hazard location is specific and identifiable emergency responders will congregate where the emergency exists and work together to accomplish the following:

- Protect the life, health and safety of emergency response personnel
- Protect the life, health and safety of the public
- Mitigate / remove the danger / hazard presented by the emergency
- Where possible minimize damage to personal property
- Restore the site to its pre-emergency condition

These emergency site operations are controlled and coordinated to make the most efficient use of personnel and equipment, and are operated under the support of an Emergency Operations Centre(s).

## 3.3 Emergency Support Operations

During any emergency situation various emergency support operations may be required based on the hazard and its impact on the community. These support operations may be located within the emergency site, adjacent to the emergency site or at other locations within the community and may include:

- Evacuation / Reception Centre(s)
- Departmental Operations Centre(s)
- External Emergency Operations Centre(s)
- Equipment Staging Areas
- Other support locations as required

## 4.0 EMERGENCY DECLARATIONS

Any emergency declaration promotes a sense of urgency to the community regarding the severity of an emergency situation and the danger it presents. An emergency declaration should be made if any Ontario Municipality must take “extraordinary” actions to protect life, health, safety and property of residents and to formally engage the powers granted through the *Emergency Management & Civil Protection Act*. The *Act* empowers emergency declarations at three levels of government in the Province of Ontario as follows:

- Municipal Emergency Declarations
- Regional Emergency Declarations
- Provincial Emergency Declarations

### 4.1 Municipal Emergency Declaration

The Head of Council (or designated alternate) of the City of Port Colborne has the power under the *Act* to declare an emergency to exist within the boundaries of the Municipality.

#### 4.1.2 Termination of Emergency

The Head of Council (or designated alternate) of the City of Port Colborne has the power under the *Act* to terminate an emergency to exist within the boundaries of the Municipality.

*Attachment “H” – Declaration Form*

*Attachment “I” – Termination Form*

### 4.2 Regional Emergency Declaration

The Regional Chair (or designated alternate) has the power under the *Act* to declare a Regional Emergency to exist anywhere within the boundaries of Niagara Region.

#### 4.2.1 Regional Emergency Declaration – Jurisdiction

Although the Regional Chair is empowered to declare a Regional Emergency at any location within regional boundaries, the Chair does NOT have the power to declare an emergency on behalf of any local area municipality. That power rests only with the Head of Council of each specific municipality and their respective designated alternates.

### 4.3 Provincial Emergency Declaration

The Premier of the Province of Ontario (or designated alternate) has the power under the *Act* to declare a Provincial Emergency to exist within the boundaries of the Province of Ontario.

#### 4.3.1 Provincial Emergency Declaration – Jurisdiction

In addition to a provincial declaration, the Premier has the power to declare an emergency on behalf of any community within provincial boundaries and may at any time declare that an emergency has terminated on behalf of any Ontario municipality.

## 5.0 EMERGENCY INFORMATION

At any time this plan is activated there will be the need to communicate appropriate and factual information to area residents, local area municipalities, strategic partner agencies and / or municipal staff directly or through the media. This information may include issuing public / staff action directives, responding to requests for information from the public / staff / partner agencies, and providing information to the mass media.

### 5.1 Municipal Emergency Information Officer

Each of Niagara Region's thirteen municipalities has designated an Emergency Information Officer (EIO) to facilitate emergency information functions during municipal emergency operations.

### 5.2 Municipal Designated Spokespersons

Senior staff, elected officials to act as spokespeople as designated

## 6.0 EMERGENCY RECOVERY

Emergency recovery operations commence once the emergency has been successfully mitigated (danger/hazard removed). At that time emergency operations shift from the management of the emergency itself to the management of the impact / aftermath of the emergency.

## 7.0 EMERGENCY ASSISTANCE

During emergency operations the ECG members will determine the allocation of and/or appeals for assistance in support of an emergency site(s), municipal emergency operations or other emergency support functions within the boundaries of Niagara Region.

## 7.1 Types of Assistance

The above emergency assistance may include the following types:

- Personnel with special expertise
- Specialized equipment with trained operators
- Any other type of service / expertise required to support emergency operations

## 7.2 Assistance Between Levels of Government

During emergency operations, it is also possible that the City of Port Colborne may make appeals for assistance to Regional, Provincial & Federal government agencies, neighbouring communities and/or cross –border partners to support emergency operations. It is also possible that the City of Port Colborne may be requested to provide emergency support to local municipalities as per the Niagara Mutual Assistance Agreement.

## 8.0 TRAINING / EXERCISE STRUCTURE

This Plan details the City of Port Colborne’s response structure for managing any emergency occurring within or impacting within municipal boundaries. Therefore, in order for this plan to be effective:

- All key municipal staff with responsibilities defined in this plan must be trained in its content, its implementation and emergency operations (incident management system); and,
- Regular exercises must be conducted to ensure the plan provisions remain current and appropriate.

## 8.1 Training Responsibility

The Fire Chief as the Community Emergency Management Coordinator of the Municipality is responsible for facilitating emergency management training opportunities and promoting other external training opportunities that support the provision development of municipal emergency management stakeholders.

In addition, all municipal emergency management stakeholders are responsible for making emergency management program staff aware of training opportunities that present themselves, so that they may be promoted as appropriate.

## 8.2 Training Products / Strategies

Training will be provided using a variety of training products. Training may be delivered in-house or through external opportunities including:

- Mandatory training (as approved by Emergency Management Program Committee)
- Other internal training courses / seminars
- Provincial / Federal / Cross Border training opportunities
- Local municipal training opportunities
- Other specialty training opportunities

## 8.3 Exercise Responsibility

The Fire Chief Community Emergency Management Coordinator (CEMC) is responsible for coordination of the annual emergency exercises to test the provisions of this plan and/or test the provisions of any other component of the City of Port Colborne Emergency Management Program.

## 8.4 Exercise Types / Strategies

Exercises simulate emergency conditions that require activation of this Plan (in whole or in part) and assembly of key municipal staff. The basic types of exercises are:

- Static (case study / paper / tabletop)
- Telecommunications Functional (alerting / equipment)
- Field functional (general / specialty)

Exercises vary in duration and complexity and by type beginning with the basic Static Exercises to the most complex Field Functional Exercises. The Community Emergency Management Coordinator (CEMC) will provide / promote a variety of exercise opportunities using a variety of products that may be delivered in-house or through external opportunities including:

- Regional exercise (of varying complexity)
- Area municipal exercise (of varying complexity)
- Department / service specific exercises
- Other external emergency exercises
- Cross border exercises



## 9.0 PLAN MAINTENANCE/DISTRIBUTION

This Plan is considered a living document. Therefore, it must remain current and be reviewed and updated on a regular basis to ensure operational sustainability. In addition all key municipal stakeholders must have access to the most current plan document and ensure that any personal paper plan copies reflect the most current information.

### 9.1 Annual Emergency Plan Review and Revisions

This Emergency Plan will be reviewed and updated annually. Attachments will be reviewed and updated on an as required basis to ensure the operational effectiveness of this Emergency Plan.

#### 9.1.1 Maintenance Responsibility

It is the responsibility of the Community Emergency Management Coordinator (CEMC) to maintain this Emergency Plan and to facilitate all revisions to it and the attached Annexes.

#### 9.1.2 Stakeholder Responsibility

It is the responsibility of all stakeholders to ensure that the Community Emergency Management Coordinator (CEMC) is notified of changes, revisions or additions that affect the contents of this Emergency Plan or its attachments.

### 9.2 Emergency Plan Distribution

This Emergency Plan is considered public information as per the provisions of the *Emergency Management and Civil Protection Act* and therefore must be accessible to the public. The public document does not include any Emergency Plan attachments which are considered restricted information.

#### 9.2.1 General Circulation

The general circulation copy of this Emergency Plan (public document) is available for viewing and can be downloaded on the Municipality of Port Colborne public access website. Paper copies of this Emergency Plan can be made available through contacting the City's Clerks Office (905-835-2900). General Circulation Emergency Plan copies are not subject to document control procedures and recipient names are not recorded nor are they informed of future updates to any Emergency Plan contents.

#### 9.2.2 Restricted Circulation

Restricted Circulation copies of this Emergency Plan include all attachments and Annexes. Restricted circulation plan copies are maintained at City Hall (City's Clerks Office).

## 10.0 GLOSSARY OF ATTACHMENTS

Attachment "A" –Members of the Emergency Management Program Committee

Attachment "B" - Individual Responsibilities – Initial Response Team

Attachment "C" – Individual Responsibilities – Level One Activation

Attachment "D" – Individual Responsibilities – Level Two Activation

Attachment "E" – Individual Responsibilities – Emergency Support Group

Attachment "F" - Individual Responsibilities – Support/Advisory Staff

Attachment "G" – Emergency Notification List

Attachment "H" – Emergency Operations Centre(s)

Attachment "I" - Declaration of an Emergency Form

Attachment "J" - Termination of a Declared Emergency Form

## Attachment "A" – Members of the Emergency Management Program Committee

As a provincially mandated body, the Emergency Management Program Committee oversees the implementation and operation of the Emergency Management Program as required by the Act.

The following are the members on the Emergency Management Program Committee:

- Mayor, or alternate
- Member of Council, or alternate
- C.A.O., or alternate
- Certified Emergency Management Co-ordinator, or alternate

## Attachment "B" - Individual Responsibilities - Initial Response Team

### i) EOC Director

The EOC Director is responsible for:

- Assessing the situation;
- Supporting site(s);
- Developing/approving action plans;
- Informing others;
- Managing EOC Group.

### ii) Fire Chief

The Fire Chief is responsible for:

- Activating the emergency notification system through the Fire Department;
- Providing the ECG with information and advice on fire fighting and rescue matters;
- Establishing an on-going communications link with the senior fire official at the scene of the emergency;
- Informing the Fire Co-ordinators and/or initiating mutual aid arrangements for the provision of additional fire fighters and equipment, if needed;

### iii) Manager of Legislative Services/City Clerk/Community Emergency Management Co-ordinator

The Manager of Legislative Services/City Clerk/Community Emergency Management Co-ordinator is responsible for:

- Depending on the nature of the emergency, assigning a Site Manager and informing the ECG;
- Maintaining and updating a list of all vendors (including 24- hour contact numbers) who may be required to provide supplies and equipment;
- Determining if additional or special equipment is needed and recommending possible sources of supply, e.g., breathing apparatus, protective clothing;
- Providing assistance to the community departments and agencies and being prepared to take charge of or contribute to non-fire fighting operations, if necessary, e.g., rescue, first aid, casualty collection, evacuation;
- Providing an Emergency Site Manager, if required.
- Activating and arranging the Emergency Operations Centre;
- Ensuring that security is in place for the EOC and registration of ECG members;
- Ensuring that all members of the ECG have necessary plans, resources, supplies, maps and equipment;
- Providing advice and clarification about the implementation details of the Emergency Management Plan;
- Supervising the Telecommunications Co-ordinator;
- Ensuring liaison with community support agencies (e.g. St. John Ambulance, Canadian Red Cross);
- Ensuring that the operating cycle is met by the CCG and related documentation is maintained and kept for future reference;
- Addressing any action items that may result from the activation of the Emergency Management Plan and keeping CCG informed of implementation needs;
- Maintaining the records and logs for the purpose of debriefings and post-emergency reporting that will be prepared

**iv) Operations Section Chief (reports to EOC Director)**

The Operations Section Chief is responsible for:

- Maintaining communications;
- Participating in EOC Management Team;
- Co-ordinating response;
- Co-ordinating response request;
- Sharing operational information;
- Managing the operations section.

**v) Corporate Communications Officer/Public Information Officer**

The Corporate Communications Officer will act as the Public Information Officer during an emergency. The Public Information Officer is responsible for the dissemination of news and information to the media for the public.

**i) Mayor or Acting Mayor**

The Mayor or Acting Mayor is responsible for:

- Providing overall leadership in responding to an emergency;
- Declaring an emergency within the designated area;
- Declaring that the emergency has terminated (Note: Council may also terminate the emergency);
- Notifying the Emergency Management of Ontario, Ministry of Public Safety and Security of the declaration of the emergency, and termination of the emergency;
- Ensuring the members of Council are advised of the declaration and termination of an emergency, and are kept informed of the emergency situation.

**ii) Operations Section Chief (reports to EOC Director)**

The Operations Section Chief is responsible for:

- Maintaining communications;
- Participating in EOC Management Team;
- Co-ordinating response;
- Co-ordinating response request;
- Sharing operational information;
- Managing the operations section.

**iii) Planning Section and Logistics Chief (reports to EOC Director)**

The Planning Section and Logistics Chief is responsible for:

- Assessing the situation;
- Managing the Planning Section;
- Managing display boards;
- EOC Action Plans;
- Anticipating future events;
- Tracking resources;
- Keeping records;
- Planning for EOC demobilization;
- Planning for recovery;
- Co-ordinating Technical Specialists;
- Preparing after action report.

**iv) Finance and Administration Section Chief (reports to EOC Director)**

- Recording personnel time;
- Co-ordinating purchasing;
- Co-ordinating compensation and claims;
- Recording costs;
- Maintaining records;
- Managing the Finance/Administration Section.

v) **Community and Economic Development Section Chief (reports to EOC Director)**

- Shelter arrangements;
- Warming Centre arrangements.

vi) **Risk Management/Liaison Officer (reports to EOC Director)**

The Risk Management/Liaison Officer is responsible for:

- Managing risk;
- Ensuring EOC safety;
- Assisting Agency Representatives;
- Keeping external Agencies informed;
- Advising on EOC Action Plans;
- EOC Director and EOC Management Team Support
- Initiating the opening, operation and staffing of switchboard
- Assuming the responsibilities of the Citizen Inquiry Co-ordinator;
- Co-ordinating the provision of Clerical staff;
- Ensuring Council are advised at the direction of the Mayor;
- Arranging a special meeting of Council.

vii) **Mayor and CAO's Executive Assistant**

The Mayor and CAO's Executive Assistant is responsible for:

- Assisting the Mayor and Chief Administrative Officer, as required;
- Ensuring all important decisions made and actions taken by the ECG are recorded;
- Ensuring that maps and status boards are kept up-to-date;
- Providing a process for registering ECG members and maintaining a ECG member list;
- Notifying the required support and advisory staff of the emergency, and the location of the Emergency Operations Centre;
- Initiating the opening, operation and staffing of switchboard at the community offices, as the situation dictates, and ensuring operators are informed of ECG members' telephone numbers in the EOC;
- Arranging for printing of material, as required;
- Co-ordinating the provision of clerical staff to assist in the Emergency Operations Centre, as required;
- Procuring staff to assist, as required.
- Acting as Public Information Officer, if required.

## Attachment “D” – Individual Responsibilities – Level Two Activation

### i) Manager of Projects & Design

The Manager of Projects & Design is responsible for:

- Overseeing the Public Works Operations
- Assisting Operations Section Chief

### ii) Health and Safety Co-ordinator

The Health and Safety Co-ordinator is responsible for:

- Co-manage and co-ordinate request(s) for additional City staff to support emergency operations from within the Corporation;
- Create and maintain on-site and off-site, an up-to-date list of City personnel with specialized skill sets (i.e. confined space training, TDG training, Hazardous Materials transportation training, Spill Clean-up training, SCBA ( Self-contained Breathing Apparatus) training etc.);
- Identify, contact and put on alert necessary City personnel to be dispatched based on requests from ECG (Emergency Control Group);
- Create and maintain an up-to-date list of all City staff with First Aid and CPR training – identify, contact and put on alert to serve as additional first response staff in temporary field hospitals, triage units and/or at the disaster site;
- Co-manage volunteer requests, registration with Human Resources Co-ordinator – help identify and categorize volunteers by skill sets;
- Arrange transportation of volunteers from volunteer registration area to staging sites in coordination with the ECG (Emergency Control Group) based on skill sets required that have been identified and categorized by Human Resources Co-ordinator – must be done in full co-operation with Emergency Management staff;
- Act as Lead Liaison between ECG and all other Emergency Services responding to the disaster by remaining in continuous contact to coordinate deployment of City staff and volunteers teams;
- Identify and arrange medical treatment for City staff and volunteers;
- Identify and arrange Critical Incident Stress debriefing and/ or Traumatic Experience/Grief Counseling for City personnel and volunteers;
- Co-ordinate in conjunction with the ECG clean-up efforts, removal of hazardous products/ waste and re-establishment of regular City operations.



### iii) Human Resources Co-ordinator

The Human Resources Co-ordinator is responsible for:

Selecting the most appropriate site(s) for the registration of human resources;

- Ensuring records of human resources and administrative detail, that may involve financial liability, are completed;
- Ensuring that a Volunteer Registration Form is completed, when volunteers are involved and a copy of the form is retained for City records;
- Arranging for transportation of human resources to and from site(s);
- Obtaining assistance, if necessary, from Human Resources Development Canada, as well as other government departments, public and private agencies and volunteer groups;
- Co-ordinate all requests for additional City staff to support emergency operations from within the Corporation;
- Maintain an up-to-date confidential and secure list on-site and off-site of contact information for all City staff;
- Maintain an up-to-date list of all employees who are regularly scheduled to be at work on any given date, including their location and co-ordinate their exact location (if at all possible) with the employee's direct Supervisor (i.e., if there is an emergency in the Parks building the Emergency Control Group and Fire & Emergency Services will need to know who is supposed to be in that location before they commit search and rescue resources);
- Co-ordinate offers of/ or appeals for, external volunteers as directed by the ECG  
–Human Resources Co-ordinator to conduct interviews to identify specific skill sets of volunteers (i.e. search & rescue training) and assigns volunteers to groups based on their skills so H&S Coordinator can dispatch groups to sites designated by ECG – must be done in full co-operation with Emergency Management staff;
- Contact Employee Assistance Plan (EAP) provider and make arrangements for counselors to be on-site to provide Critical Incident Stress Debriefing and/or Traumatic Experience/ Grief Counseling.

### iv) Manager of Information Technology

The Manager of Information Technology is responsible for:

- Communications equipment (i.e. telephones, computer systems and computer software).

### v) Executive Administrative Assistant to the Director of Community & Corporate Services

The Executive Administrative Assistant to the Director of Community & Corporate Services is responsible for:

- Assisting Risk Management/Liaison Officer

### vi) Executive Administrative Assistant to Community Services

The Executive Administrative Assistant to Community Services is responsible for:

- Assisting Finance and Administration Section Chief

vii) Executive Administrative Assistant to the Fire Chief

- Assisting the Fire Chief, as required;
- Issuing temporary identification cards to all Volunteers, in co-ordination with the Human Resources Co-ordinator/Health and Safety Co-ordinator.

## Attachment “E” – Individual Responsibilities –Emergency Support Group

### i) Niagara Regional Police

The Niagara Regional Police are responsible for:

- Protection of life and property and the prevention and investigation of crime
- Maintaining law and order
- Protection at the scene of the disaster area
- Alerting persons endangered by the effects of the disaster
- Protection of evacuated buildings and other property in the emergency area
- Establishing the inner perimeter within the emergency area
- Establishing the outer perimeter in the vicinity of the emergency to facilitate the movement of emergency vehicles and restrict access to all but essential emergency personnel
- Controlling traffic and crowds and ensure clear entrance and exit to and from the scene of the emergency to traffic and personnel
- Providing police service in the Emergency Operations Centre, evacuee centres, morgues and other facilities as required
- Notifying the coroner of fatalities
- Ensuring liaison with other community, provincial and federal police agencies, as required
- Alerting and assisting other emergency agencies

### ii) Canadian Niagara Power

Canadian Niagara Power is responsible for:

- Monitoring the status of power outages and customers without services;
- Providing updates on power outages, as required;
- Ensuring liaison with the Public Works Representative;
- May provide assistance with accessing generators for essential services, or other temporary power measures.

### iii) Niagara Emergency Medical Services Representative

The Niagara Emergency Medical Services Representative is responsible for:

- Providing essential primary medical care relief at the site of an emergency, as required
- Coordinating the transportation of casualties to appropriate medical care facilities from the emergency site
- Ensuring liaison with the receiving hospitals
- Liaising with the Medical Officer of Health, as required
- Assessing the need for and advising the Community Control Group of other resources, including human and material resources, which are available and/or required
- Assisting other emergency responders as required
- Providing a liaison to the impacted municipality as required by the emergency incident

#### iv) Medical Officer of Health

The Medical Officer of Health is responsible for:

- Acting as a co-ordinating link for all emergency health services at the ECG;
- Ensuring liaison with the Ontario Ministry of Health and Long Term Care, Public Health Branch;
- Depending on the nature of the emergency, assigning a Site Manager and informing the ECG;
- Establishing an on-going communications link with the senior health official at the scene of the emergency;
- Ensuring liaison with the ambulance service representatives;
- Providing advice on any matters, which may adversely affect public health;
- Providing authoritative instructions on health and safety matters to the public through the Public Information Officer.
- Co-ordinating the response to disease related emergencies or anticipated emergencies such as epidemics, according to Ministry of Health and Long Term Care Policies;
- Ensuring co-ordination of care of bed-ridden citizens and invalids at home and in evacuee centres during an emergency;
- Ensuring liaison with voluntary and private agencies, as required, for augmenting and co-ordinating public health resources;
- Ensuring co-ordination of all efforts to prevent and control the spread of disease during an emergency;
- Notifying the Public Works Representative regarding the need for potable water supplies and sanitation facilities;
- Ensuring liaison with Social Services Representative on areas of mutual concern regarding health services in evacuee centres.

#### v) Niagara Regional Representative

The Niagara Regional Representative, in conjunction with Social Services, Regional Public Works, Regional Water and Emergency Management Representatives is responsible for:

- Ensuring the well-being of residents who have been displaced from their homes by arranging emergency lodging, clothing, feeding, registration and inquiries and personal services;
- Supervising the opening and operation of temporary and/or long-term evacuee centres, and ensuring they are adequately staffed;
- Ensuring liaison with the Niagara Regional Police Chief with respect to the pre-designation of evacuee centres which can be opened on short notice;
- Liaison with the Medical Officer of Health on areas of mutual concern regarding operations in evacuee centres;
- Ensuring that a representative of the District School Board of Niagara and/or Separate School Board is/are notified when facilities are required as evacuee reception centres, and that staff and volunteers utilizing the school facilities take direction from the Board representative(s) with respect to their maintenance, use and operation;
- Ensuring liaison with Northland Pointe and Portal Village Retirement Home as required;
- Making arrangements for meals for the staff/volunteers at the EOC and the Site.

#### vi) Ontario Provincial Police

Ontario Provincial Police are responsible for:

- Assisting in Policing matters, as required by Niagara Regional Police.

#### vii) Emergency Management Ontario

Emergency Management Ontario are responsible for:

- Providing assistance when requested.

#### viii) Niagara Peninsula Conservation Authority

Niagara Peninsula Conservation Authority are responsible for:

- Dealing with flooding and Conservation Authority matters.

#### ix) St. Lawrence Seaway Authority

St. Lawrence Seaway are responsible for:

- Assisting in matters that fall under their jurisdiction.
- Dealing with Seaway matters.

#### x) Telecommunications (ARES) Co-ordinator/Fire Department Representative

- The Telecommunications Co-ordinator reports to the Emergency Management Co-ordinator and is responsible for:
  - Activating the emergency notification system of the local amateur radio operators group;
  - Initiating the necessary action to ensure the telephone system at the community offices functions as effectively as possible, as the situation dictates;
  - Ensuring that the emergency communications centre is properly equipped and staffed, and working to correct any problems which may arise;
  - Maintaining an inventory of community and private sector communication equipment and facilities within the community, which could, in an emergency, be used to augment existing communications systems;
  - Making arrangements to acquire additional communications resources during an emergency.

## Attachment "F" – Individual Responsibilities – Support/Advisory Staff

### i) Legal Services Representative

The Legal Services Representative is responsible for:

- Providing advice to any member of the CCG on matters of a legal nature as they may apply to the actions of the City of Port Colborne in its response to the emergency, as requested.

### ii) Other Agencies

In an emergency, many agencies may be required to work with the Community Control Group - the District School Board of Niagara and/or Niagara Catholic District School Board and/or Conseil Scolaire de district catholique centre-sud and/or Conseil scolaire public de district du centre - sud - ouest and the Niagara Health Systems - Port Colborne Site - Hospital Administrator. Others might include Emergency Management Ontario, Ontario Provincial Police, the Office of the Fire Marshal, industry, volunteer groups, conservation authorities and provincial ministries.

### iii) District School Board of Niagara and/or Niagara Catholic District School Board and/or Conseil Scolaire de district catholique centre-sud and/or Conseil scolaire public de district du centre - sud - ouest

The District School Board of Niagara and/or Niagara Catholic District School Board and/or Conseil Scolaire de district catholique centre-sud and/or Conseil scolaire public de district du centre - sud - ouest are responsible for:

- Providing any school (as appropriate and available) for use as an evacuation or reception centre and a representative(s) to co-ordinate the maintenance, use and operation of the facilities being utilized as evacuation or reception centres;
- Ensuring liaison with the Municipality as to protective actions to the schools (i.e., implementing school stay in place procedures and implementing the school evacuation procedure.

### iv) Niagara Health Systems - Port Colborne Site - Hospital Administrator

- The Niagara Health Systems - Port Colborne Site - Hospital Administrator is responsible for:  
Implementing the hospital emergency plan;
- Ensuring liaison with the Medical Officer of Health and local ambulance representatives with respect to hospital and medical matters, as required;
- Evaluating requests for the provision of medical site teams/medical triage teams;
- Ensuring liaison with the Ministry of Health and Long Term Care, as appropriate.

## Attachment "G" – Emergency Notification List (Persons to be called in order)

Name	Work No.
<b>INITIAL RESPONSE TEAM</b>	
Scott Luey, EOC Director	905-835-2901 X306
Thomas B. Cartwright, Fire Chief	905-834-4512
Amber LaPointe, City Clerk/C.E.M.C.	905-835-2900 X106
Chris Lee, Operations Section Chief	905-835-2900 X223
Michelle Cuthbert, Public Information Officer	905-835-2901 X540
<b>LEVEL ONE ACTIVATION</b>	
William Steele, Mayor	905-835-2901 X302
Dan Aquilina Planning Section & Logistics Chief	905-835-2901 X203
Brenda Garrett, Finance & Admin. Section Chief	905-835-2900 X105
Ashley Grigg, Community & Economic Section Chief	
Nancy Giles, Mayor and CAO's Executive Assist.	905-835-2900 X301
Scott Lawson, Deputy Fire Chief	905-834-4512
Nicole Halasz, Manager of Parks & Recreation, Alternate CEMC	905-835-2901 X532
<b>LEVEL TWO ACTIVATION</b>	
Steve Shypowskyj, Manager of Projects & Design	905-835-5079
Italia Reeves, Human Resources Co-ordinator	905-835-2900 X319
Vacant, Health & Safety Co-ordinator	905-835-2900 X104
Belinda Daniel, Manager of Information Technology	905-835-2900 X211
Laura Nelson, Exec. Adm. Asst. to DCCS	905-835-2900 X107
Karen Walsh, Exec. Adm. Asst. to Community Services	905-835-2900 X532
Catherine Moyer, Exec. Adm. Asst. to the Fire Chief	905-834-4512
<b>EMERGENCY SUPPORT GROUP</b>	
Niagara Regional Police	905-735-7811
Canadian Niagara Power	905-835-0051
Niagara Emergency Medical Services	905-984-5050
Doctor Mustafa Hirji, Medical Officer of Health	905-688-3762
Social Services – Dispatch	905-984-3690
Ontario Provincial Police	905-356-1311
Emergency Management Ontario (Duty Officer Line)	1-866-314-0472
Niagara Peninsula Conservation Authority	905-788-3135
St. Lawrence Seaway Authority	905-641-1932

Upon activation, the notification process will be carried out at once by the Fire Department, who will note the detail of the message (e.g., description of the emergency, instructions to remain on stand-by or assemble at the EOC, etc.). The dispatcher will ensure this information is passed onto and understood by each person called.

Attachment "H" – Emergency Operations Centre(s) (Level One)

Emergency Operations Centre  
Primary Location  
  
66 Charlotte Street  
"3<sup>rd</sup> Floor Conference Room"



Telephone 

Conference Tables

- Computer Connections Available on South Wall

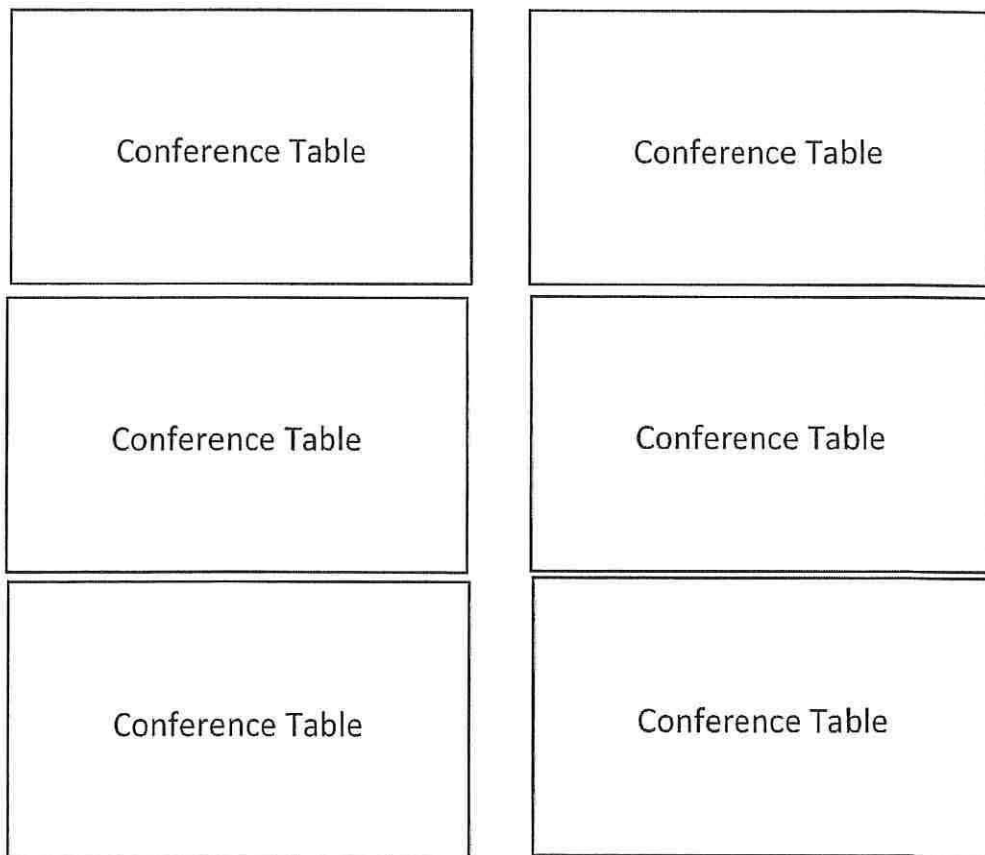


## Emergency Operations Centre(s) (Level Two)

Emergency Operations Centre  
Primary Location  
  
66 Charlotte Street  
"3<sup>rd</sup> Floor Council Chambers"



Telephone



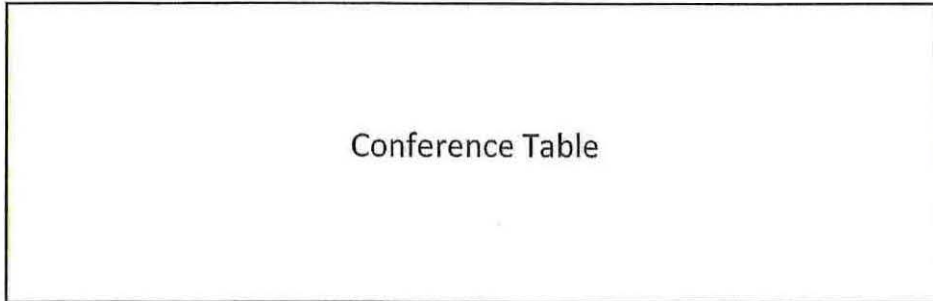
Emergency Operations Centre  
Secondary Location  
  
3 Killaly Street West  
"Resource Centre – Fire Station"



Telephone

Conference Table

Emergency Operations Centre  
66 Charlotte Street  
"3rd Floor Library" - Support Room



Telephone



Note: Fax to be supplied when needed

## Attachment "I" - Declaration of an Emergency Form

### Declaration of Emergency

I, \_\_\_\_\_ hereby declare an  
(Mayor or Elected Head of Council or First Nation Chief)

Emergency in accordance with the Emergency Management Act 1990,  
s.4.(1) due to the emergency described herein:

for an Emergency Area or part thereof described as:

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_ at \_\_\_\_\_ (time)

in the Municipality/First Nation of:

\_\_\_\_\_

(Note: Fax to EMO Duty Office @ 1-416-314-0474)

## Attachment "J" - Termination of a Declared Emergency Form

### Termination of a Declared Emergency

I, \_\_\_\_\_ hereby declare an  
(Mayor or Elected Head of Council or First Nation Chief)

Emergency terminated in accordance with the Emergency Management Act 1990,  
s.4.(2) due to the emergency described herein:

for an Emergency Area or part thereof described as:

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_ at \_\_\_\_\_ (time)

in the Municipality/First Nation of:

\_\_\_\_\_

(Note: Fax to EMO Duty Office @ 1-416-314-0474)

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Report Number: 2019-73

Date: June 24, 2019

**SUBJECT: Mutual Assistance Agreement**

**1) PURPOSE**

The Fire Chief prepared this report as Council is required to authorize entering into a Mutual Assistance Agreement with all municipalities within Niagara, as well as the Regional Municipality of Niagara.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

Since 2009, the municipal governments and the Regional Municipality of Niagara have met numerous times to discuss methods to assist one another during significant emergency events. In 2012, Report 2012-7 was presented to Council concerning this matter (attached as Appendix "A". Council authorized the City to move forward with entering into the Agreement. The existing Agreement, dated 2012, was signed by the City's representative. For whatever the reason, it did not move forward throughout the entire Region.

The matter has been reviewed numerous times over the years, although never successfully implemented. Included for Council's review, as Appendix "B", is Niagara Region's Report PHD 06-2019 which includes the proposed Mutual Assistance Agreement, requiring the Chief Administrative Officer be authorized, through by-law, to execute the agreement on behalf of the City.

**3) STAFF COMMENTS AND DISCUSSIONS**

As with the original 2012 Agreement, the 2019 version allows for the sharing of resources during an emergency. All of the information provided speaks for itself and should provide clarity to Council concerning the Mutual Assistance Agreement.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS**

- i) No other options have been explored.

**Financial Considerations**

- i) This report does not, in itself, propose any new financial implications for the City; however, within the mutual assistance template, there is the ability for a Municipality to recover its cost of providing assistance.

5) **COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

6) **ATTACHMENTS**

Appendix "A" – Report No. 2012-7, including the original mutual assistance agreement  
Appendix "B" – Niagara Region's Report PHD 06-2019

7) **RECOMMENDATION**


That the Chief Administrative Officer be directed to sign the Mutual Assistance Agreement Mutual Assistance Agreement with all municipalities within Niagara, as well as the Regional Municipality of Niagara.

That the necessary by-law be prepared.

8) **SIGNATURES**

Prepared on May 14, 2019

Reviewed by:



Thomas B. Cartwright,  
City Fire Chief

Amber LaPointe,  
Manager of Legislative Services  
City Clerk

Reviewed and respectfully submitted by:



C. Scott Luey,  
Chief Administrative Officer



# Appendix "A" to Fire and Emergency Services Report 2019-73



Department: Fire and Emergency Services

Report Number: 2012-7

Date: November 26, 2012

**SUBJECT: Mutual Assistance Agreement**

## **1) PURPOSE:**

The Fire Chief/Community Emergency Management Co-ordinator has been asked to write this report by the Chief Administrative Officer. The report is being produced for Council seeking their support to enter into a Mutual Assistance Agreement with Niagara's Municipalities and the Region of Niagara.

## **2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

In Niagara, there is a long history of Municipalities helping each other in times of need. In the summer of 2009, an anticipated H1N1 pandemic that threatened to significantly reduce the availability of employees prompted local Municipalities to re-visit their Business Continuity Plans. It quickly became apparent that a Mutual Assistance Agreement between Niagara's Municipalities, including the Regional Municipality, would enhance the emergency response capacity of Municipalities and help to ensure the delivery of essential services during any crisis event. To address this gap, a working group was established, drafted a template Mutual Assistance Agreement, and had that template reviewed by legal services advisors. The final template and a supporting operational guideline document are being presented to all Municipal and Regional Councils over the next six months. A draft By-law has been completed which will incorporate approval for the Emergency Program, Emergency Plan and Mutual Assistance Agreement.

## **3) STAFF COMMENTS AND DISCUSSIONS**

Based on the Fire Mutual Aid Agreement, this new Agreement addresses the sharing of personnel, equipment and services are required to ensure the delivery of essential services in an emergency situation (e.g. natural disaster) through a non-binding agreement. In some instances, this "sharing" of resources was already being practiced, but no formal Agreement was in place.

A working group made up of CAO's, Human Resource Specialists and Emergency Management Personnel was assembled to develop a project proposal and Agreement template.

The proposal and template was presented to the Niagara CAO's and approval, in principle, was given to allow further development. The Agreement was vetted through the Niagara Region Legal Division, as well as two Municipal Legal Departments resulting in the document attached as Appendix "A" to this report.

In the event of a major disaster, the CAO of the affected Municipality may request the support of essential services from the CAO of another Municipality.

The Agreement is written to be permissive in nature yet non-binding. A Municipality that signs into the Agreement is not obligated to provide assistance, if requested. Their ability to assist or not assist would be determined by the Municipality at that time. Under the Agreement template, assistance would be provided based upon a number of conditions including, but not limited to the Municipality's requirement to ensure essential services in their own jurisdiction. This Agreement is meant to be proactive instead of reactive, to protect the safety of staff, Municipal assets and ensure that communities do not put themselves at risk by helping neighbors during their time of need. Therefore, by signing into the Agreement, the Municipality benefits from having legal, cost recovery and other risk management issues detailed in advance.

### **Legal Authority**

The *Emergency Management and Civil Protection Act, R.S.O. 1990, c. E. 9*. Provides that:

The Council of a Municipality may make an Agreement with the Council of any other Municipality or with any persons for the provision of any personnel, service, equipment or material during an emergency. R.S.O. 1990, c. E.9, s.13(3); 1999, c. 12, Sched. P, s.9.

This Agreement does not replace any existing Fire Services Mutual/Automatic Aid Plan and Program for Niagara Region; rather, it builds on the same spirit of co-operation.

### **Maintenance of the Mutual Assistance Agreement Document**

As an annex to the Municipal Emergency Plan, this document will be reviewed on an annual basis by the Municipal Community Emergency Management Co-ordinator.

It is noted that the Niagara Region has had such an Agreement with Halton Region for several years. This model of Mutual Aid is also being investigated as a potential for an Agreement between the Niagara Region and the City of Hamilton in the future.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

No options are available.

This report does not, in itself, propose any new financial implications for the City of Port Colborne; however, within the Mutual Assistance Agreement template, there is the ability for a Municipality to recover the cost of providing assistance if requested.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

**6) ATTACHMENTS**

Attached as Appendix "A" in the proposed Mutual Assistance Agreement

**7) RECOMMENDATION**

That Council authorize the execution of the Mutual Assistance Agreement between the Regional Municipality of Niagara and the area Municipalities; and further that,

The necessary By-law be prepared.

**8) SIGNATURES**

Prepared on October 12, 2012 :

Reviewed and Respectfully Submitted:



Thomas B. Cartwright,  
City Fire Chief

Robert J. Heil,  
Chief Administrative Officer

# Appendix "A" Attached To and Forming Part of Report 2012-7

THIS MUTUAL ASSISTANCE AGREEMENT  
made this day of \_\_\_\_\_, 2012.

BETWEEN:

THE CORPORATION OF THE CITY OF ST. CATHARINES  
and  
THE CORPORATION OF THE CITY OF NIAGARA FALLS  
and  
THE CORPORATION OF THE CITY OF WELLAND  
and  
THE CORPORATION OF THE CITY OF THOROLD  
and  
THE CORPORATION OF THE CITY OF PORT COLBORNE  
and  
THE CORPORATION OF THE TOWN OF FORT ERIE  
and  
THE CORPORATION OF THE TOWN OF PELHAM  
and  
THE CORPORATION OF THE TOWN OF GRIMSBY  
and  
THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE  
and  
THE CORPORATION OF THE TOWN OF LINCOLN  
and  
THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN  
and  
THE CORPORATION OF THE TOWNSHIP OF WAINFLEET  
and  
THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Subsection 13(3) of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9, as amended (the "Act") provides that the council of a municipality may make an agreement with the council of any other municipality or with any person for the provision of any personnel, service, equipment or material during an emergency;

AND WHEREAS the Parties wish to provide for mutual aid and assistance to each other through the provision of personnel, services, equipment or material to one or the other within the meaning of the Act;

AND WHEREAS each of the Parties has an Emergency Plan pursuant to the Act;

NOW THEREFORE in consideration of the mutual covenants herein contained, the Parties agree as follows:

## 1. Definitions

1.1 In this Agreement,

1.1.1 "Act" means the *Emergency Management and Civil Protection Act*, as may be amended, and all regulations thereto;

1.1.2 "Assisted Municipality" means the municipality receiving aid or assistance pursuant to this Agreement;

1.1.3 "Assisting Municipality" means the municipality providing aid or assistance pursuant to this Agreement;

1.1.4 "Emergency", "Emergency Area" and "Emergency Plan" shall have the same meanings as in the Act;

1.1.5 "Mutual Assistance Agreement" means this Agreement and the attached Schedule(s) which embody the entire Agreement between the Parties;

1.1.6 "Requesting Party" means the municipality asking for aid, assistance or both pursuant to this Agreement; and

1.1.7 "Emergency Control Group" means the organizational entity responsible for directing and controlling the Assisted Municipality's response to an Emergency.

**2. Role of the Solicitor General**

2.1 The Parties acknowledge that pursuant to the Act, the Solicitor General for the Province of Ontario is responsible for the administration of the Act and is the principal contact for all Emergencies.

2.2 The Parties further agree that the Solicitor General shall be notified in writing of any request made under this Agreement. The Requesting Party agrees to notify as soon as reasonably practicable, Emergency Management Ontario (EMO), Ministry of Community Safety and Correctional Services and any other person required to be notified pursuant to the Act, on the matter of any request for assistance made under this Agreement.

**3. Authorization to Request/Offer Assistance**

3.1 Each Party hereby authorizes its Chief Administrative Officer, City Manager, Town Manager or such other senior administrative officer of the Party as the Chief Administrative Officer has designated (hereinafter "CAO") to request assistance or offer to provide assistance pursuant to this Agreement on behalf of that Party.

**4. Requests for Assistance**

4.1 The Parties agree that in an Emergency, a Requesting Party may request assistance in the form of qualified personnel, services, equipment, or material from another Party.

4.2 The request for assistance shall be made by the CAO of the Requesting Party to the CAO of the other Party. The CAO of the Requesting Party may make the initial request for assistance orally, however, a written request using the form set out in Schedule "A", and in accordance with Section 17, should follow as soon as reasonably practicable.

4.3 The written request shall set out in detail the specific personnel, services, equipment and/or material that has been requested as assistance. A Party may request such reasonable additional information as it considers necessary to confirm the existence of the Emergency and to assess the type, scope, nature and amount of assistance to be provided.

4.4 The Party which has received a request from a Requesting Party shall respond to the request within one (1) day, and may in its sole discretion determine the type and scope, nature and amount of assistance it will provide. The Assisting Municipality may respond to the request orally, however, shall respond in writing as soon as reasonably practicable using the form set out in Schedule "A" attached hereto. The CAO of the Requesting Party shall complete, sign and forward the form to the CAO of the Assisting Municipality, who shall then return a signed copy. The written confirmation shall set out in detail the specific personnel,

services, equipment or material that has been requested as assistance and which the Assisting Municipality has agreed to provide.

- 4.5 The Assisting Municipality and the Assisted Municipality may by mutual agreement at any time as necessary, amend the scope, type, nature or amount of assistance to be provided to the Assisted Municipality under this Agreement. Amendments shall be confirmed in writing by the Parties using the form set out in Schedule "A" attached hereto within three (3) days of being agreed upon or as soon as reasonably practicable.

## 5. Limitations on Assistance Provided

- 5.1 Nothing in this Agreement shall require or obligate or be construed to require or obligate a Party to provide assistance. Each Party shall retain the right to refuse the request to provide assistance, and the right to offer alternatives to the assistance that has been requested.
- 5.2 No liability shall arise against the Party who was being asked for assistance if it fails, for any reason whatsoever, to respond to a request for assistance made under this Agreement.
- 5.3 When assistance has been offered or provided by the Assisting Municipality, the Assisting Municipality shall not be obligated to provide any further assistance or to do anything or take any action beyond that which is specifically agreed to by the acceptance of the request for assistance.
- 5.4 Nothing in this Agreement shall prevent the Assisting Municipality, in its sole discretion, from withdrawing any or all assistance it had agreed to provide to the Assisted Municipality. Any withdrawal of assistance by the Assisting Municipality shall be made only upon at least forty-eight (48) hours' notice to the Assisted Municipality, unless the Assisting Municipality is responding to an actual or pending Emergency within its own geographical boundaries, in which case it may withdraw assistance from the Assisted Municipality immediately upon notice.
- 5.5 The Assisted Municipality may determine in its sole discretion, subject to any required approval by governmental authorities, that its requirement for assistance has ceased and shall notify the Assisting Municipality of this in writing.

## 6. Term and Termination

- 6.1 The Mutual Assistance Agreement shall be in effect for each Party from the date on which each Party signs the Agreement.
- 6.2 Despite any other section of this Agreement, any Municipality may terminate this Agreement upon at least sixty (60) days' written notice to all the other Parties. It is understood that the Agreement shall continue in force as between the other Parties.

## 7. Costs

- 7.1 Unless otherwise agreed upon, any and all direct and indirect costs of the Assisting Municipality in providing assistance are to be paid by the Assisted Municipality. The Assisted Municipality shall be required to reimburse any and all actual costs incurred by or attributable to the Assisting Municipality in providing the assistance. Such costs shall include, but are not limited to, any and all supplies, equipment materials, fuel, repairs, parts, lodging, wages, salaries, overtime, shift

premium charges, and similar charges and expenses incurred in or attributable to providing the assistance including those wages, salaries, overtime and shift premium charges incurred resulting from staffing requirements in its home jurisdiction during the period of the assistance, providing all such costs are reasonable in the circumstances.

- 7.2 The Assisting Municipality shall remain responsible for making all statutorily required deductions, contributions, payments and costs of employment benefits which includes for the purposes of this Agreement, Canada Pension Plan, Employment Insurance, OMERS contributions, and/or contributions made to life insurance, health, dental, and/or disability plans or policies.
- 7.3 The Assisted Municipality shall be responsible for the cost of replacing equipment or material furnished by the Assisting Municipality if damaged beyond reasonable repair while providing assistance.
- 7.4 The Assisting Municipality shall provide to the Assisted Municipality, if practical and available, an estimate of the cost of providing the assistance.

## 8. Payment

- 8.1 Payment by the Assisted Municipality for costs incurred for the assistance provided shall be made to the Assisting Municipality upon receipt of an invoice from the Assisting Municipality. Such invoice shall set out in sufficient detail the costs actually incurred by or attributed to the provision of assistance by the Assisting Municipality pursuant to this Agreement, and where practically available, receipts for disbursements shall be forwarded in support of the invoice.
- 8.2 Any discrepancy relating to an invoice shall be discussed between the Parties involved and additional documentation shall be provided. The Parties shall attempt in good faith to reach resolution as expeditiously and amicably as possible. The Parties may agree on a method of third party resolution, if necessary, and shall share the costs of same equally.
- 8.3 The Assisted Municipality shall remit payment of the amount owing for the assistance provided within thirty (30) days of the receipt of the Assisting Municipality's invoice.
- 8.4 Any amount remaining unpaid and outstanding after the thirty (30) day period referred to in subsection 8.3 of this Agreement shall bear interest at the rate stipulated in the Assisting Municipality's invoice, which rate shall not exceed the Bank of Canada bank rate at the date of the invoice plus two (2) per cent per annum until paid.

## 9. Employment Relationship

- 9.1 Despite that the employees, contractors, servants and agents (collectively "the workers") of the Assisting Municipality may be assigned to perform duties for the Assisted Municipality, and that for the duration of the Emergency, the Assisted Municipality shall reimburse the Assisting Municipality for the costs of the wages, salaries and expenses of the workers, the workers of the Assisting Municipality shall retain their employment or contractual relationship with the Assisting Municipality. The Parties acknowledge and agree that the Assisted Municipality is not to be deemed the employer or contractor of the Assisting Municipality's employees, agents, contractors or servants, under any circumstances or for any purpose whatsoever.

10. Records

10.1 Any personal (or health) information collected, used or disclosed by an Assisting Municipality while assisting an Assisted Municipality pursuant to this Agreement is subject to the rights, responsibilities and safeguards provided for in the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act, 2004*. The Parties hereby state their intention that the Assisting Municipality and its employees, contractors, servants and agents are acting as agents of the Assisted Municipality in the collection, use or disclosure of any personal (or health) information, which is at all times the intellectual property of and under the care, custody and control of the Assisted Municipality. The Assisted Municipality may direct the Assisting Municipality how to safeguard and deal with the information to meet the purposes of this Agreement and the Assisting Municipality shall protect and treat the personal (or health) information according to the standards of the applicable legislation and in accordance with the directions of the Assisted Municipality, acting reasonably.

11. Indemnity

11.1 The Assisted Municipality shall defend, indemnify and save harmless the Assisting Municipality, its officers, employees, contractors, servants and agents from any and all claims, costs, all manner of action or actions, cause and causes of action, accounts, covenants, contracts, demands or other proceedings of every kind or nature whatsoever at law or in equity arising out of this Agreement and out of assistance provided pursuant to this Agreement. The indemnity herein provided shall include all costs, including but not limited to duties, dues, accounts, demands, penalties, fines and fees.

12. Insurance

12.1 During the term of this Agreement, each Party shall obtain and maintain in full force and effect, general liability insurance issued by an insurance company authorized by law to carry on business in the Province of Ontario, providing for, without limitation, coverage for personal injury, public liability and property damage. Such policy shall:

12.1.1 have inclusive limits of not less than Five Million Dollars (\$5,000,000) for injury, loss or damage resulting from any one occurrence;

12.1.2 contain a cross-liability clause endorsement and severability of interests clause of standard wording;

12.1.3 name the other Parties as additional insureds with respect to any claim arising out of the Assisted Municipality's obligations under this Agreement or the Assisting Municipality's provision of personnel, services, equipment or material pursuant to this Agreement; and

12.1.4 include a Non-Owned Automobile endorsement.

12.2 During the term of this Agreement, each Party shall obtain and maintain in full force and effect, automobile liability insurance in the



amount of Two Million Dollars (\$2,000,000.00) for injury, loss or damage resulting from anyone occurrence.

12.3 Upon the request of the other Party, each Party shall provide proof of insurance in a form satisfactory to the requesting Party's CAO.

12.4 In the case of any conflict between the provisions of this document and any other provisions speaking to contractual indemnity or insurance clauses, the provisions of this Agreement will govern.

### 13. Collective Agreements

13.1 Each Party agrees to review the provisions of this Agreement with its appropriate local bargaining units for the purpose of seeking amendments to local agreements, if required to facilitate participation within the terms of this Agreement. Each Party further agrees to advise the other Parties as soon as practically possible if it becomes aware of any impediments or obstacles imposed by local agreements to meeting its obligations under this Agreement.

### 14. Liaison and Supervision

14.1 The Assisting Municipality shall have the right, to be exercised in its sole discretion, to assign an employee or agent (the "Liaison Officer") of the Assisting Municipality to the Emergency Control Group of the Assisted Municipality. The Liaison Officer shall provide a liaison between the Assisting Municipality and the Emergency Control Group of the Assisted Municipality. The parties acknowledge that the purpose of the Liaison Officer shall be to permit communication between the Assisted and Assisting Municipalities. Subject to the *Municipal Freedom of Information and Protection of Privacy Act*, the Liaison Officer shall be permitted to inform the Assisting Municipality on the status of the Emergency and the actions taken by the Assisted Municipality. The Liaison Officer shall have the right to obtain information about the Emergency and the use of the assistance provided in order to report to the Assisting Municipality during and after the duration of the assistance provided and the Emergency. The Assisting Municipality shall keep confidential and not disclose any information concerning the Emergency or the assistance provided without the prior consent of the Assisted Municipality, except as may be legally required.

14.2 The Assisting Municipality shall assign its personnel to perform tasks as directed by the Emergency Control Group of the Assisted Municipality. The Assisting Municipality shall have the right to assign supervisory personnel to operate or supervise the operation of any of the Assisting Municipality's personnel and or equipment furnished as assistance to the Assisted Municipality. Such supervision shall be in accordance with the instructions of the Emergency Control Group.

### 15. Information Sharing

15.1 If requested and subject to the *Municipal Freedom of Information and Protection of Privacy Act*, each Party shall respond to the other Party's request for information regarding specified types of personnel, services, equipment or material in the possession of each party that may be used in the provision of assistance under this Agreement. All such information shall be provided without any warranty of any kind as to its accuracy, reliability, usefulness or other characteristics.

### 16. Food and Lodging

16.1 For the duration of the assistance provided under this Agreement, the Assisted Municipality shall be responsible for providing all food,

lodging and accommodation as required and appropriate for the personnel furnished pursuant to this Agreement. Where food and lodging cannot be provided in-kind, the Assisted Municipality shall pay a reasonable *per diem* to personnel for any food and lodging purchased by personnel of the Assisting Municipality. The *per diem* shall be no less than the Assisted Municipality pays to its own employees as a matter of policy or agreement.

17. Notice

- 17.1 Any notice, direction, request or document required or permitted to be given by either Party to the other in writing shall be deemed to have been sufficiently and effectually given if delivered by hand or by prepaid registered mail at the addresses provided for below during normal business hours, or sent by facsimile transmission or electronic mail to the number shown below.

Region at:

The Regional Municipality of Niagara  
2201 St. David's Road, P.O. Box 1042  
Thorold, Ontario  
L2V 4T7

Attention: Chief Administrative Officer  
Facsimile No.:(905)685-6243

or to such other address of a Party as it shall specify to the other Parties by written notice given in the manner aforesaid.

- 17.2 If hand delivered, the notice is effective on the date of delivery; if sent by facsimile transmission or electronic mail before 3:00 p.m., the notice is effective on the date and time the fax is sent; if sent by facsimile transmission or electronic mail after 3:00 p.m., the notice is effective on the following day; and if mailed, the notice is deemed to be effective on the fifth business day following the day of mailing.
- 17.3 Any notice given shall be sufficiently given if signed by the CAO or by a person authorized by or acting under the direction or control of the CAO.

18. General

- 18.1 Nothing contained in this Agreement shall be construed as restricting or preventing either Party from relying on any right or remedy otherwise available to it under this Agreement, at law or in equity in the event of any breach of this Agreement.
- 18.2 This Agreement shall enure to the benefit of, and be binding upon the Parties and their respective successors, administrators and assigns.
- 18.3 This Agreement shall not be construed as or deemed to be an agreement for the benefit of any third parties, and no third party shall have any right of action arising in any way or manner under this Agreement for any cause whatsoever.
- 18.4 This Agreement and the attached Schedule "A" embody the entire Agreement and supersede any other understanding or agreement, collateral, oral or otherwise, existing between the parties prior to or at the date of execution.

- 18.5 Sections 2, 5.2, 7, 8, 9, 11, 12, 17, and 18 of this Agreement shall survive termination of this Agreement.
- 18.6 The Parties agree to be governed by the laws of the Province of Ontario and Canada.
- 18.7 The Parties herein agree that in the event of any dispute arising under or pursuant to this Agreement, which dispute cannot be resolved by the mutual agreement of the Parties' C.A.O.s, the C.A.O.s shall refer the dispute to the respective Chairs/Mayors of the Parties for resolution. In the event that the Chairs/Mayors cannot resolve the dispute, either Party may, on providing ninety (90) days' written notice to the other, refer the dispute to a third party arbitrator of their mutual choice for resolution. Such arbitration shall be conducted pursuant to the *Arbitration Act, 1991*, S.O. 1991 c. 17, as amended.
- 18.8 This Agreement may be executed and delivered in any number of separate counter-parts, each of which when executed and delivered is an original but all of which taken together constitutes one and the same instrument. Any Party may deliver an executed copy of this Agreement by facsimile transmission.

IN WITNESS WHEREOF the Parties have, by their authorized signing officer(s), executed this Agreement.

**THE CORPORATION OF THE CITY OF ST. CATHARINES**

\_\_\_\_\_  
 Name:  
 Title:

\_\_\_\_\_  
 Name:  
 Title:  
 I/We have the authority to bind the Corporation.

\_\_\_\_\_  
 Date

**THE CORPORATION OF THE CITY OF NIAGARA FALLS**

\_\_\_\_\_  
 Name:  
 Title:

\_\_\_\_\_  
 Name:  
 Title:  
 I/We have the authority to bind the Corporation.

\_\_\_\_\_  
 Date

**THE CORPORATION OF THE CITY OF WELLAND**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF THOROLD**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF FORT ERIE**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

THE CORPORATION OF THE TOWN OF PELHAM

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

THE CORPORATION OF THE TOWN OF GRIMSBY

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-  
LAKE

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

THE CORPORATION OF THE TOWN OF LINCOLN

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

THE REGIONAL MUNICIPALITY OF NIAGARA

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

SCHEDULE "A"

**Mutual Assistance Agreement**

I, \_\_\_\_\_, Chief Administrative Officer / Designated Official of \_\_\_\_\_, duly authorized to do so by the Council of \_\_\_\_\_, do hereby confirm my request of \_\_\_\_\_, to provide assistance in the form of \_\_\_\_\_.

- \_\_\_ PERSONNEL
- \_\_\_ SERVICES
- \_\_\_ EQUIPMENT
- \_\_\_ MATERIAL

AS IS MORE PARTICULARLY SET OUT IN DETAIL AS FOLLOWS:

FOR THE DURATION OF: \_\_\_\_\_

The above confirms the assistance verbally requested on \_\_\_\_\_, and which assistance \_\_\_\_\_ has agreed to provide.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
(Assisted Municipality)

Confirmed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
(Assisting Municipality)

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**Subject:** Mutual Assistance Agreement for Emergency Management

**Report to:** Public Health and Social Services Committee

**Report date:** Tuesday, March 19, 2019

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### Recommendations

1. That Regional Council **APPROVE** entry into the Mutual Assistance Agreement as an equal partner with the 12 local area municipalities to facilitate necessary assistance required during an emergency situation.
2. That the Chief Administrative Officer **BE AUTHORIZED** to execute the mutual assistance agreement and any ancillary documents on behalf of The Regional Municipality of Niagara.

### Key Facts

- In Niagara, there is a long history of municipalities helping each other in times of need. However, to ensure that appropriate provisions are in place to allow cross-jurisdictional emergency support, a mutual assistance agreement between Niagara's municipalities, including the Regional Municipality, is required.
- This assistance specifically includes personnel and equipment above and outside of normal services provided to the local municipalities directly or through a two-tier delivery model on any normal daily basis.
- Approval of the Mutual Assistance Agreement enhances the Region's ability to respond to an emergency or disaster situation, thereby reducing the impact on the community.

### Financial Considerations

This report will not, in itself, propose any new financial implications for the Niagara Region. However, within the Mutual Assistance Agreement template would be the ability for a municipality to recover the cost of providing assistance if requested.

### Analysis

The Mutual Assistance Agreement is proposed to be permissive in nature and non-binding. It serves to protect staff and municipal legal interests when requested and to help their communities during times of need. This agreement does not in itself replace any existing Fire Services Mutual/Automatic Aid Plan. Rather it builds on the same spirit of cooperation to better facilitate assistance where practical and appropriate. When an



emergency exists, regional and municipal employees as well as partner agencies take such action(s) under emergency management plans as may be required to protect the health, safety, welfare and property of the community. The ability to allow for cross-jurisdictional emergency support between Niagara's municipalities and the Region will strengthen the ability to provide critical services and resources to residents during challenging circumstances.

Based upon the Fire Mutual Aid Agreement, this new Mutual Assistance Agreement addresses the sharing of personnel, equipment and services as required to ensure the delivery of essential services in an emergency situation (e.g. natural disaster). In some instances, this "sharing" of resources was already being done but no formal agreement was in place. Without an agreement in place, municipalities were left open to risk for any injuries or damages.

In 2012, a working group made up of CAO's, human resource specialists and emergency management personnel was assembled to develop a project proposal, agreement template and operating guidelines for mutual assistance. The proposal and template was presented to the Niagara CAO's in September 2012 and approval in principle was given to allow further development.

This agreement has recently been vetted through the Niagara Region Legal Division as well as reviewed by the 12 Municipal Community Emergency Management Coordinators. The resulting agreement, when enacted, would allow any municipality needing assistance to make an appeal to neighbouring municipalities for assistance. That request for support would be made by the CAO of the municipality requesting assistance to the CAO of the municipality being requested to provide assistance.

The agreement is written to be permissive in nature yet non-binding and is empowered by the *Emergency Management and Civil Protection Act* as follows:

*The Council of a municipality may make an agreement with the Council of any other municipality or with any persons for the provision of any personnel, service, equipment or material during an emergency. R.S.O. 1990, c. E.9, s. 13 (3); 1999, c. 12, Sched. P, s. 9.*

A municipality that signs into the agreement is not obligated to provide assistance if requested. Their ability to assist or not assist would be determined by the municipality at that time. Under the agreement, assistance would be provided based upon a number of conditions, including but not limited to the municipality's requirement to ensure essential services in their own jurisdiction. This agreement is meant to be proactive instead of reactive, to protect the safety of staff, municipal assets and ensure that communities do not put themselves at risk by helping neighbours during their time of need. Therefore, by signing into the agreement the municipality benefits from having legal, cost recovery and other risk management issues detailed and agreed upon in advance.

The agreement documents will be provided to the Community Emergency Management Coordinators (CEMC's) in each of the 12 local area municipalities to present to their Council following approval by Regional Council. The goal is for completion of the formal, region-wide agreement in time for Emergency Preparedness Week in May 2019 where the announcement would be made publicly.

### **Alternatives Reviewed**

The Emergency Management program is constantly assessing priorities and best methodologies for service delivery. The Mutual Assistance Agreement will assist in further strengthening the working relationship and sharing of resources in and amongst the region and 12 lower area municipalities.

### **Relationship to Council Strategic Priorities**

Approval of the Mutual Assistance Agreement enhances the Region's ability to respond to an emergency or disaster situation, thereby reducing the impact on the community, while supporting the strategic priorities of Council.

### **Other Pertinent Reports**

No other pertinent reports.

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#### **Prepared by:**

Kevin Smith  
Chief, Niagara Emergency Medical  
Services & Director, Emergency  
Services

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#### **Recommended by:**

M. Mustafa Hirji, MD, MPH, FRCPC  
Medical Officer of Health &  
Commissioner (Acting)  
Public Health & Emergency Services

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#### **Submitted by:**

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Cathy McGrath, Emergency Management Program Specialist, and reviewed by Kevin Smith, Chief, Niagara Emergency Medical Services.*

**MUTUAL ASSISTANCE AGREEMENT**

BETWEEN:

THE CORPORATION OF THE TOWN OF FORT ERIE  
and  
THE CORPORATION OF THE TOWN OF GRIMSBY  
and  
THE CORPORATION OF THE TOWN OF LINCOLN  
and  
THE CORPORATION OF THE CITY OF NIAGARA FALLS  
and  
THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE  
and  
THE CORPORATION OF THE TOWN OF PELHAM  
and  
THE CORPORATION OF THE CITY OF PORT COLBORNE  
and  
THE CORPORATION OF THE CITY OF THOROLD  
and  
THE CORPORATION OF THE CITY OF ST. CATHARINES  
and  
THE CORPORATION OF THE TOWNSHIP OF WAINFLEET  
and  
THE CORPORATION OF THE CITY OF WELLAND  
and  
THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN  
and  
THE REGIONAL MUNICIPALITY OF NIAGARA

the "Parties"

**WHEREAS** Subsection 13(3) of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9, as amended (the "Act") provides that the council of a municipality may make an agreement with the council of any other municipality or with any person for the provision of any personnel, service, equipment or material during an emergency;

**AND WHEREAS** the Parties wish to provide for mutual aid and assistance to each other through the provision of personnel, services, equipment or material to one or the other within the meaning of the Act;

**AND WHEREAS** each of the Parties has a current Emergency Plan pursuant to the Act;

**NOW THEREFORE** in consideration of the mutual covenants herein contained, the Parties agree as follows:

**1. Definitions**

1.1 In this Agreement,

1.1.1 "Act" means the *Emergency Management and Civil Protection Act*, as may be amended, and all regulations thereto;

1.1.2 "Assisted Municipality" means the municipality receiving aid or assistance pursuant to this Agreement;

1.1.3 "Assisting Municipality" means the municipality providing aid or assistance pursuant to this Agreement;

1.1.4 "Emergency", "Emergency Area" and "Emergency Plan" shall have the same meanings as in the Act;

1.1.5 "Mutual Assistance Agreement" means this Agreement and the attached Schedule(s) which embody the entire Agreement between the Parties;

1.1.6 "Parties" means those municipalities that have fully executed and delivered this Mutual Assistance Agreement

1.1.7 "Requesting Party" means the municipality asking for aid, assistance or both pursuant to this Agreement; and

1.1.8 "Municipal Emergency Control Group" means the organizational entity responsible for directing and controlling the Assisted Municipality's response to an Emergency.

**2. Role of the Solicitor General**

2.1 The Parties acknowledge that pursuant to the Act, the Solicitor General for the Province of Ontario is responsible for the administration of the Act and is the principal contact for all Emergencies.

2.2 The Parties further agree that the Solicitor General shall be notified in writing of any request made under this Agreement. The Requesting Party agrees to notify as soon as reasonably practicable, Office of the Fire Marshall and Emergency Management (OFMEM), Ministry of Community

Safety and Correctional Services and any other person required to be notified pursuant to the Act, on the matter of any request for assistance made under this Agreement.

**3. Authorization to Request/Offer Assistance**

3.1 Each Party hereby authorizes its Chief Administrative Officer, City Manager, Town Manager or such other senior administrative officer of the Party as the Chief Administrative Officer has designated (hereinafter "CAO") to request assistance or offer to provide assistance pursuant to this Agreement on behalf of that Party.

**4. Requests for Assistance**

4.1 The Parties agree that in an Emergency, a Requesting Party may request assistance in the form of qualified personnel, services, equipment, or material from another Party.

4.2 The request for assistance shall be made by the CAO of the Requesting Party to the CAO of the other Party. The CAO of the Requesting Party may make the initial request for assistance orally, however, a written request using the form set out in Schedule "A", and in accordance with Section 17, should follow as soon as reasonably practicable.

4.3 The written request shall set out in detail the specific personnel, services, equipment and/or material that has been requested as assistance. A Party may request such reasonable additional information as it considers necessary to confirm the existence of the Emergency and to assess the type, scope, nature and amount of assistance to be provided.

4.4 The Party which has received a request from a Requesting Party shall respond to the request within one (1) day, and may in its sole discretion determine the type and scope, nature and amount of assistance it will provide. The Assisting Municipality may respond to the request orally, however, shall respond in writing as soon as reasonably practicable using the form set out in Schedule "A" attached hereto. The CAO of the Requesting Party shall complete, sign and forward the form to the CAO of the Assisting Municipality, who shall then return a signed copy. The written confirmation shall set out in detail the specific personnel, services, equipment or material that has been requested as assistance and which the Assisting Municipality has agreed to provide.

4.5 The Assisting Municipality and the Assisted Municipality may by mutual agreement at any time as necessary, amend the scope, type, nature or amount of assistance to be provided to the Assisted Municipality under this Agreement. Amendments shall be confirmed in writing by the Parties using the form set out in Schedule "A" attached hereto within three (3) days of being agreed upon or as soon as reasonably practicable.

## **5. Limitations on Assistance Provided**

- 5.1 Nothing in this Agreement shall require or obligate or be construed to require or obligate a Party to provide assistance. Each Party shall retain the right to refuse the request to provide assistance, and the right to offer alternatives to the assistance that has been requested.
- 5.2 No liability shall arise against the Party who was being asked for assistance if it fails, for any reason whatsoever, to respond to a request for assistance made under this Agreement.
- 5.3 When assistance has been offered or provided by the Assisting Municipality, the Assisting Municipality shall not be obligated to provide any further assistance or to do anything or take any action beyond that which is specifically agreed to by the acceptance of the request for assistance.
- 5.4 Nothing in this Agreement shall prevent the Assisting Municipality, in its sole discretion, from withdrawing any or all assistance it had agreed to provide to the Assisted Municipality. Any withdrawal of assistance by the Assisting Municipality shall be made only upon at least forty-eight (48) hours' notice to the Assisted Municipality, unless the Assisting Municipality is responding to an actual or pending Emergency within its own geographical boundaries, in which case it may withdraw assistance from the Assisted Municipality immediately upon notice.
- 5.5 The Assisted Municipality may determine in its sole discretion, subject to any required approval by governmental authorities, that its requirement for assistance has ceased and shall notify the Assisting Municipality of this in writing.

## **6. Term and Termination**

- 6.1 The Mutual Assistance Agreement shall be in effect for each Party from the date on which each Party signs the Agreement.
- 6.2 Despite any other section of this Agreement, any Municipality may terminate this Agreement upon at least sixty (60) days' written notice to all the other Parties. It is understood that the Agreement shall continue in force as between the other Parties.

## **7. Costs**

- 7.1 Unless otherwise agreed upon, any and all direct and indirect costs of the Assisting Municipality in providing assistance are to be paid by the Assisted Municipality. The Assisted Municipality shall be required to reimburse any and all actual costs incurred by or attributable to the Assisting Municipality in providing the assistance. Such costs shall include, but are not limited to, any and all supplies, equipment materials, fuel, repairs, parts, lodging, wages, salaries, overtime, shift premium charges, and similar charges and

expenses incurred in or attributable to providing the assistance including those wages, salaries, overtime and shift premium charges incurred resulting from staffing requirements in its home jurisdiction during the period of the assistance, providing all such costs are reasonable in the circumstances.

- 7.2 The Assisting Municipality shall remain responsible for making all statutorily required deductions, contributions, payments and costs of employment benefits which includes for the purposes of this Agreement, Canada Pension Plan, Employment Insurance, OMERS contributions, and/or contributions made to life insurance, health, dental, and/or disability plans or policies.
- 7.3 The Assisted Municipality shall be responsible for the cost of replacing equipment or material furnished by the Assisting Municipality if damaged beyond reasonable repair while providing assistance.
- 7.4 The Assisting Municipality shall provide to the Assisted Municipality, if practical and available, an estimate of the cost of providing the assistance.

## **8. Payment**

- 8.1 Payment by the Assisted Municipality for costs incurred for the assistance provided shall be made to the Assisting Municipality within the time frame referenced in section 8.3 following delivery receipt of an invoice from the Assisting Municipality. Such invoice shall set out in sufficient detail the costs actually incurred by or attributed to the provision of assistance by the Assisting Municipality pursuant to this Agreement, and where practically available, receipts for disbursements shall be forwarded in support of the invoice.
- 8.2 Any discrepancy relating to an invoice shall be discussed between the Parties involved and additional documentation shall be provided. The Parties shall attempt in good faith to reach resolution as expeditiously and amicably as possible. The Parties may agree on a method of third party resolution, if necessary, and shall share the costs of same equally.
- 8.3 The Assisted Municipality shall remit payment of the amount owing for the assistance provided within thirty (30) days of the receipt of the Assisting Municipality's invoice.
- 8.4 Any amount remaining unpaid and outstanding after the thirty (30) day period referred to in subsection 8.3 of this Agreement shall bear interest at the rate stipulated in the Assisting Municipality's invoice, which rate shall not exceed the Bank of Canada bank rate at the date of the invoice plus two (2) per cent per annum until paid.

## **9. Employment Relationship**

- 9.1 Despite that the employees, contractors, servants and agents (collectively "the workers") of the Assisting Municipality may be assigned to perform duties for the Assisted Municipality, and that for the duration of the Emergency, the Assisted Municipality shall reimburse the Assisting Municipality for the costs of the wages, salaries and expenses of the workers, the workers of the Assisting Municipality shall retain their employment or contractual relationship with the Assisting Municipality. The Parties acknowledge and agree that the Assisted Municipality is not to be deemed the employer or contractor of the Assisting Municipality's employees, agents, contractors or servants, under any circumstances or for any purpose whatsoever.

## 10. Records

- 10.1 Any personal (or health) information collected, used or disclosed by an Assisting Municipality while assisting an Assisted Municipality pursuant to this Agreement is subject to the rights, responsibilities and safeguards provided for in the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act, 2004*. The Parties hereby state their intention that the Assisting Municipality and its employees, contractors, servants and agents are acting as agents of the Assisted Municipality in the collection, use or disclosure of any personal (or health) information, which is at all times the intellectual property of and under the care, custody and control of the Assisted Municipality. The Assisted Municipality may direct the Assisting Municipality how to safeguard and deal with the information to meet the purposes of this Agreement and the Assisting Municipality shall protect and treat the personal (or health) information according to the standards of the applicable legislation and in accordance with the directions of the Assisted Municipality, acting reasonably.

## 11. Indemnity

- 11.1 The Assisted Municipality shall defend, indemnify and save harmless the Assisting Municipality, its officers, employees, contractors, servants and agents from any and all claims, costs, all manner of action or actions, cause and causes of action, accounts, covenants, contracts, demands or other proceedings of every kind or nature whatsoever at law or in equity arising out of this Agreement and out of assistance provided pursuant to this Agreement. The indemnity herein provided shall include all costs, including but not limited to duties, dues, accounts, demands, penalties, fines and fees.

## 12. Insurance

- 12.1 During the term of this Agreement, each Party shall obtain and maintain in full force and effect, general liability insurance issued by an insurance company authorized by law to carry on business in the Province of Ontario, providing



for, without limitation, coverage for personal injury, public liability and property damage. Such policy shall:

- 12.1.1 have inclusive limits of not less than Five Million Dollars (\$5,000,000) for injury, loss or damage resulting from any one occurrence;
  - 12.1.2 contain a cross-liability clause endorsement and severability of interests clause of standard wording;
  - 12.1.3 name the other Parties as additional insureds with respect to any claim arising out of the Assisted Municipality's obligations under this Agreement or the Assisting Municipality's provision of personnel, services, equipment or material pursuant to this Agreement; and
  - 12.1.4 include a Non-Owned Automobile endorsement.
- 12.2 During the term of this Agreement, each Party shall obtain and maintain in full force and effect, automobile liability insurance in the amount of Two Million Dollars (\$2,000,000.00) for injury, loss or damage resulting from anyone occurrence.
- 12.3 Upon the request of the other Party, each Party shall provide proof of insurance in a form satisfactory to the requesting Party's CAO.
- 12.4 In the case of any conflict between the provisions of this document and any other provisions speaking to contractual indemnity or insurance clauses, the provisions of this Agreement will govern.

### **13. Collective Agreements**

- 13.1 Each Party agrees to review the provisions of this Agreement with its appropriate local bargaining units for the purpose of seeking amendments to local agreements, if required to facilitate participation within the terms of this Agreement. Each Party further agrees to advise the other Parties as soon as practically possible if it becomes aware of any impediments or obstacles imposed by local agreements to meeting its obligations under this Agreement.

### **14. Liaison and Supervision**

- 14.1 The Assisting Municipality shall have the right, to be exercised in its sole discretion, to assign an employee or agent (the "Liaison Officer") of the Assisting Municipality to the Municipal Emergency Control Group of the Assisted Municipality. The Liaison Officer shall provide a liaison between the Assisting Municipality and the Municipal Emergency Control Group of the Assisted Municipality. The parties acknowledge that the purpose of the Liaison Officer shall be to permit communication between the Assisted and Assisting Municipalities. Subject to the *Municipal Freedom of Information and*

*Protection of Privacy Act*, the Liaison Officer shall be permitted to inform the Assisting Municipality on the status of the Emergency and the actions taken by the Assisted Municipality. The Liaison Officer shall have the right to obtain information about the Emergency and the use of the assistance provided in order to report to the Assisting Municipality during and after the duration of the assistance provided and the Emergency. The Assisting Municipality shall keep confidential and not disclose any information concerning the Emergency or the assistance provided without the prior consent of the Assisted Municipality, except as may be legally required.

- 14.2 The Assisting Municipality shall assign its personnel to perform tasks as directed by the Municipal Emergency Control Group of the Assisted Municipality. The Assisting Municipality shall have the right to assign supervisory personnel to operate or supervise the operation of any of the Assisting Municipality's personnel and or equipment furnished as assistance to the Assisted Municipality. Such supervision shall be in accordance with the instructions of the Municipal Emergency Control Group.

## **15. Information Sharing**

- 15.1 If requested and subject to the *Municipal Freedom of Information and Protection of Privacy Act*, each Party shall respond to the other Party's request for information regarding specified types of personnel, services, equipment or material in the possession of each party that may be used in the provision of assistance under this Agreement. All such information shall be provided without any warranty of any kind as to its accuracy, reliability, usefulness or other characteristics.

## **16. Food and Lodging**

- 16.1 For the duration of the assistance provided under this Agreement, the Assisted Municipality shall be responsible for providing all food, lodging and accommodation as required and appropriate for the personnel furnished pursuant to this Agreement. Where food and lodging cannot be provided in-kind, the Assisted Municipality shall pay a reasonable *per diem* to personnel for any food and lodging purchased by personnel of the Assisting Municipality. The *per diem* shall be no less than the Assisted Municipality pays to its own employees as a matter of policy or agreement.

## **17. Notice**

- 17.1 Any notice, direction, request or document required or permitted to be given by either Party to the other in writing shall be deemed to have been sufficiently and effectually given if delivered by hand or by prepaid registered mail at the addresses provided for below during normal business hours, or sent by facsimile transmission or electronic mail to the number shown below.

The Corporation of the Town of Fort Erie at:

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6  
Attention: Chief Administrative Officer  
Fax: 905-871-4022

The Corporation of the Town of Grimsby at:  
160 Livingston Avenue, Grimsby, ON L3M 4G3  
Attention: Chief Administrative Officer  
Fax: 905-945-5010

The Corporation of the Town of Lincoln at:  
4800 South Service Road, Beamsville, ON L0R 1B1  
Attention: Chief Administrative Officer  
Fax: 905-563-6566

The Corporation of the City of Niagara Falls at:  
4310 Queen Street, Niagara Falls, ON L2E 6X5  
Attention: Chief Administrative Officer  
Fax: 905-374-3357

The Corporation of the Town of Niagara-on-the-Lake at:  
1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0  
Attention: Chief Administrative Officer  
Fax: 905-468-2959

The Corporation of the Town of Pelham at:  
20 Pelham Town Square, P.O. Box 400, Fonthill, ON L0S 1E0  
Attention: Chief Administrative Officer  
Fax: 905-892-5055

The Corporation of the City of Port Colborne at:  
66 Charlotte Street, Port Colborne, ON L3K 3C8  
Attention: Chief Administrative Officer  
Fax: 905-835-2969

The Corporation of the City of Thorold at:  
3540 Schmon Parkway, P.O. Box 1044, Thorold, ON L2V 4A7  
Attention: Chief Administrative Officer  
Fax: 905-227-5590

The Corporation of the City of St. Catharines at:  
PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2  
Attention: Chief Administrative Officer  
Fax: 905-688-5955

The Corporation of the Township of Wainfleet at:  
31940 Highway 3, P.O. Box 40, Wainfleet, ON L0S 1V0  
Attention: Chief Administrative Officer  
Fax: 905-899-2340

The Corporation of the City of Welland at:  
60 East Main Street, Welland, ON L3B 3X4  
Attention: Chief Administrative Officer  
Fax: 905-735-1543

The Corporation of the Township of West Lincoln at:  
318 Canborough Street, Box 400, Smithville, ON L0R 2A0  
Attention: Chief Administrative Officer  
Fax: 905-957-3219

The Regional Municipality of Niagara at:  
1815 Sir Isaac Brock Way, P.O. Box 1042 Thorold, ON L2V 4T7  
Attention: Chief Administrative Officer  
Fax: 905-685-6243

or to such other address of a Party as it shall specify to the other Parties by written notice given in the manner aforesaid.

- 17.2 If hand delivered, the notice is effective on the date of delivery; if sent by facsimile transmission or electronic mail before 3:00 p.m., the notice is effective on the date and time the fax is sent; if sent by facsimile transmission or electronic mail after 3:00 p.m., the notice is effective on the following day; and if mailed, the notice is deemed to be effective on the fifth business day following the day of mailing.
- 17.3 Any notice given shall be sufficiently given if signed by the CAO or by a person authorized by or acting under the direction or control of the CAO.

**18. General**

- 18.1 Nothing contained in this Agreement shall be construed as restricting or preventing either Party from relying on any right or remedy otherwise available to it under this Agreement, at law or in equity in the event of any breach of this Agreement.
- 18.2 This Agreement shall enure to the benefit of, and be binding upon the Parties and their respective successors, administrators and assigns.
- 18.3 This Agreement shall not be construed as or deemed to be an agreement for the benefit of any third parties, and no third party shall have any right of action arising in any way or manner under this Agreement for any cause whatsoever.

- 18.4 This Agreement and the attached Schedule "A" embody the entire Agreement and supersede any other understanding or agreement, collateral, oral or otherwise, existing between the parties prior to or at the date of execution.
- 18.5 Sections 2, 5.2, 7, 8, 9, 11, 12, 17, and 18 of this Agreement shall survive termination of this Agreement.
- 18.6 The Parties agree to be governed by the laws of the Province of Ontario and Canada.
- 18.7 The Parties herein agree that in the event of any dispute arising under or pursuant to this Agreement, which dispute cannot be resolved by the mutual agreement of the Parties' C.A.O.s, the C.A.O.s shall refer the dispute to the respective Chairs/Mayors of the Parties for resolution. In the event that the Chairs/Mayors cannot resolve the dispute, either Party may, on providing ninety (90) days' written notice to the other, refer the dispute to a third party arbitrator of their mutual choice for resolution. Such arbitration shall be conducted pursuant to the *Arbitration Act, 1991*, S.O. 1991 c. 17, as amended.
- 18.8 This Agreement may be executed and delivered in any number of separate counter-parts, each of which when executed and delivered is an original but all of which taken together constitutes one and the same instrument. Any Party may deliver an executed copy of this Agreement by facsimile transmission.
- 18.9 This agreement is intended to be binding in accordance with its terms on and between all municipalities that execute the Agreement and the failure of a municipality referenced on page one or the execution pages of this document shall not prevent the applicability of the Agreement to the Parties who execute the Agreement.

**IN WITNESS WHEREOF** the Parties have, by their authorized signing officer(s), executed this Agreement.

**THE CORPORATION OF THE TOWN OF FORT ERIE**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF GRIMSBY**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF LINCOLN**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF NIAGARA FALLS**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF PELHAM**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF THOROLD**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF ST. CATHARINES**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date



**THE CORPORATION OF THE CITY OF WELLAND**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE REGIONAL MUNICIPALITY OF NIAGARA**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

SCHEDULE "A"

**Sample Mutual Assistance Agreement**  
(see attached page)

## Mutual Assistance Agreement

I, \_\_\_\_\_, Chief Administrative Officer / Designated Official  
of \_\_\_\_\_, duly authorized to do so by the Council  
of \_\_\_\_\_, do hereby confirm my  
request of \_\_\_\_\_, to provide  
assistance in the form of

- \_\_\_\_ PERSONNEL
- \_\_\_\_ SERVICES
- \_\_\_\_ EQUIPMENT
- \_\_\_\_ MATERIAL

AS IS MORE PARTICULARLY SET OUT IN DETAIL AS FOLLOWS:

FOR THE DURATION  
OF: \_\_\_\_\_

The above confirms the assistance verbally requested on \_\_\_\_\_,  
and which assistance \_\_\_\_\_ has agreed to provide.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
(Assisted Municipality)

Confirmed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
(Assisting Municipality)

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Report Number: 2019-92

Date: June 24, 2019

**SUBJECT: Fire and Emergency Services Information Report**

**1) PURPOSE**

The Fire Chief prepared this report at the request of the Chief Administrative Officer in an effort to provide City Council with an overview of the Department's activities.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

In August of 2018, City Council adopted, through by-law, the following:

- Establishing and Regulating By-law (including the Strategic Plan and Core Services for the Fire Services)

Port Colborne Fire and Emergency Services operates within the requirements as outlined within these documents (attached as Appendix "A").

**2018 Overview**

Attached as Appendix "B" is the monthly call summary for 2018. This summary includes call volumes, injuries (fire fighter and civilian); as well as type of call and dollar loss.

**2) STAFF COMMENTS AND DISCUSSIONS**

**Training**

Total training hours in 2018 totaled 1,140 hours. The process of transitioning to the Provincially recognized National Fire Protection Association Standards (NFPA) was also initiated. Training focused on the Department's established core services.

**Fire Prevention**

Inspections	225
Court Appearances	16
Home Visits	952
Smoke Alarms Installed	439
Plug-in Carbon Monoxide Alarms Installed	112
Combination Alarms Installed	349

## **Public Education**

The Fire Department hosted two (2) open houses in 2018 – Safety Day and Fire Prevention Week. Additionally, schools were visited as well as numerous station tours. In addition, seniors visits and fire safety messaging was provided through numerous media.

## **Future Purchase of Breathing Apparatus**

The Fire Department has short listed three (3) types of breathing apparatus, one of which will be recommended to Council by the end of 2019. The selection process started in late 2017 and continued throughout 2018, and now into 2019.

The individual air packs were brought in for an extended period of time; researched and evaluated based on performance. The three types of packs are now being evaluated on a head to toe basis. Members of the Department's Health and Safety Committee provided oversight on the issue.

## **Health and Safety Committee**

The Department's Health and Safety Committee, made up of volunteers and full-time personnel and chosen by their membership, as well as management and the City's Health and Safety Coordinator meet on a quarterly basis, as required of the Occupational Health and Safety Act. They also meet whenever a safety issue arises that requires immediate attention.

The Committee also reviews the establishment and development of the Department's Operational Guidelines.

## **Provincially Recognized Training Standards**

The recognized training standards in the Province of Ontario is the NFPA. All Niagara Regional Fire Departments are in the process of modifying their training programs to meet these standards.

Significant effort is being put into revising the Department's training programs, adjusting training and making additional training opportunities available to personnel, using outside resources and establishing an end goal of January 1, 2021, to ensure all personnel meet all training requirements based on the Department's core services.

## **Community Risk Assessment**

This regulation comes into effect July 1, 2019 and the Department has until July 1, 2024 to comply. Attached as Appendix "C", is further information concerning this regulation. Staff would like to draw Council's attention to Schedule 1 – Mandatory Profiles, as this lays out the various requirements of the regulation.

Although it is a five (5) year period of time, significant effort and resources will be

required to fulfill legislative obligations. Staffing will be required either through permanent employment or through consulting services. There is a requirement for yearly updating.

### **Ontario Regulation 377/18 Public Reports**

This regulation requires that all Fire Department information concerning responses and response times be prepared in an annual report to be provided to the public through government formats as authorized by Council. It will also require that Councils establish response times within their communities. A copy of the regulation is attached as Appendix "D".

### **First Responders Mental Health**

Port Colborne Fire and Emergency Services has, over a number of years, supported the use of a Critical Incident Stress Team for internal purposes. The Department has also secured the services of a Chaplain.

The mental health of responders has been taken seriously and the City's Employee Assistance Program has also been extended to all department personnel.

All personnel have received training with programs to one degree or another. The training programs include the following:

- a) The Working Mind for First Responders Mental Health Canada
- b) P.T.S.D. Prevention

A program was submitted and approved by the Ministry of Labour

- c) S.I.T.T. (Supporting Individuals Through Training) Level 1 and 2

Situations have occurred over the years, in particular December of 2016, in which City personnel or residents have suffered injury and even death due to fire or accidents. Outside resources were brought in to assist personnel through this most difficult situation

Additionally, the spouses have been offered training within the Mental Health Program.

### **Ontario Association of Fire Chiefs Update**

The Ontario Association of Fire Chiefs has, over the years, advocated various issues with Provincial Government that affect all Ontario Fire Departments to various degrees. In 2019, the O.A.F.C. met with various government Ministries to discuss the following issues:

- a) Mental wellness/P.T.S.D./W.S.I.B.
- b) The incoming fire service regulations (as previously outlined within this report)
- c) Ministry of Transportation issues
- d) Class "D" licensing
- e) Carbon Monoxide Alarms in public spaces

Attached as Appendix "E" is information provided by the O.A.F.C. Executive.

#### 4) OPTIONS AND FINANCIAL CONSIDERATIONS

##### Options

- i) No action is required by Council at this time, however Council is advised that many areas within this report are a current or future legislative requirement that City management is currently implementing or will be the subject of a future budget request.

##### Financial

Based on what has been projected as future requirements, there will be additional financial costs associated with meeting the regulation requirements. Those costs have yet to be calculated.

#### 5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Although no strategic initiatives have yet to be clearly identified, the upcoming budget process will be used as the platform to identify a direction to meet the Provincially driven standards.

#### 6) ATTACHMENTS

Appendix "A" – Establishing and Regulating By-law No. 6606/61/18  
Appendix "B" – 2018 Monthly Summary  
Appendix "C" – Ontario Regulation 377/18 – Community Risk Assessments  
Appendix "D" – Ontario Regulation 377/18 – Public Reports  
Appendix "E" – Ontario Association of Fire Chiefs Executive Priorities

#### 7) RECOMMENDATION

That Fire and Emergency Services Department Report 2019-92, Subject: Fire and Emergency Services Information Report, be received for information.

#### 8) SIGNATURES

Prepared on June 6, 2019



Thomas B. Cartwright,  
City Fire Chief

Reviewed and respectfully submitted by:



C. Scott Luey,  
Chief Administrative Officer



# Appendix "A" to Fire and Emergency Services Report 2019-92

The Corporation of the City of Port Colborne

By-law no. 6606/61/18

Being a by-law to establish and regulate the  
City of Port Colborne Fire and Emergency Services (Composite)

Whereas the *Fire Protection and Prevention Act, 1997, S.O. 1997* permits the Council to enact a by-law to establish and regulate a Fire Department.

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

1. In this by-law, unless the context otherwise requires;
  - a) "Approved" means approved by Council.
  - b) "Chief Administrative Officer" means the person appointed by Council to act as Chief Administrative Officer for the Corporation.
  - c) "Corporation" means The Corporation of the City of Port Colborne.
  - d) "Fire Fighter" means a Fire Chief and any other person employed in, or appointed to, a Fire Department and assigned to undertake fire protection services, and includes a Volunteer Fire Fighter.
  - e) "Council" means the Council of the City of Port Colborne.
  - f) "Deputy Fire Chief" means the person appointed by Council to act as the Deputy Fire Chief.
  - g) "Fire Chief" means the person appointed by Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the *Fire Protection and Prevention Act*.
  - h) "Fire Department" means the City of Port Colborne Fire and Emergency Services.
  - i) "Fire Protection Services" includes fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all those services.
  - j) "Member" means any persons employed in, or appointed to, a Fire Department and assigned to undertake fire protection services, and includes officers, full-time and part-time Volunteer Fire Fighters.
  - k) "Volunteer" means a Fire Fighter who provides fire protection services for a nominal consideration.
2. A department for the City of Port Colborne to be known as the City of Port Colborne Fire and Emergency Services is hereby established and the head of the department shall be known as the Fire Chief.
3. In addition to the Fire Chief, the department personnel may consist of Deputy Fire Chief, Fire Prevention Officer, and such number of full-time Captains, Acting Captains, Volunteer Captains and such number of full-time staff and volunteer staff as from time to time may be deemed necessary by Council.
4. If a City approved medical examiner finds a member is physically unfit to perform assigned duties, Council may assign the member to another position,

if available, deal with them in accordance with the collective agreement as in place, or retire them.

5. The department shall be structured in conformance with the approved organizational chart Appendix "A", forming part of this by-law.
6. The Fire Chief shall be appointed by by-law passed by the Council of the City of Port Colborne and shall hold office until such by-law is rescinded.
7. The Fire Chief may recommend to the Chief Administrative Officer the appointment of any qualified person as a Fire Fighter of the department, subject to the approved hiring policies of the City of Port Colborne.
  - a) Full-time officers below the rank of Fire Chief shall be appointed by the Chief Administrative Officer, after successfully completing the requirements within the collective agreements or City policy.
  - b) Volunteer Fire Fighters shall be appointed as members by the Fire Chief following approval by the Chief Administrative Officer of the City of Port Colborne. Persons approved and accepted as volunteers will serve a twelve (12) month probationary period in good standing before final acceptance.
  - c) Full-time employees employed in suppression or prevention may also be members of the volunteer section in their off-duty time, if approved by the Fire Chief in consultation with the Chief Administrative Officer.
  - d) A Volunteer Fire Fighter must be able to respond to Fire Department headquarters within thirty (30) minutes of the sounding of a general alarm from their residence; following Fire Department policies and guidelines and the *Highway Traffic Act*.
  - e) A Volunteer Fire Fighter shall not be eligible for a uniform until they have served one (1) year in the department.
8.
  - a) The Fire Chief may reprimand, suspend, or recommend dismissal of any member for insubordination, inefficiency, misconduct, tardiness, or for non-compliance with any provision of this by-law or general orders, department rules and regulations that in the opinion of the Fire Chief would be detrimental to the discipline and efficiency of the department.

Following the suspension of a member, the Fire Chief shall immediately report, in writing, the suspension and recommendation to the Chief Administrative Officer.
  - b) Any member of the department feeling grieved by the Fire Chief's decision has the right to follow the grievance procedures in place for both the full-time and volunteer members.
9. The remuneration of all Fire Fighters of the department shall be determined by the Council through contract negotiations and the budgetary process.
10. The Fire Chief is responsible to the Chief Administrative Officer and Council for the proper administration and operation of the department, for the discipline of its members, and:
  - a) May make such general orders, departmental rules, operational guidelines and set policy, as may be necessary for the protection of the department and generally for the efficient operation of the department, provided that such general orders and rules, operational guidelines and


policies, do not conflict with the provision of any by-laws of the municipality.

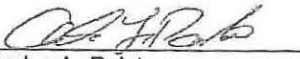
- b) Shall review periodically the policies, procedures, strategic plan and operational guidelines of the department. The Fire Chief may establish an advisory committee structured as he may determine from time to time to assist him/her in these duties.
  - c) Shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall exercise all powers mandated by the *Fire Protection and Prevention Act*, and the Fire Chief shall be empowered to authorize;
    - pulling down or demolishing any building or structure to prevent the spread of fire.
    - all necessary actions which may include boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident, when unable to contact the property owner.
    - recovery of expenses incurred by such necessary actions for the Corporation in the manner provided through the *Municipal Act*, the *Fire Protection and Prevention Act* and the City's fee schedule, including costs incurred during fire investigations.
  - d) Is responsible for the enforcement of this by-law and the general orders and departmental rules and regulations which forms part of this by-law as Appendix "B".
  - e) Shall report all fires to the Fire Marshal as required by the *Fire Protection and Prevention Act*.
  - f) The Fire Chief shall submit to Council, Chief Administrative Officer and the director of finance for approval, the annual budget estimates for the department; an annual report and any other specific reports requested by the Chief Administrative Officer or Council.
11. The Deputy Fire Chief shall report to the Fire Chief on the activities of the sections that are their responsibility and carry out the orders of the Fire Chief, and in the absence of the Fire Chief, has authority and shall perform all the duties of the Fire Chief.
12. The Fire Department shall not respond to a call with respect to a fire or emergency outside the limits of the municipality except with respect to a fire or emergency:
- a) that in the opinion of the Fire Chief, or in the absence of the Fire Chief, the Deputy Fire Chief, threatens property in the municipality or property situated outside the municipality that is owned or occupied by the municipality;
  - b) in a municipality with which an approved agreement has been entered into to provide fire protection services which may include automatic aid;
  - c) on property with respect to which an approved agreement has been entered into with any person or corporation to provide fire protection services;
  - d) at the discretion of the Fire Chief, to a municipality authorized to participate in a Provincial or Regional Mutual Aid Plan established by a Fire Coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program; or

- e) on property beyond the municipal boundary where the Fire Chief or their designate determines immediate action is necessary to preserve life or property and the appropriate department is notified to respond and assumes command or establishes alternative measures, acceptable to the Fire Chief or designate.
13. The officer in charge of the department at any fire may cause any obstacle or any out-structure to be removed or torn down, if such removal or tearing down appears necessary to prevent the spread of fire.
  14. No person shall impede, interfere with or hinder any officer or Fire Fighter in the discharge of his/her duties at a fire, in responding to a fire alarm or at a practice, and no person shall damage apparatus, equipment and supplies, and no unauthorized person shall put to use any apparatus, equipment and supplies.
  15. No person or persons shall:
    - a) want only or maliciously injure or damage any fire engine, hose, ladders or other apparatus and equipment belonging to the department;
  16. Proper training is a requirement on a continuous basis for the safe operation of the fire service. To promote this, the following regulations will apply:
    - a) It is the responsibility of every member of the Fire Department to attend at least 50% of all training and 35% of all general alarms.
    - b) Attendance will be reviewed twice yearly by the Fire Chief and members who are not meeting their obligation will be notified in writing; a coaching interview may be held by the Fire Chief.
    - c) A volunteer member so notified in (b) may be given six (6) months to bring themselves within the 50% rule for training and 35% for general alarms or face possible dismissal.
  17. The Fire Chief or their designate has the sole authority to take a Fire Fighter out of service for reasons of health and safety.
  18. Any person contravening Sections 14, 15 or 16, of this by-law shall be liable for conviction under the Provincial Offences Act and shall be subject to a fine not less than \$500.00 and not exceeding \$2,000.00 exclusive of costs or to imprisonment for any term not exceeding one (1) year or to both such fine and imprisonment.
  19. In case the provisions of this by-law conflict with the provisions of any other by-law, the provisions of this by-law shall prevail.
  20. This by-law repeals By-law No. 5054/109/07 being a by-law to establish and regulate the City of Port Colborne Fire and Emergency Services (Composite).
  21. The Fire Department's Strategic Plan and Core Services forms part of this by-law as Appendix "C".
  22. Council by by-law may make modifications and changes to any or all of the appendices attached to and making part of this by-law.

23. This by-law shall take effect on the day of passing.

Enacted and passed this 27th day of August, 2018

  
John Maloney  
Mayor

  
Amber LaPointe  
City Clerk



PORT COLBORNE

## Port Colborne Fire and Emergency Services

### General Orders, Rules and Regulations

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1. Every member of the on-duty platoon shall report for duty at the prescribed time on duty and remain on duty until relieved.
2. Members shall show courtesy and respect at all times in dealing with the public.
3. Members shall render due respect and courtesy towards superior officers at all times.
4. When a member alleges unfair treatment, they may make a written complaint to the Fire Chief.
5. Members when on duty, shall not leave unless permission is granted by a superior officer who is authorized to grant such permission (command).
6. No member, directly or indirectly, shall solicit or accept from anyone, gifts, money or other articles as a reward for services rendered in the carrying out of their duties.
7. Every member shall advise the office of any change in address within seven (7) days, or telephone number within twenty-four (24) hours of such change.
8. With the exception of drivers duly authorized and designated to fulfill this duty, no member shall start, put into action any apparatus of the Department.
9. No member shall supply information relative to the Department or operation thereof unless authorized by the Chief, or their designate of the Department, or in their absence, their designate.
10. When valuables (money, jewelry, etc.) are found during a fire, members shall notify the Officer in charge of operations who shall submit a detailed report, along with the articles, to the Chief of the Department.
11. No member shall use profane or indecent language, or conduct themselves in a manner which may be prejudicial to the good reputation, order and discipline of the department.

## General Orders, Rules and Regulations

12. Every member is responsible for any damage to or the destruction or loss of uniforms or any equipment issued due to negligence. The cost of replacing the items will become the members responsibility.  
The members will report this to the Chief as soon as possible.
13. All traffic laws applicable to vehicles of the Department shall be obeyed and extreme precautions shall be exercised at all times.
14. All apparatus and equipment shall be tested in accordance with the Policy and Operational Guidelines issued for that purpose.
15. A member injured while on duty shall immediately report the injury to the officer in charge who shall immediately notify the Fire Chief or their designate and submit a written report to the Chief of the Department and complete the corporate documentation.
16.
  - a) A member involved in an accident while on duty shall immediately report the accident to the officer in charge, who shall immediately notify the Fire Chief or their designate and submit a written report to the Chief of the Department and complete the corporate documentation.
  - b) Where apparatus is involved in an accident, the driver shall immediately report the accident to the officer in charge, who shall immediately notify the Fire Chief or their designate and submit a written report to the Chief of the Department and complete the corporate documentation. Where appropriate, Police are to be notified.
17. A member exposed to any hazardous substance or material shall have this fact entered on their medical record, including the name of the substance or material and the nature and duration of their possible exposure. Medical treatment will be sought immediately. An exposure form must be filled out.
18. Members on duty shall wear the full issue of protective clothing, including fire fighter's helmet, bunker clothing, rubber boots and gloves unless otherwise authorized by the officer in charge, while working at an emergency scene or at training.
19. Members must be in possession of a valid Ontario Class "A". "B". "C" or "D", and if necessary, a "Z" endorsement valid licence.
20. Roll calls for fires shall be completed prior to leaving the scene or at the discretion of the officer in charge.
21. No members shall receive more than one (1) leave of absence in a three (3) year period. Maximum allowable leave of absence will be three (3) months. Leave of absences will not be credited to any members years of service with the Department.
22. All members will respond safely and promptly to all alarms.

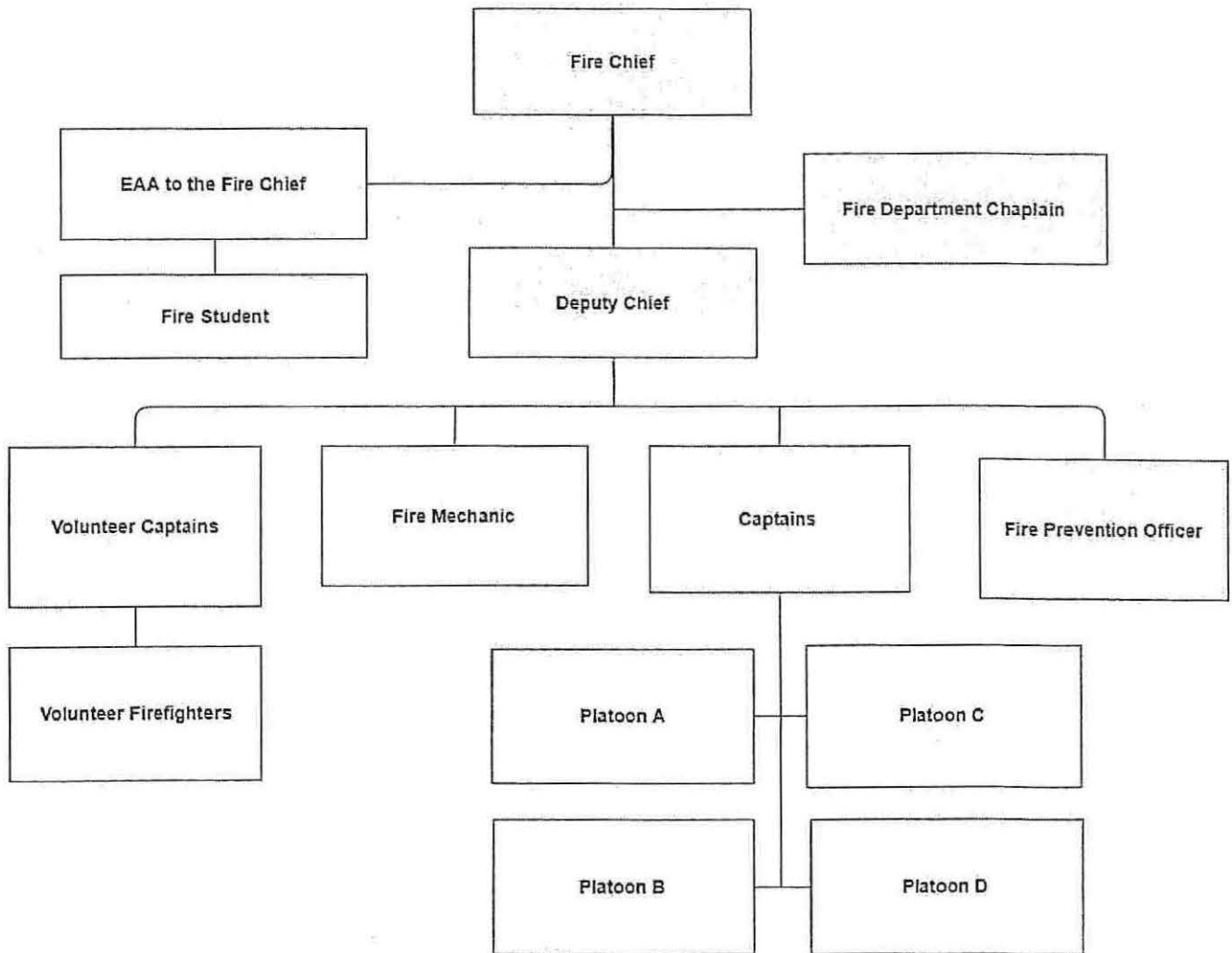
## General Orders, Rules and Regulations

23. Any person who has been off on sick leave or worker's compensation shall be required to have a medical examination by the department physician prior to being reinstated as a member of the fire department. Re-training shall be successfully completed as may be determined by the Fire Chief/designate.
24. Training shall be conducted as may be determined by the Fire Chief.
25. All members will be clean-shaven for a members own safety, in accordance with C.S.A. Standard Z94.4.
26. No member shall drive or attempt to drive a Department vehicle or attend any training or emergencies while under the influence of any substance that could prove detrimental to the safe operation of the vehicle or the members welfare. A Zero Tolerance Policy is in place.
27. The appointment of volunteer officers shall be recommended by the Fire Chief to the Chief Administrative Officer for promotion.
28. a) Volunteer Officers – the honorarium for Volunteer Officers shall be determined through the annual budgetary process.
29. Private cars of members shall not be used for fire service purposes without authorization from the Fire Chief, or their designate, of the department.
30. All members of the department shall be aware of the safety policies and procedures contained within the City of Port Colborne Safety Manual as applicable to the Fire Service and Guidance Notes provided by the Section 21 Committee of the Ministry of Labour, and the Operational Guidelines currently maintained by the Department.
31. Fire fighting clothing damaged or ruined in service shall be replaced by the department.
32. All members leaving Port Colborne Fire and Emergency Services shall immediately return all Department equipment supplied within 24 hours.
33. These rules and regulations shall be reviewed at least once per year by the Fire Chief, with any changes to be recommended to the C.A.O. Any changes approved by the C.A.O. shall take effect upon written confirmation of the changes by the C.A.O. to the Fire Chief.
34. All members will act in accordance with the general orders, rules and regulations of Port Colborne Fire and Emergency Services to uphold the finest traditions of the Fire Service for the good and welfare of our citizens and community.



# Fire Services

City of Port Colborne Organizational Chart



**Strategic Plan  
For the  
City of Port Colborne  
Fire and Emergency  
Services**

**"Proudly protecting People and Property"**

July, 2018

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**Vision/ Objectives:**

We are the City of Port Colborne Fire and Emergency Services – respected by our community and peers for being proactive, consultative, customer – focused, and cost-effective. “Community First” and “Community Pride” are what drive us to service excellence. A dedicated staff of multi-talented professionals, we are skilled, flexible and involved in our community.

Our Public Education Programs are enthusiastically attended because they are relevant and informative. We take pride in working together with residents, businesses and builders to educate and assist with Fire Code requirements and life safety matters. Our highly trained and equipped emergency response team is quick to the rescue, and caring and compassionate in its approach. We are here to serve – proudly – and to make a contribution in a partnership with our community.

**Mission/ Goals:**

To protect life, property and the environment in Port Colborne through education, prevention, investigation, training, rescue, fire suppression, dangerous goods containment and life support services.

**Values:**

The City of Port Colborne Fire and Emergency Services is dedicated to Team Management/Leadership through the values of:

- Customer Service
- Employee Involvement
- Open Communications
- Integrity
- Accountability
- Flexibility
- Commitment
- Efficiency
- Pro-activity

**Strategic Plan  
Fire and Emergency Services**

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**Education:**

Objectives:

1.1 To increase the fire safety awareness level of all citizens.

1.2 To educate target groups in specific fire safety knowledge.

1.3 To develop the required programs.

Actions:

1.1 (a) Research and implement "Contemporary Fire Prevention & Safety Education Programs" in all schools in the City.

1.2 (b) Research and implement "Contemporary Fire Prevention & Safety" Education Programs in all nursery schools and daycare centres.

1.1 (c) Assess public fire safety awareness on a continual basis.

1.1 (d) Research and utilize all forms of media to inform and educate the public regarding fire safety.

1.1 (e) Research and develop effective adult education programs.

1.2 Research and identify the target groups and their needs.

1.3 (a) Research, identify and recommend staff and resources required to meet education objectives.

1.4 (b) Research and monitor fire and emergency response trends to assess the Fire Department's effectiveness and develop appropriate education programs.



## Strategic Plan Fire and Emergency Services

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### **Investigation:**

#### Objectives:

- 3.1 To determine the cause and origin of all emergencies within the jurisdiction of the Fire Department.
- 3.2 To develop an effective and co-operative relationship with all appropriate investigating agencies.
- 3.3 To ensure that a complete current investigation information and statistical data base is available.

#### Actions:

- 3.1 Conduct timely and effective investigations.
- 3.2 (a) Participate in and influence decisions made by all appropriate public/private agencies.
- 3.2 (b) Develop liaison and two-way information sharing programs with appropriate agencies.
- 3.3 Research, identify, select and implement the appropriate technology to support a complete current investigation information and statistical data base.

## Strategic Plan Fire and Emergency Services

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### **Training:**

#### Objectives:

4.1 To train Fire Department staff to meet recognized standards.

#### Actions:

4.1 (a) Research and identify appropriate performance standards.

4.1 (b) Develop and implement training programs to meet identified standards and the needs of the City.

4.1 (c) Research and monitor fire and emergency response trends to assess the Fire Department's effectiveness and develop appropriate training programs.

4.1 (d) Receive and maintain accreditation from recognized accreditation agencies where appropriate.

4.2 Mandatory Training

4.2 The following training is considered mandatory. This training shall be successfully completed on an annual basis as provided for within the Department's training schedule.

- C.P.R
- First Aid
- Incident Mngt. System
- Defibrillator
- S.C.B.A.
- Hazardous Materials Awareness/ Operations
- Fire Fighter Safety
- Technical Rescue
- City policies where appropriate



**Strategic Plan**  
**Fire and Emergency Services**

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**Rescue:**

Objectives:

5.1 To reduce injuries and death from all causes within areas of jurisdiction of the Fire Department with all due consideration to the safety of all staff.

5.2 To develop an effective and co-operative relationship with all appropriate support agencies.

Actions:

5.1 (a) Conduct timely and effective rescues.

5.1 (b) Research, identify, select and implement the appropriate technology and support for victim entrapment.

5.2 (a) Participate in and influence decisions made by all appropriate support agencies

5.2 (b) Develop liaisons and two-way information sharing programs with all support agencies.

## Fire Suppression

### Objectives:

6.1 To reduce injuries, deaths, property loss and damage to the environment from fire and its consequences.

6.2 To develop an effective and co-operative relationship with all appropriate support agencies.

### Actions:

6.1 (a) Conduct timely and effective fire suppression activities.

6.1 (b) Research, identify, select and implement the appropriate technology and support.

6.2 (a) Participate in and influence decisions made by all appropriate support agencies.

6.2 (b) Develop liaisons and two-way information sharing programs with all support agencies.

## Haz Mat (Dangerous Goods Containment)

### Objectives:

7.1 Reduce injuries, deaths, property loss and damage to the environment from fire, dangerous goods releases and their consequences.

### Actions:

7.1 (a) Conduct timely and effective haz mat operations.

7.1 (b) To provide all personnel with training to the Awareness Level and where appropriate Operations Level. Participate in the Region's CBRNE Team.

7.1 (c) To work with other area Municipalities in establishing a hazardous material response procedure, and enter into Agreements with Council's concurrence, when necessary.

**Strategic Plan**  
**Fire and Emergency Services**

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**Life Support**

Objectives:

8.1 To prevent death, relieve pain and reduce shock.

8.2 To increase our ability and role to provide advanced life support.

Actions:

8.1 (a) Provide timely and effective life support services.

8.1 (b) Research, identify, select and implement the appropriate technology and support.

8.2 (a) Participate in and influence decisions made by all appropriate support agencies.

8.2 (b) Develop liaisons and two-way information sharing programs with all support agencies.

## Strategic Plan Fire and Emergency Services

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### Administration

#### Objectives:

- 9.1 To have a management team which anticipates, initiates, communicates, and manages change effectively.
- 9.2 To ensure that the Fire Service is delivered in a superior and cost-effective manner.
- 9.3 To ensure responsible, timely, and effective decisions are made for the provisions of the Fire Department.
- 9.4 To develop a positive customer focus in the Fire Department service delivery.

#### Actions:

- 9.1 (a) Monitor, identify and anticipate all trends affecting the Fire Department and take the appropriate action.
- 9.1 (b) Develop an effective management team through research, training, education and dynamic team building.
- 9.2 (a) Advise Council regarding the resources and numbers of staff required to deliver timely and effective fire and emergency services.
- 9.2 (b) Manage the staff and resources allocated by Council to provide the most efficient and effective fire and emergency services.
- 9.2 (c) Investigate opportunities for the Fire Department to assume additional roles.
- 9.3 (a) Prepare a long range Master plan for the provision of Fire Department services.
- 9.3 (b) Amend the enabling By-law to reflect current Fire Department services delivery and update it as needed.
- 9.3 (c) Amend the City of Port Colborne's Emergency Plan and update it annually.
- 9.4 (a) Develop a customer service training service program.
- 9.4 (b) Train all staff in customer service.

## CORE DELIVERABLE SERVICES

### INDEX

Page No.	Description
2	Emergency Response
2, 3 & 4	Fire Prevention & Public Education
4 & 5	Fire Administration
5 & 6	Communications/Resource Centre
6	Training & Education
6 & 7	Maintenance
7 & 8	Support Services
8	Emergency Management
8	Public Access Defibrillator Program
8	Corporate & Community Training
8 & 9	Corporate Driver Training & Licensing Program
9	Pre Fire Planning
9	Operational Guidelines

Example:

Number	Service	Council Approved	Comment
ER	15	Water & Ice Rescue Entry Level	Tech Only

**Legend:**

- P.L.O. – Public Liaison Officer (Currently Vacant)
- F.P.O. – Fire Prevention Officer
- C.B.O. – Chief Building Official
- D.C.C.S. – Department of Community and Corporate Services
- C.E.C.G. – Community Emergency Control Group
- MPC – Master Planning Committee

**Note: All P.L.O. (Public Liaison Officer) duties have fallen to the Fire Prevention Officer**

Core Service: Emergency Response				
			Approved	
ER	1	Basic firefighting, no expected rescue component	√	
ER	2	Structural firefighting, including rescue	√	
ER	3	Vehicle firefighting	√	
ER	4	Grass, brush, forestry firefighting	√	
ER	5	Marine firefighting	√	Limited
ER	6	Automatic aid	√	
ER	7	Mutual aid	√	
ER	8	Tiered medical response	√	
ER	9	Awareness level dangerous goods (Haz-Mat)	√	All Personnel
ER	10	Technician level dangerous goods (Haz-Mat)	√	Limited 3 Personnel
ER	11	Vehicle collisions	√	
ER	12	Vehicle extrication	√	
ER	13	Transportation incidents involving road vehicles, trains, aircraft and watercraft	√	
ER	14	Water and ice rescue, shore based	√	
ER	15	Water and ice rescue, water entry	√	Tech Only
ER	16	Public assistance	√	
ER	17	Emergency Medical Service assistance	√	
ER	18	Police assistance	√	
ER	19	Public utilities assistance	√	
ER	20	Community emergency plan participation	√	
ER	21	High angle rescue	√	Tech Only
ER	22	Role as Assistant to Fire Marshal regarding fire suppression	√	By-law & Administration Direction
ER	23	Pumping of hydrants after fire call	√	

**Note:**

Technical Rescue Team Members are not paid for any training they must complete to keep their status active and current.

## Core Service: Fire Prevention & Public Education

Number	Service	Council Approved	Comment
FP&PE 1	Selection of appropriate programs	√	P.L.O.
FP&PE 2	Role of Chief Fire Official	√	
FP&PE 3	Role of Assistant to Fire Marshal regarding Fire Prevention	√	P.L.O. & F.P.O.
FP&PE 4	Input into fire prevention policy development	√	
FP&PE 5	Code development input	√	
FP&PE 6	Development of Fire Prevention By-laws	√	
FP&PE 7	Preparation for and appearances in court	√	2011 – 140 hours
FP&PE 8	Interaction with other government agencies	√	
FP&PE 9	<b>Inspection practices, including:</b>		
FP&PE 9a	Complaints inspections	√	P.L.O.
FP&PE 9b	Conducting routine inspections	√	P.L.O.
FP&PE 9c	Dealing with code compliance issues (mandated)	√	Certified Only
FP&PE 9d	Enforcing municipal by-laws	√	P.L.O.
FP&PE 9e	Dealing with hoarding issues	√	Certified Only
FP&PE 9f	Conducting inspections, preparing reports and issuing written responses to requests	√	Certified Only
FP&PE 10	<b>Public education practices, including:</b>		
FP&PE 10a	Providing routine education programs as per fire prevention policy	√	P.L.O.
FP&PE 10b	Facilitating smoke alarm initiatives	√	P.L.O.
FP&PE 10c	Providing access for media	√	P.L.O. As Approved
FP&PE 10d	Delivery of specialized programs	√	P.L.O.
FP&PE 11	<b>Fire Investigation practices, including:</b>		
FP&PE 11a	Determining fire origin and cause	√	Certified Only
FP&PE 11b	Assessing code compliance	√	Certified Only
FP&PE 11c	Assessing fire suppression effectiveness	√	Under Sup. of Certified Person
FP&PE 11d	Determining compliance with building standards	√	Certified Only
FP&PE 11e	Determining effectiveness of built-in suppression features	√	Certified Only
FP&PE 11f	Interacting with OFM Fire Investigations Services	√	Certified Only
FP&PE 11g	Supporting criminal prosecutions	√	Certified Only
FP&PE 11h	Consulting with police and other agencies	√	Certified Only



**Core Service: Fire Prevention & Public Education**

Number		Service	Council Approved	Comment
FP&PE	12	<b>Plans examination and approval practices, including:</b>		
FP&PE	12a	Examining and approving new construction plans	√	Comment to CBO
FP&PE	12b	Examining and approving renovation plans	√	Comment to CBO
FP&PE	12c	Reviewing and approving subdivision/development agreements	√	Comment Planning
FP&PE	12d	Reviewing and approving site plans	√	Comment Planning
FP&PE	12e	Providing on-site inspection of approved plans to determine compliance	√	With CBO
FP&PE	13	Interaction with Chief Building Official and Building Department	√	With C.B.O.
FP&PE	14	Systems checking, testing and approval	√	
FP&PE	15	Compile, analyze and disseminate functional statistics	√	
FP&PE	16	Consultation with architects, engineers, planners, contractors and building trades	√	Fire & Building Code

Core Service: Fire Administration			
Number	Service	Council Approved	Comment
FA	1	<b>Planning &amp; growth practices, including: <i>Preparing Report to Council</i></b>	
FA	1b	Evaluating programs and services	√
FA	1c	Projecting station locations and reallocations	√
FA	1d	Determining staffing levels and assignments	√
FA	1e	Determining resource levels and assignments, including responses	√
FA	1f	Co-ordinating with other emergency services	√
FA	1g	Co-ordinating development with other community departments	√
FA	1h	Co-ordinating with other Municipalities	√
FA	2	<b>Financial &amp; records analysis practices, including:</b>	
FA	2a	Co-ordinating use of information from suppression activities	√
FA	2b	Co-ordinating use of information from fire prevention activities	√
FA	2c	Transitional adjustments for capital stock	√
FA	2d	Input into level of service issues (based upon available funding)	√
FA	2e	Developing, controlling and monitoring budgets	√
FA	2f	Co-ordinating with department divisions	√
FA	2g	Identifying alternative sources of revenue and fees for services	√
FA	2h	Operating Budgets	√
FA	2i	Capital Budgets	√
FA	2j	Purchasing	√
FA	3	<b>Records management, including:</b>	
FA	3a	Note taking	√ P.L.O.
FA	3b	Records retention	√ P.L.O. & F.P.O.
FA	3c	Freedom of information management	√ With City Clerk
FA	4	<b>Human resources practices, including:</b>	
FA	4a	Recruitment, selection & retention	√
FA	4b	Promotion	√
FA	4c	Performance evaluation	√
FA	4d	Career development & higher education	√
FA	4e	Job classifications	√
FA	4f	Overseeing and applying for Provincial and Federal Awards Programs	√

Core Service: Fire Administration			
Number	Service	Council Approved	Comment
FA	5	Client/customer relation practices, including:	
FA	5a	√	
FA	5b	√	
FA	5c	√	
FA	5d	√	
FA	5e	√	
FA	5f	√	
FA	6	√	
FA	7	√	
FA	8	√	Property Standards

**Core Service: Communications/  
Resource Centre**

Number	Service	Council Approved	Comment	
RC	1	<b>Dispatch practices, including:</b>		
RC	1a	Liaising with dispatch centres	√	P.L.O. & F.P.O.
RC	1b	Providing access points for operational supervisors	√	
RC	1c	Receiving emergency calls	√	Contracted
RC	1d	Dispatching of appropriate resources	√	Contracted
RC	1e	Providing on-going resources to operation during emergency	√	
RC	1f	Compiling emergency response data and inputting of information in data bases	√	
RC	1g	Sharing data with other department divisions	√	
RC	1h	Sharing data with other municipal departments	√	
RC	1i	Accessing data from other sources	√	
RC	1j	Installation of 911 Signs	√	
RC	2	<b>Technology issues, including:</b>		
RC	2a	Maintaining and repairing communications systems and components (both routine and emergency)	√	
RC	2b	Providing technical support	√	
RC	2c	Developing specifications for radios, pagers, Telephones, and computers	√	
RC	2d	Providing interface capability with other data systems, e.g. assessment, building department, roads department	√	

Core Service: Training & Education			
Number	Service	Council Approved	Comment
TE	1	<b>Program development practices, including:</b>	
TE	1a	Developing trainer facilitators	√
TE	1b	Co-ordinating core curriculum	√
TE	1c	Developing specialized staff development programs	√
TE	1d	Suppression	√
TE	1e	Prevention	√
TE	1f	Administration	√
TE	1g	Communications	√
TE	1h	Maintenance	√
TE	1i	Support services	√
TE	1j	Developing succession training programs	√
TE	1k	Developing self-directed learning programs	√
TE	2	<b>Providing access to training facilities, including:</b>	
TE	2a	Co-ordinating access to facility	√
TE	2b	Delivering of hands-on training to staff	√
TE	3	<b>Station training practices, including:</b>	
TE	3a	Delivery of curriculum specific to discipline's needs	√
TE	3b	Supervisory training skills	√
TE	3c	Providing support and direction	√
TE	4	Development, approval and delivery of incident management and accountability systems and procedures	√
TE	5	Co-ordination, development, approval and distribution of standard operating guidelines for various disciplines	√

Core Services: Maintenance				
Number		Service	Council Approved	Comment
MA	1	Fleet and equipment maintenance practices, including:		
MA	1a	Maintaining fleet and equipment (both routine and emergency)	√	Duty Crews conduct routine
MA	1b	Providing annual testing programs	√	
MA	1c	Mechanical worthiness	√	
MA	1d	Ministry of Labour requirements	√	
MA	1e	Pump capacity and certification	√	
MA	1f	Specification development	√	
MA	1g	Acceptance testing and approval of new apparatus and equipment	√	
MA	1h	Maintaining specialized equipment, e.g. SCBA	√	
MA	1i	Central supply facility	√	
MA	2	Facilities maintenance, including maintenance of station infrastructure	√	Duty Crews & F.P.O.
MA	3	Providing input regarding design and construction consideration for fire stations	√	

Core Service: Support Services				
Number	Service	Council Approved	Comment	
SS	1	<b>Purchasing practices, including:</b>		
SS	1a	Bulk purchasing through local and area organizations	√	
SS	1b	Developing standardized specifications for all apparatus and equipment	√	
SS	2	<b>Financial practices, including:</b>		
SS	2a	Financial analysis	√	
SS	2b	Liaising with other area departments	√	
SS	2c	Co-ordinating day to day financial services	√	D.C.C.S.
SS	2d	Arranging long term funding	√	D.C.C.S.
SS	3	<b>Risk management practices, including:</b>		
SS	3a	Assessing changing risk	√	
SS	3b	Operationalizing risk management into every function	√	
SS	3c	Providing insurance	√	D.C.C.S.
SS	3d	Prevention planning	√	
SS	3e	Risk avoidance	√	
SS	3f	Loss control	√	
SS	3g	Separation and diversification of losses	√	
SS	3h	Risk transfer	√	
SS	4	<b>Human resources practices, including:</b>		
SS	4a	Developing recruitment and retention programs	√	
SS	4b	Specializing in fire service legislation and related issues	√	
SS	5	<b>Co-ordination with other agencies for shard infrastructure, including:</b>		
SS	5a	Municipal water system development	√	Public Works
SS	5b	Maintenance and access to water supply	√	Public Works
SS	5c	Maintenance and access to emergency incidents via Municipal and Regional roads	√	Public Works
SS	5d	Co-ordinating road closures and detour routes with appropriate works department and roads department	√	Public Works

Core Service: Emergency Management				
Number	Service	Council Approved	Comment	
EM	1	Ensure the Municipal Emergency Plan is kept up-to-date	√	
EM	2	Submit annual report to Emergency Management Ontario	√	
EM	3	Ensure annual training is completed by the Emergency Control Group	√	
EM	4	Ensure that the Emergency Plan is tested annually	√	C.E.C.G.



**Core Service: Public Access  
Defibrillator Program**

Number		Service	Council Approved	Comment
PAD	1	Ensure appropriate staff are trained to the level required of the Program	√	
PAD	2	Ensure the PAD's are maintained	√	

**Core Service: Corporate And  
Community Training**

Number		Service	Council Approved	Comment
CC	1	Fire Safety	√	P.L.O.
CC	2	Fire Extinguisher	√	P.L.O.
CC	3	First Aid	√	
CC	4	C.P.R.	√	
CC	5	Defibrillator (P.A.D.)	√	
CC	6	WHMIS	√	
CC	7	Spill Training	√	
CC	8	Confined Space (Awareness)	√	
CC	9	Transportation of Dangerous Goods Certification	√	

**Core Service: Corporate Driver Training  
And Licensing Program**

<b>Number</b>	<b>Service</b>	<b>Council Approved</b>	<b>Comment</b>
CDTL 1	Maintaining Records for MTO	√	
CDTL 2	Air Brake Endorsement Course	√	
CDTL 3	Licensing Renewals	√	
CDTL 4	Annual Training	√	
CDTL 5	License Abstract Reviews	√	

Core Service: Pre Fire Planning			
Number	Service	Council Approved	Comment
PFP 1	Prepare In-Depth Plans Identifying Hazards	√	P.L.O.
PFP 2	Provide Information to all Personnel	√	P.L.O.
PFP 3	Input Final Plans into Information System	√	P.L.O.

Core Service: Operational Guidelines			
Number	Service	Council Approved	Comment
OG 1	Ensure that all Guidelines Meet the Requirements of Section 21 and Ministry of Labour	√	PLO

# Appendix "B" to Fire and Emergency Services Report 2019-92

Your data was received and has been processed.

08-Jan-19

Please review the reports below, and contact OFM with any questions or revisions.

## Monthly Call Summary This data is currently under review, and subject to revision.

FDID: 2611 00 Port Colborne Fire and Emergency Services

2018	Total Calls	Injuries reported FF	Civilian	Estimated loss
	1118	0	3	\$3,625,205
<b>January</b>	94	0	2	\$200,000
Fire	2	0	2	\$200,000
Non fire call	92	0	0	\$0
<b>February</b>	88	0	1	\$3,126,000
Fire	7	0	1	\$3,126,000
Non fire call	81	0	0	\$0
<b>March</b>	74	0	0	\$103,000
Fire	3	0	0	\$103,000
Non fire call	71	0	0	\$0
<b>April</b>	85	0	0	\$1,000
Fire	1	0	0	\$1,000
Outdoor, no loss fire	1	0	0	\$0
Non fire call	83	0	0	\$0
<b>May</b>	105	0	0	\$0
Outdoor, no loss fire	1	0	0	\$0
Non fire call	104	0	0	\$0
<b>June</b>	91	0	0	\$2,500
Fire	2	0	0	\$2,500
Non fire call	89	0	0	\$0
<b>July</b>	106	0	0	\$0
Non fire call	106	0	0	\$0
<b>August</b>	104	0	0	\$5,205
Fire	3	0	0	\$5,205
Outdoor, no loss fire	2	0	0	\$0
Non fire call	99	0	0	\$0
<b>September</b>	107	0	0	\$1,000
Fire	1	0	0	\$1,000
Outdoor, no loss fire	1	0	0	\$0

	Non fire call	105	0	0	\$0
<hr/>					
<b>October</b>		82	0	0	\$1,000
	Fire	3	0	0	\$1,000
	Outdoor, no loss fire	1	0	0	\$0
	Non fire call	78	0	0	\$0
<hr/>					
<b>November</b>		98	0	0	\$182,500
	Fire	5	0	0	\$182,500
	Non fire call	93	0	0	\$0
<hr/>					
<b>December</b>		84	0	0	\$3,000
	Fire	1	0	0	\$3,000
	Non fire call	83	0	0	\$0
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# All Call Summary

This data is currently under review, and subject to revision.

FDID: 2611 00 Port Colborne Fire and Emergency Services

2018	Total Injuries reported			Estimated loss
	Calls	FF	Civilian	
	1118	0	3	\$3,625,205
<b>Fire</b>	28	0	3	\$3,625,205
Property fires/explosions	28	0	3	\$3,625,205
Fire	28	0	3	\$3,625,205
<b>Outdoor, no loss fire</b>	6	0	0	\$0
Property fires/explosions	6	0	0	\$0
NO LOSS OUTDOOR fire (see exclusions)	6	0	0	\$0
<b>Non fire call</b>	1084	0	0	\$0
<b>Burning (controlled)</b>	45	0	0	\$0
Open air burning/unauthorized controlled burning (no uncontrolled fire)	45	0	0	\$0
<b>CO False calls</b>	49	0	0	\$0
CO false alarm - equipment malfunction (no CO present)	38	0	0	\$0
CO false alarm - perceived emergency (no CO present)	11	0	0	\$0
<b>False fire calls</b>	163	0	0	\$0
Alarm System Equipment - Accidental activation (exc. code 35)	34	0	0	\$0
Alarm System Equipment - Malfunction	53	0	0	\$0
Human - Accidental (alarm accidentally activated by person)	4	0	0	\$0
Human - Malicious intent, prank	2	0	0	\$0
Human - Perceived Emergency	18	0	0	\$0
Other False Fire Call	52	0	0	\$0
<b>Medical/resuscitator call</b>	484	0	0	\$0
Accident or illness related - cuts, fractures, person fainted, etc.	85	0	0	\$0
Alcohol or drug related	27	0	0	\$0
Asphyxia, Respiratory Condition	129	0	0	\$0
Chest pains or suspected heart attack	121	0	0	\$0
CPR administered	10	0	0	\$0
Defibrillator used	3	0	0	\$0
Electric Shock	2	0	0	\$0
Medical Aid Not Required on Arrival	11	0	0	\$0
Other Medical/Resuscitator Call	21	0	0	\$0



Oxygen administered	20	0	0	\$0
Seizure	22	0	0	\$0
Vital signs absent, DOA	33	0	0	\$0
<b>Other response</b>	<b>175</b>	<b>0</b>	<b>0</b>	<b>\$0</b>
Assistance not required by other agency	70	0	0	\$0
Assistance to Other Agencies (exc 921 and 922)	13	0	0	\$0
Assistance to Police (exc 921 and 922)	3	0	0	\$0
Assisting Other FD: Mutual Aid	4	0	0	\$0
Call cancelled on route	25	0	0	\$0
Incident not found	14	0	0	\$0
Other Public Service	35	0	0	\$0
Other Response	11	0	0	\$0
<b>Pre fire conditions/no fire</b>	<b>36</b>	<b>0</b>	<b>0</b>	<b>\$0</b>
Fireworks (no fire)	1	0	0	\$0
Lightning (no fire)	1	0	0	\$0
Other Cooking/toasting/smoke/steam (no fire)	12	0	0	\$0
Other pre fire conditions (no fire)	3	0	0	\$0
Overheat (no fire, e.g. engines, mechanical devices)	10	0	0	\$0
Pot on Stove (no fire)	9	0	0	\$0
<b>Public Hazard</b>	<b>51</b>	<b>0</b>	<b>0</b>	<b>\$0</b>
CO incident, CO present (exc false alarms)	11	0	0	\$0
Gas Leak - Miscellaneous	2	0	0	\$0
Gas Leak - Natural Gas	8	0	0	\$0
Gas Leak - Propane	1	0	0	\$0
Other Public Hazard	6	0	0	\$0
Power Lines Down, Arcing	17	0	0	\$0
Public Hazard call false alarm	1	0	0	\$0
Ruptured Water, Steam Pipe	1	0	0	\$0
Spill - Gasoline or Fuel	1	0	0	\$0
Spill - Miscellaneous	2	0	0	\$0
Suspicious substance	1	0	0	\$0
<b>Rescue</b>	<b>81</b>	<b>0</b>	<b>0</b>	<b>\$0</b>
Other Rescue	1	0	0	\$0
Persons Trapped in Elevator	2	0	0	\$0
Vehicle Collision	70	0	0	\$0
Vehicle Extrication	8	0	0	\$0



# Appendix “C” to Fire and Emergency Services Report 2019-92

## Fire Protection and Prevention Act, 1997

### ONTARIO REGULATION 378/18

#### COMMUNITY RISK ASSESSMENTS

**Consolidation Period:** From May 8, 2018 to the e-Laws currency date.

**Note:** THIS REGULATION IS NOT YET IN FORCE. It comes into force on July 1, 2019.

No amendments.

*This is the English version of a bilingual regulation.*

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- |            |  |
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| 1.         | Mandatory use                                |
| 2.         | What it is                                   |
| 3.         | When to complete (at least every five years) |
| 4.         | When to review (at least every year)         |
| Schedule 1 | Mandatory profiles                           |

#### **Mandatory use**

1. Every municipality, and every fire department in a territory without municipal organization, must,
  - (a) complete and review a community risk assessment as provided by this Regulation; and
  - (b) use its community risk assessment to inform decisions about the provision of fire protection services.

#### **What it is**

2. (1) A community risk assessment is a process of identifying, analyzing, evaluating and prioritizing risks to public safety to inform decisions about the provision of fire protection services.
  - (2) A community risk assessment must include consideration of the mandatory profiles listed in Schedule 1.
  - (3) A community risk assessment must be in the form, if any, that the Fire Marshal provides or approves.

#### **When to complete (at least every five years)**

3. (1) The municipality or fire department must complete a community risk assessment no later than five years after the day its previous community risk assessment was completed.
  - (2) If a municipality, or a fire department in a territory without municipal organization, comes into existence, the municipality or fire department must complete a community risk assessment no later than two years after the day it comes into existence.
  - (3) A municipality that exists on July 1, 2019, or a fire department in a territory without municipal organization that exists on July 1, 2019, must complete a community risk assessment no later than July 1, 2024.

**(4) Subsection (3) and this subsection are revoked on July 1, 2025.**

#### **When to review (at least every year)**

4. (1) The municipality or fire department must complete a review of its community risk assessment no later than 12 months after,
  - (a) the day its community risk assessment was completed; and
  - (b) the day its previous review was completed.
  - (2) The municipality or fire department must also review its community risk assessment whenever necessary.
  - (3) The municipality or fire department must revise its community risk assessment if it is necessary to reflect,
    - (a) any significant changes in the mandatory profiles;
    - (b) any other significant matters arising from the review.
  - (4) The municipality or fire department does not have to review its community risk assessment if it expects to complete a new community risk assessment on or before the day it would complete the review.
5. Omitted (provides for coming into force of provisions of this Regulation).

**Schedule 1**  
**Mandatory Profiles**

1. Geographic profile: The physical features of the community, including the nature and placement of features such as highways, waterways, railways, canyons, bridges, landforms and wildland-urban interfaces.
2. Building stock profile: The types of buildings in the community, the uses of the buildings in the community, the number of buildings of each type, the number of buildings of each use and any building-related risks known to the fire department.
3. Critical infrastructure profile: The capabilities and limitations of critical infrastructure, including electricity distribution, water distribution, telecommunications, hospitals and airports.
4. Demographic profile: The composition of the community's population, respecting matters relevant to the community, such as population size and dispersion, age, gender, cultural background, level of education, socioeconomic make-up, and transient population.
5. Hazard profile: The hazards in the community, including natural hazards, hazards caused by humans, and technological hazards.
6. Public safety response profile: The types of incidents responded to by other entities in the community, and those entities' response capabilities.
7. Community services profile: The types of services provided by other entities in the community, and those entities' service capabilities.
8. Economic profile: The economic sectors affecting the community that are critical to its financial sustainability.
9. Past loss and event history profile: The community's past emergency response experience, including the following analysis:
  1. The number and types of emergency responses, injuries, deaths and dollar losses.
  2. Comparison of the community's fire loss statistics with provincial fire loss statistics.

Note: Each profile is to be interpreted as extending only to matters relevant to fire protection services.

# Appendix "D" to Fire and Emergency Services Report 2019-92

Fire Protection and Prevention Act, 1997

ONTARIO REGULATION 377/18

PUBLIC REPORTS

Consolidation Period: From May 8, 2018 to the e-Laws currency date.

Note: THIS REGULATION IS NOT YET IN FORCE. It comes into force on January 1, 2020.

No amendments.

*This is the English version of a bilingual regulation.*

## CONTENTS

1.	Definition
2.	Preparation of public reports
3.	Dissemination of public reports
4.	Clarification
Schedule 1	Required information

### Definition

1. In this Regulation,

"PSAP" is short for public safety answering point, which means a call centre responsible for answering calls to 9-1-1 for police, firefighting and ambulance services.

### Preparation of public reports

2. (1) The Fire Marshal must give every fire department the information required by Schedule 1, based on the information the Fire Marshal has received through reports under subsection 11 (2) of the Act.

(2) Every fire department must prepare a public report setting out,

(a) the information required by Schedule 1; and

(b) any other information the fire department chooses to include.

(3) The fire department may use the information required by Schedule 1 that the Fire Marshal provided to prepare their public report, or may carry out their own calculations respecting the same time period.

### Dissemination of public reports

3. (1) Every fire department must give their public report to the Fire Marshal no later than 180 days after the Fire Marshal gives the fire department the information.

(2) Every fire department that is authorized to provide fire protection services by a municipality must give their public report to the municipal council before giving its public report to the Fire Marshal.

(3) Every fire department that is authorized to provide fire protection services by a group of municipalities must give their public report to the municipal council of each municipality in the group of municipalities before giving their public report to the Fire Marshal.

(4) The Fire Marshal may make the public report available to the public.

### Clarification

4. For greater certainty, this Regulation does not imply that firefighters have authority to perform acts that the *Regulated Health Professions Act, 1991* does not permit them to perform.

5. Omitted (provides for coming into force of provisions of this Regulation).

## Schedule 1 Required Information Career Firefighters

1. (1) The public report must set out the following information respecting incidents in which the first fire department unit that arrives on the scene does not include a volunteer firefighter:

1. For each standard set out in the following Table,

i. the percentage value of how often the fire department achieves that standard for the corresponding time interval, and

ii. the corresponding benchmark percentage value for how often the fire department should achieve or exceed that standard.

2. For each time interval set out in the following Table that does not have a corresponding standard, the time interval value that the fire department achieves or exceeds 90% of the time.

**Table**

Item	Column 1 Time interval	Column 2 Standard	Column 3 Benchmark
1.	Alarm transfer time: The time interval from the receipt of the emergency alarm at the PSAP until the alarm is first received at the fire department communication centre	30 seconds	95%
2.	Alarm answering time: The time interval that begins when the alarm is received at the fire department communication centre and ends when the alarm is acknowledged at the communication centre	15 seconds	95%
3.	Alarm processing time: The time interval from when the alarm is acknowledged at the fire department communication centre until response information begins to be transmitted via voice or electronic means to fire department facilities and fire department units	64 seconds for calls other than the following calls; and 90 seconds for the following calls: 1. Calls requiring emergency medical dispatch questioning and pre-arrival medical instructions 2. Calls requiring language translation 3. Calls requiring the use of a TTY/TDD device or audio/video relay services 4. Calls of criminal activity that require information vital to emergency responder safety prior to dispatching units 5. Hazardous material incidents 6. Technical rescue 7. Calls that require determining the location of the alarm due to insufficient information 8. Calls received by text message	90%
4.	Alarm handling time: The time interval from the receipt of the alarm at the PSAP until the beginning of the transmittal of the response information via voice or electronic means to fire department facilities or the fire department units in the field	No standard; set out the time interval value that the fire department achieves or exceeds 90% of the time	No benchmark
5.	Turnout time: The time interval that begins when the fire department facilities and fire department units notification process begins by either an audible alarm or visual annunciation or both and ends at the beginning point of travel time	80 seconds for fire and special operations; 60 seconds for emergency medical services	90%
6.	Travel time: The time interval that begins when a fire department unit is en route to the incident and ends when the fire department unit arrives at the scene	240 seconds for fire suppression; 240 seconds for the arrival of a unit with a first responder with an automatic external defibrillator or higher level capability no standard for other services	90%
7.	Initiating action/intervention time: The time interval from when a fire department unit arrives on the scene to the initiation of emergency mitigation	No standard; set out the time interval value that the fire department achieves or exceeds 90% of the time	No benchmark
8.	Total response time: The time interval from the receipt of the alarm at the PSAP to when the first fire department unit is initiating action or intervening to control the incident	No standard; set out the time interval value that the fire department achieves or exceeds 90% of the time	No benchmark

(2) The public report does not have to set out information for items 1, 2, 3, 4 and 8 if the information is not available from the fire department's records.

### **Volunteer Firefighters**

2. (1) The public report must set out the following information respecting incidents in which the first fire department unit that arrives on the scene includes at least one volunteer firefighter:

1. For each time interval set out in the following Table, the time interval value that the fire department achieves or exceeds 90% of the time.

Table

Item	Column 1 Time interval
1.	Alarm transfer time: The time interval from the receipt of the emergency alarm at the PSAP until the alarm is first received at the fire department communication centre
2.	Alarm answering time: The time interval that begins when the alarm is received at the fire department communication centre and ends when the alarm is acknowledged at the communication centre
3.	Alarm processing time: The time interval from when the alarm is acknowledged at the fire department communication centre until response information begins to be transmitted via voice or electronic means to fire department facilities and fire department units
4.	Alarm handling time: The time interval from the receipt of the alarm at the PSAP until the beginning of the transmittal of the response information via voice or electronic means to fire department facilities or the fire department units in the field
5.	Turnout time: The time interval that begins when the fire department facilities and fire department units notification process begins by either an audible alarm or visual annunciation or both and ends at the beginning point of travel time
6.	Travel time: The time interval that begins when a fire department unit is en route to the incident and ends when the fire department unit arrives at the scene
7.	Initiating action/intervention time: The time interval from when a fire department unit arrives on the scene to the initiation of emergency mitigation
8.	Total response time: The time interval from the receipt of the alarm at the PSAP to when the first fire department unit is initiating action or intervening to control the incident

(2) The public report does not have to set out information for items 1, 2, 3, 4 and 8 if the information is not available from the fire department's records.



## Introduction of the O AFC

The Ontario Association of Fire Chiefs (O AFC) is non-partisan, non-profit association that represents the chief fire officers of the 441 municipal fire departments in the Province of Ontario.

The 441 fire departments are divided into 32 career fire departments, 213 composite fire departments and 196 volunteer fire departments. There are 30,930 firefighters in Ontario including 18,773 volunteer firefighters, 11,541 career firefighters, and 616 part time firefighters.

These chief fire officers are ultimately responsible, by statute, for the management and delivery of fire, rescue, and emergency response to the 13 million residents of Ontario.

We are the trusted adviser to government when it comes to public and firefighter safety.

The O AFC priorities are from feedback from our members through events, committees/meetings, and Provincial Advisory Committee, and are:

1. Mental Wellness/PTSD /WSIB
2. Fire Service Regulations
3. Ministry of Transportation – Multiple Issues
4. Carbon Monoxide (CO) Alarms in Public Spaces



## Mental Health and WSIB

- Mental health is a growing concern in the fire service.
- 1 in 5 adults will suffer from some sort of mental health disorder in their lives, with that number even greater in the fire service.
- There is an increased need for prevention strategies and training.
- We need to work together with WSIB to improve "return to work" strategies/plans to ensure both the employee and employers rights are respected.
- It is estimated that it costs over \$320,000 per year for a fulltime firefighter on WSIB due to mental health injuries (treatment, backfilling the position, overtime costs, and replacement).
- It is expected that within a few years that presumptive mental health costs will supersede presumptive cancer costs for firefighters.
- The Province announced on March 29 new funding for police and OPP mental health supports, however firefighters, who also have to deal with traumatic events and put themselves in harm's way, won't receive any funding.
- On May 9, the Solicitor General announced \$18.3 million in new mental health funding for correctional workers, but no new mental health funding for firefighters.
- Firefighters should be provided the same mental health supports from the province that police, EMS, and correctional workers receive.

## Fire Service Regulations

The Oafc has and continues to work with the Office of the Fire Marshal (OFM) on the PROPER implementation of the fire regulations. The two regulations are:

1. **Public Reporting (Comes into force January 1, 2020)**
  - The Oafc supports public reporting.
  - The regulation, as currently legislated, is flawed.
  - The OFM confirmed that there are only 60 fire dispatch centres in the province. 120 fire departments are dispatched through CACC, 60 by police, 140 by contract dispatch services, 30 – 40 from private provider and 1 centre is OPP. Therefore, this

regulation may only impact 15% of fire dispatch providers. This unfairly penalizes fire specific dispatch centres by requiring public reporting that may be provided differently by all other providers. Other dispatch centres are not compelled to collect the public reporting data.

- Without mandatory reporting and standardized data collection for all fire services, some fire services may choose to get services from a low-cost provider and avoid some public reporting because the information is not required to be collected.
- In order to achieve the Public Reporting Regulation, an overhaul of Ontario's Standard Incident Reporting (SIR) framework is required before *any* legislation on public reporting be implemented.
- Key definitions are missing from the regulation such as: "Initiation of Action" and "Special Operations" (Hazmat). This is problematic due to the variety of situations and interpretation of these key terms.
- The NFPA 1710 travel time reporting is essentially setting a large urban municipal level of service (benchmark comparator) for rural Ontario, where some fire departments need to cover 100's of square KMs.
- The OAFRC recommends the Public Reporting Regulation be put in abeyance until these issues are resolved.

## **2. Community Risk Assessment (Comes into force July 1, 2019)**

- The OAFRC supports each municipality setting its own level of fire protection services.
- When the Community Risk Regulation legislation was originally passed, a template was promised by the previous Government. That template has yet to be created or given to municipalities.
- The OAFRC recommends the Community Risk Regulation be put into abeyance until such time as the OFM has created the template, and has a clear definitions and a guideline/instructions on how to use the template.

## Ministry of Transportation

The OAFIC strongly supports Ministry of Transportation (MTO) initiatives that enhance road safety.

Ontario's fire apparatus drivers are amongst the safest drivers on the road. Most accidents involving fire apparatus occur when the vehicle is stopped or parked, and then struck by another vehicle.

### No-Service Calls

- The MTO reimburses departments that respond to these calls, to a maximum of three trucks. MTO only reimburses for fire suppression, extrication and rescue – not traffic control services.
- A flat rate of \$477.00 applies to *no-service calls* in northern Ontario only. This is in recognition of the unique geographic challenges of the north. Northern Ontario is defined by the Official MTO Northern Ontario Map .
- The OAFIC believes that fire services in Ontario should be reimbursed for **all responses that they are called to as these are 911 emergency calls until deemed otherwise**. Fire departments do not self-deploy.
- The Municipality of Thames Centre fire service, staffed with volunteers noted that during a four month period they responded to 33 incidents on provincial highways, and 45% of the time, were called off on-route. They found that on average, these calls cost the municipality \$1,653 per call.
- There is only one taxpayer.
- There is a 30km stretch on Highway 17 at the Township of Head, Clara and Maria that provides no extrication services due to *no-service calls*. MPP Yakabuski is aware of the issue, as it is in his riding.
  - Other fire departments have investigated pulling extrication services on provincial highways.
  - The OAFIC does not want to see this happen, however if fire departments are not reimbursed for these expenses, more municipalities may move in this direction.

## **Class D Licensing**

- Changes to the North American Free Trade Agreement (NAFTA) resulted in increased regulations for drivers operating a DZ license in order to drive goods into the US.
- These new burdensome regulations also affect those who drive fire apparatus. For volunteer fire departments this is extremely onerous and over regulatory.
- Volunteer fire departments often have difficulty recruiting and retaining volunteers, especially in Northern Ontario.
- Without sufficiently trained and licensed drivers, fire departments relying on volunteer firefighters will see a delay in emergency response times and a corresponding negative impact on public fire protection and safety throughout Ontario. This is due to the reduction of Class D license holders in each department.
- The OAFCA supports the creation of a new restricted Class D driver's license strictly for volunteer firefighters, not career or unionized firefighters, operating apparatus, based on the previous Class D Test requirements.

## **Driver Certification Program New Testing**

- In the past, many fire departments in Ontario participated in the Driver Certification Program (DCP) and have had Signing Authorities (S/A) to allow for internal training and testing of Class D/Z licences.
- The Ministry of Transportation (MTO) has indicated that many S/A have relinquished their training/testing authority in the past three years.
- In 2014, there were 119 fire departments participating in the DCP. By 2017 only 21 remain active in the DCP. Part of the reason is due to changes to the DCP (more paperwork, more instructor training requirements, etc.)
- Ontario's DCP, under authority of MTO, allows companies and municipalities to train, test, and recommend their employees for licence upgrades. The current process requires that the person who delivers the training and testing must be an approved S/A by the MTO.

- Historically, a S/A was only required to be an Ontario Fire College trained trainer-facilitator (TF). The MTO has now imposed NFPA 1041 Level 1 plus 20 hours of additional training on instructors before they will be considered eligible to be a Signing Authority.
- The MTO does deliver approved S/A courses and recertification courses in or around Toronto which is cost prohibitive for many fire departments (Approximate costs are between \$700-\$2000 for training, which does not include travel, accommodations, and meals).
- The Office of the Fire Marshal (OFM) indicated in writing that NFPA 1041 Level 1 meets or exceeds the requirements of the former trainer-facilitator program.
- MTO and the OFM Academic Standards and Evaluation (AS&E) have agreed that a Class D licensed firefighter meets the requirements of NFPA 1002, Chapter 4.
- The decline in available S/A, increased costs, and new MTO training restrictions have had a corresponding impact on fire department's ability to train, retain, and test potential drivers.
- This leaves fire departments in a position of having their firefighters obtain their driver training and testing through traditional methods rather than the DCP.
- These traditional methods are often costly and time consuming, compounding the recruitment and retention issues faced by fire departments across the province.

## **CO Alarms in Public Spaces**

- Carbon monoxide is a gas that you can't see, smell or taste. It is produced by gas or oil furnaces, space and water heaters, clothes dryers, ovens, wood stoves and other household appliances that run on fossil fuels such as wood, gas, oil or coal.
- In October of 2014, Bill 77 updated the *Ontario Fire Code* to mandate the use of carbon monoxide warning devices in houses, condos, apartments, hotels and university residences that have a fuel-burning device such as a fireplace, gas stove, water heater or furnace — or if the home is attached to a garage.
- Carbon monoxide poisoning is the No. 1 cause of accidental poisoning deaths in North America, according to Toronto Public Health.

- CO alarms are mandatory in homes, but not schools or public spaces where children spend most of their days.
- In March 2017, a carbon monoxide leak at a Toronto restaurant sent 18 people to hospital.
- That followed another carbon monoxide leak at a community centre in Grand Valley, west of Orangeville, a few days later that sent as many as 18 people to hospital.
- Recent carbon monoxide poisonings in Montreal schools highlight the importance and necessity of carbon monoxide alarms in schools and public spaces.
- CO alarms are relatively inexpensive, especially when compared to the costs associated with hospital stays and long-term health effects due to CO poisoning.



Report Number: 2019-82

Date: June 24, 2019

**SUBJECT: Energy Consumption and Greenhouse Gas Emissions Report (2017)**

**1) PURPOSE**

This report, was prepared by Mae Lannan, Environmental Compliance Student Assistant, under direction from Darlene Suddard, Environmental Compliance Supervisor, and authorized by Chris Lee, Director of Engineering and Operations, to inform Council about the 2017 Energy Consumption and Greenhouse Gas Emissions Report to be submitted to the Ministry of Energy by July 1, 2019, as a requirement of O. Reg 507/18 – Broader Public Sector: Energy Reporting and Conservation and Demand Management Plans under the *Electricity Act, 1998*.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

Under the *Electricity Act, 1998* all Ontario municipalities are required to comply with O. Reg 507/18 – Broader Public Sector: Energy Reporting and Conservation and Demand Management Plans. As part of this regulation, the City of Port Colborne is required to track and report on annual energy consumption and greenhouse gas (GHG) emissions from all heated and/or cooled City operated facilities. Using this information, one function of the regulation is to encourage a province wide reduction in energy.

In order to fulfill the requirement of annual energy reporting established under O. Reg 397/11, a database of annual electricity and natural gas consumption for all heated and/or cooled City operated facilities has been created. These records are organized and stored using the Energy Planning Tool (EPT), a web based program developed and provided by Local Authority Services (LAS). Using this tool, the City has established complete records of monthly electricity and natural gas consumption beginning from 2011: the first year required to be reported on under this regulation. The first report was submitted in 2013, reporting on energy consumption from two years prior, in 2011. Energy consumption and GHG emissions for 2012 were then reported on in 2014, with 2013 being reported on in 2015 and so on. Annual reports must be submitted to the Ministry of Energy, Northern Development and Mines by July 1 each year, reporting on data from two years prior to the current calendar year. After submission, the reports must also be made available for public viewing in both printed form and on the City's official website. The annual report for 2019, which reports 2017 energy consumption and GHG emissions, has been prepared was submitted to the Ministry on May 27, 2019.

Data from current and past reports have been used to track trends in City wide energy consumption, and have also been used in identifying the City's largest energy consuming facilities. The identification of these facilities has allowed for a targeted approach to

energy conservation, such as the completion of energy audits on select buildings which have allowed for the identification of appropriate energy conservation initiatives. Through such efforts, in depth energy audits have been conducted on the City's primary energy consuming facilities, including Port Colborne's City Hall, Fire Hall, Library, Roselawn Centre, Museum, Marina and Vale Health & Wellness Centre. The collection of information through these reports has been used in setting attainable energy conservation goals and objectives, as outlined under the City's official Energy Conservation and Demand Management Plan, endorsed by Council on June 9, 2014; additionally, these reports and audits will inform the goals and objectives of the City's 2019 Energy and Conservation Demand Management Plan, which is required to be prepared, approved by Council and submitted prior to July 1, 2019.

### **3) STAFF COMMENTS AND DISCUSSIONS**

The 2017 Energy Consumption and Greenhouse Gas Emissions Report, attached to this report, outlines the total annual electricity and natural gas consumption from all heated and/or cooled City operated facilities during the associated year. As such, some of the buildings originally reported on in the first 2011 report are no longer in operation, such as the Teeder Kennedy Youth Arena, Centennial Swimming Pool, and the West Side Arena or the City no longer operates or pays the utility bills (i.e. Dog Pound and Lighthouse Tour Booth). Other facilities, specifically the Vale Health & Wellness Centre, are newly constructed and operating, and the 2013 report was the first to include energy consumption values from this new facility; additionally, the Engineering and Operations Centre is new to be included in this report. This facility replaces the Parks Depot and the Public Works yard. Although the Province does not require us to report on facilities lacking the full twelve months of data, staff decided to include all three of these facilities in this report so that a comparison is available. The 2020 report (on 2018 consumption) will not contain the Parks Depot or the Public Works yard.

Accounting for these facility changes, the City's total annual energy consumption for 2017 reached a sum of 10,260,789.2 ekWh/yr (equivalent kilowatt-hours per year), which is approximately a 9% increase from the 2016 total. However, total annual GHG emissions saw only a 1% increase compared to 2016, totaling 1,069,738.3 kg CO<sub>2</sub>e/yr. Based on historical data from the Government of Canada website, 2017 experienced significantly warmer weather (1.2°C above the baseline average, with 229.2 cooling degree days and 3,608.9 heating degree days in 2017 versus 434.5 cooling degree days and 3,325 heating degree days in 2016) than 2016. The year 2017 demonstrated a 20% increase in natural gas consumption; however, it also accounted for a 20% decrease in electricity consumption for cooling purposes. These changes are likely correlated to weather patterns.

Among the list of buildings with significant electricity reduction are some of the City's previously identified largest energy consumers, including the Marina, Vale Health & Wellness Centre, Fire Hall, and the Roselawn Centre. Another notable energy consuming facility is Port Colborne's City Hall. Each of these large consuming facilities has been the subject of a previous staff conducted energy audit, with the exception of the Public Works



department due to the fact that the City has constructed a new Engineering and Operations Centre facility, which has been included for the first time in this report. The facilities are now being re-audited to evaluate the effect conservation initiatives and/or energy efficiency upgrades have had on energy consumption and GHG emissions and to find additional opportunities for reducing energy consumption.

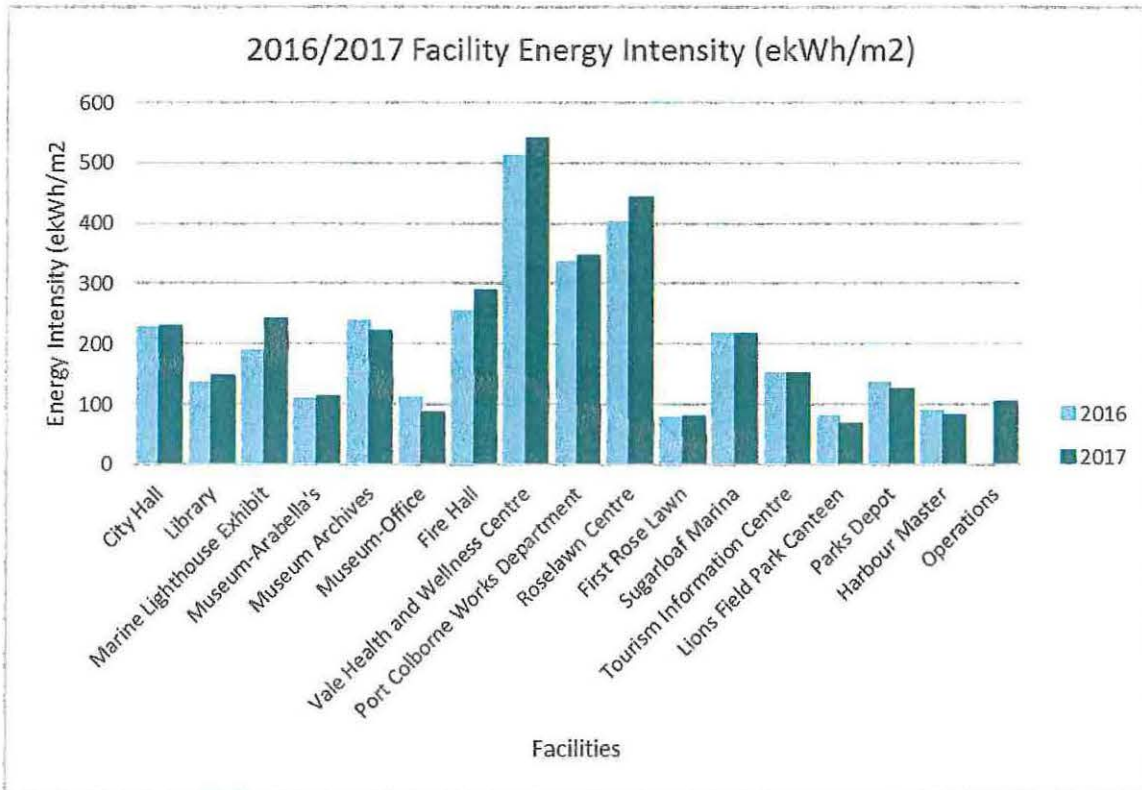


Figure 1: Comparison of yearly energy intensity of City facilities - 2016 vs 2017.

Beyond sole consideration of facility consumption, an important indicator of energy use is energy intensity – the measure of a building’s consumption relative to its total operational area. Most notably, although the Vale Health & Wellness Centre is the City’s most significant energy consumer, its energy intensity reveals that it is considerably more energy efficient than other City facilities have been in previous years. For example, The Vale Health & Wellness Centre replaced the three separate recreational complexes reported on in previous years (Teeder Kennedy Youth Arena, Centennial Swimming Pool, and West Side Arena). In the 2011 report, these three facilities combined accounted for 56% of total energy consumption that year. Although the Vale Health and Wellness Centre accounts for a similar percentage of the City’s total energy consumption, the facility itself has a far lower energy intensity than the buildings it has collectively replaced. Figure 1 above depicts the energy intensity of all Port Colborne facilities during the 2016 and 2017 report periods.

Although the Vale Health & Wellness Centre has the highest energy intensity of all City facilities, relative to its predecessors the facility is almost five times more energy efficient, largely a reflection of its LEED Gold certification and high operating standards; however, there was very little change in the energy intensity from 2016 to 2017. Similar to energy

consumption levels, some of the facilities with the highest energy intensity include Roselawn Centre, the Fire Hall, and Public Works. Further, some previously identified large consuming facilities appear to have relatively low energy intensity ratings, such as the Library, select Museum buildings, and the Marina. Such data suggests that although these are large energy consuming facilities, the buildings are being operated to a high level of efficiency. Future reports should show a continued reduction in energy intensity, paralleled by an increase in efficiency, as a result of both the current and future implementation of conservation practices and energy efficiency upgrades.

The finalized 2017 report was submitted to the Ministry, on May 27, 2019, well before the July 1 deadline, and will be made available in printed form, and uploaded to the City's official website. Using this updated information, alongside the City's second official Energy Conservation and Demand Management Plan, Staff will continue to investigate and develop energy conservation initiatives and opportunities throughout City facilities in order to meet outlined goals and objectives as set under requirement of O. Reg 397/11.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS**

##### **a) Do nothing.**

This is not an option. Under O. Reg. 507/18, the City is mandated to compile and submit an annual Energy Consumption and Greenhouse Gas Emissions Report dated two years prior to the current calendar year.

##### **b) Other options**

Council may choose to review the attached 2017 Energy Consumption and Greenhouse Gas Emissions Report.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not Applicable.

#### **6) ATTACHMENTS**

2017 Energy Consumption and Greenhouse Gas Emissions Report

#### **7) RECOMMENDATION**

That Engineering and Operations Department, Operations Division Report 2019-82, Subject: Energy Consumption and Greenhouse Gas Emissions Report (2017), be received for information.

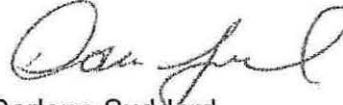
8) SIGNATURES

Prepared on May 15, 2019 by:



Mae Lannan  
Environmental Compliance Student  
Assistant

Reviewed by:



Darlene Suddard  
Environmental Compliance Supervisor

Reviewed by:



Chris Lee  
Director, Engineering & Operations

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

Energy Consumption and GHG Emissions  
 From: 2017-01-01 To: 2017-12-31

Facility Name	Address	Total Area (m2)	Average Hours/Day	Fuel Types	Consumption	Cost (\$)	Energy (ekWh/yr)	GHG Emissions (kg CO2e/yr)	GHG Intensity (kg CO2e/m2)	Energy Intensity
Facility Primary Type: Office										
City Hall	66 Charlotte Street	2800	5.71	NG Elect.	20079.00 m3 425900.00 kWh	2,144.75 73,427.91	213,395.13 425,900.00	37,961.90 7,367.22	13.56 2.63	76.21 (ekWh/m2) 152.11 (ekWh/m2)
Facility Type Total						75,572.66	639,295.13	45,329.12		
Facility Primary Type: Library										
Library	310 King Street	2148	7.71	NG Elect.	18375.00 m3 119784.00 kWh	2,747.86 12,906.39	195,285.40 119,784.00	34,740.27 2,072.02	16.17 0.96	90.91 (ekWh/m2) 55.77 (ekWh/m2)
Facility Type Total						15,654.25	315,069.40	36,812.29		
Facility Primary Type: Museum										
Marine Lighthouse Exhibit	280 King Street	255	5.72	NG Elect.	4909.00 m3 9218.00 kWh	929.13 972.61	52,171.76 9,218.00	9,281.09 159.45	36.4 0.63	204.60 (ekWh/m2) 36.15 (ekWh/m2)
Port Colborne Museum	61 Princess Street	290	2	NG Elect.	2685.00 m3 4184.00 kWh	319.32 418.52	28,535.58 4,184.00	5,076.33 72.37	17.5 0.25	98.40 (ekWh/m2) 14.43 (ekWh/m2)
Port Colborne Museum	286 King Street	260	5	NG Elect.	3721.00 m3 18047.00 kWh	464.87 1,761.19	39,545.96 18,047.00	7,035.02 312.18	27.06 1.2	152.10 (ekWh/m2) 69.41 (ekWh/m2)
Port Colborne Museum	291 Catharine Street	292	5	NG Elect.	1417.00 m3 9855.00 kWh	167.23 936.11	15,059.56 9,855.00	2,679.02 170.47	9.17 0.58	51.57 (ekWh/m2) 33.75 (ekWh/m2)
Facility Type Total						5,968.98	176,616.86	24,785.94		
Facility Primary Type: Fire										
Port Colborne Fire and Emergency Services	3 Killaly Street W.	1625	24	NG Elect.	29497.00 m3 155363.00 kWh	3,127.51 13,750.94	313,487.54 155,363.00	55,767.82 2,687.47	34.32 1.65	192.92 (ekWh/m2) 95.61 (ekWh/m2)
Facility Type Total						16,878.45	468,850.54	58,455.29		
Facility Primary Type: Recreation Complex										
Vale Health and Wellness Centre	550 Elizabeth St	13471	14.28	NG Elect.	347786.00 m3 3582393.00 kWh	39,404.07 438,861.69	3,696,192.05 3,582,393.00	657,533.60 61,968.23	48.81 4.6	274.38 (ekWh/m2) 265.93 (ekWh/m2)
Facility Type Total						478,265.76	7,278,585.05	719,501.84		

Energy Consumption and GHG Emissions  
From: 2017-01-01 To: 2017-12-31

Facility Name	Address	Total Area (m2)	Average Hours/Day	Fuel Types	Consumption	Cost (\$)	Energy (ekWh/yr)	GHG Emissions (kg CO2e/yr)	GHG Intensity (kg CO2e/m2)	Energy Intensity
Facility Primary Type: Public Works										
Port Colborne Works Department	11 King Street	1025		8 NG Elect.	24801.00 m3 91179.00 kWh	3,162.38 9,553.30	263,579.50 91,179.00	46,889.44 1,577.21	45.75 1.54	257.15 (ekWh/m2) 88.96 (ekWh/m2)
Parks Depot	52 West Side Road	900		16 NG Elect.	10421.00 m3 1623.00 kWh	1,078.49 125.38	110,752.06 1,623.00	19,702.22 28.07	21.89 0.03	123.06 (ekWh/m2) 1.80 (ekWh/m2)
Engineering and Operations Centre	1 Killaly Street West	3424		10.86 NG Elect.	23502.00 m3 104670.00 kWh	2,143.01 10,129.68	249,774.02 104,670.00	44,433.52 1,810.58	12.98 0.53	72.95 (ekWh/m2) 30.57 (ekWh/m2)
Facility Type Total						26,192.24	821,577.58	114,441.04		
Facility Primary Type: Other										
Roselawn Centre	296 Fielden Avenue	675		5.71 NG Elect.	19366.00 m3 92441.00 kWh	1,769.38 13,336.23	205,817.53 92,441.00	36,613.88 1,599.04	54.24 2.37	304.91 (ekWh/m2) 136.95 (ekWh/m2)
First Rose Lawn	296 Fielden Avenue	900		5.71 NG Elect.	4896.00 m3 19224.00 kWh	467.98 3,329.09	52,033.60 19,224.00	9,256.51 332.54	10.29 0.37	57.82 (ekWh/m2) 21.36 (ekWh/m2)
Sugarloaf Marina	3 Marina Road	610		4.67 NG Elect.	7706.00 m3 50593.00 kWh	967.57 4,926.05	81,897.65 50,593.00	14,569.17 875.16	23.88 1.43	134.26 (ekWh/m2) 82.94 (ekWh/m2)
Tourism Information Centre	76 Main Street West	290		7.97 NG Elect.	3398.00 m3 7674.00 kWh	425.33 761.06	36,113.19 7,674.00	6,424.35 132.74	22.15 0.46	124.53 (ekWh/m2) 26.46 (ekWh/m2)
Lions Field Park Canteen	148 Killaly Street W.	131		3 NG Elect.	205.00 m3 6649.00 kWh	26.93 579.23	2,178.69 6,649.00	387.58 115.01	2.96 0.88	16.63 (ekWh/m2) 50.76 (ekWh/m2)
Harbour Master	201 West Street	75		1.43 Elect.	6173.00 kWh	665.12	6,173.00	106.78	1.42	82.31 (ekWh/m2)
Facility Type Total						27,253.97	560,794.66	70,412.76		
<b>Grand Total</b>						<b>645,786.31</b>	<b>10,260,789.22</b>	<b>1,069,738.30</b>		

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Report Number: 2019-98

Date: June 24, 2019

**Subject: By-law Appointment of Municipal Law Enforcement Officers and a Building Inspector**

**1) PURPOSE**

The report was prepared by Sherry Hanson, Manager of By-law Services and authorized by Dan Aquilina, Director of Planning and Development.

It is requested that Council appoint by by-law, the two successful candidates for the By-law Intake Officer, and the Building Inspector/Property Standards Officer.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

It is required that a By-law Enforcement Officer be approved under the *Police Services Act* as a Municipal Law Enforcement Officer to enforce the City's by-laws. Further that the Ontario Building Code requires that Council appoint inspectors, as necessary, to ensure compliance with the *Ontario Building Code Act*.

**3) STAFF COMMENTS AND DISCUSSIONS**

Staff recommends that Charlotte Cooper be appointed as a Municipal Law Enforcement Officer and that Alexandra Campbell be appointed as a Municipal Law Enforcement Officer, a Property Standards Officer and a Building Inspector.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS**

**a) Do Nothing**

Without being appointed the candidates would be unable to perform most of their duties.

**b) Other Options**

This section is not applicable.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Proactive by-law enforcement enhances the appearance of the City and has been a desire of Council.

**6) ATTACHMENTS**

None. The appointing by-laws are attached to the Council agenda.

7) **RECOMMENDATION**

That Charlotte Cooper be appointed as a Municipal Law Enforcement Officer; and

That Alexandra Campbell be appointed as a Municipal Law Enforcement Officer, Property Standards Officer and a Building Inspector.

8) **SIGNATURES**

Prepared on June 11, 2019 by:



Sherry Hanson, C.P.S.O.  
Manager of By-law Services

Reviewed by:



Todd Rogers, MAATO CBCO  
Manager of Building Services

Reviewed and respectfully  
submitted by:



C. Scott Luey  
Chief Administrative Officer

Reviewed by:



Dan Aquilina, RPP, MCIP, CPT  
Director of Planning and Development



Report Number: 2019-85

Date: June 10, 2019

**SUBJECT: Recommendation Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street**

**1) PURPOSE:**

The purpose of the report is to provide Council with a recommendation regarding a proposed Official Plan and Zoning By-law Amendment initiated by the City of Port Colborne for the property legally known as Part of Lot 27 Concession 1, former Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 170 Welland Street.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

At its January 28, 2019 meeting Council provided the following direction to staff:

“That Planning and Development staff be directed to bring forward applications under the Planning Act to propose changes in land use for certain properties within the East Waterfront Secondary Plan Area that are federally and privately owned from Parks and Open Space to Industrial/Employment purposes.”

The application for Official Plan Amendment proposes to change the designation of 170 Welland Street in the East Waterfront Secondary Plan from “Parks and Open Space” to “Industrial Areas”.

The application for Zoning By-law Amendment proposes to change at the zoning at 170 Welland Street from “P-CH” (Public and Park with Conversion Holding) to “LI-51”, a special provision in the Light Industrial Zone prohibiting the uses of Medical Marihuana Production Facility and Adult Oriented Entertainment Establishment.

As presented in Public Meeting Report 2019-64 for this application, other lands were also under consideration for zoning change. This included Transport Canada Lands along Welland Street and the “slag spit” as well as City of Port Colborne lands on the south side of Lake Road. These lands have been removed from this application and will be subject of a new application to be brought forward by staff in the near future. A new public meeting will be called at a later date to consider that application.

**3) STAFF COMMENTS AND DISCUSSIONS**

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on April 23, 2019. Public notice signs were posted on the properties on April 23rd, 2019. A public notice was also posted on the City’s website on April 23rd, 2019. A public notice appeared in The Port Colborne Leader on April 25, 2019.

Staff hosted a public open house on April 29, 2019. The open house was attended by a number of residents and property owners from the East Village.

The Public Meeting was held on May 13, 2019 and was well attended by concerned citizens. The minutes of the public meeting are attached to this report as Appendix D.

## **PUBLIC COMMENTS**

At the time of writing this report, staff has received the following written comments from members of the public (attached in full as Appendix C):

### Larry Rosnuk, 62 Fraser Street

- Application should be delayed for additional input.
- Would like to see heavy industrial changed to light industrial with bird sanctuary at the southern end of the "slag spit" protected with public access along Lake Erie shoreline.

### Debbie Gravelle, 177 Welland Street

- Lives directly across from 170 Welland Street.
- Concerned about drop in property value resulting from re-zoning.
- Concerned about potential businesses using 170 Welland Street and impact on her property.

### Tina Whitwell, 83 Welland Street

- Concerned about decline in property values and ability to sell property if applications approved.
- Concern about noise, traffic and pollution from sites diminishing enjoyment of property.

### Loretta Vanderhoeck, 117 Fares Street

- Uses on property unsightly - view from West Street is not slightly for tourists.
- Concerns about dust and health issues with wind blowing material stored on site into East Village.
- Concern about ability to sell home if applications approved.

### Glenn Hamilton, 217 Welland Street

- Concerns about pollution, noise, odour, traffic and other impacts on residents

### Michael Tenszen, 2-576 Fielden Avenue

- Great opportunity for the City to create a large lake and canal-side park with bird sanctuary at this property.
- Opposed to establishment of heavy industrial park on this site due to concerns of impact on natural environment.
- There are other options for locating an industrial park in Port Colborne.

### David Henderson, no address given

- Concerns about intake source for municipal water system and impact industry may have.
- Notes that the intake protection zone is the most vulnerable in Niagara.

Tracy Pybus, 187 Oakwood Street

- Opposed to change to industrial uses. Would like to see more greenspace.

Tina Gifford, no address given

- Legacy of industrial contamination in Port Colborne
- Would prefer to see greenspace, residential and parks.

Linda and Harry Talving, no address

- Would like to see protection for bird habitats at the southern end of the “slag spit” as it is an important nesting area for gulls.
- Would prefer to see remaining land rezoned to light industrial.

Ines Mundt, 35 Canal Bank Road

- Moved to Port Colborne for environment and lifestyle.
- See great potential for tourism. Wondering why city is taking step back converting park land to industrial land.
- Concerns about pollution and contamination.

H Stengel, 192 Fares Street

- Opposed to rezoning.
- Neighbourhood is impacted by other industries in area. Does not want to see expansion.
- Concerned about bird nesting area.

Leo Talving, no address given

- Prefer to see light industrial instead of heavy industrial.
- Southern portion of slag spit is important bird area that would be protected.

Barbie Horton, no address given

- Opposed to application.
- Concern about water contamination, air quality, dust and noise.

Irene Sinko, 196 Fares Street

- Opposed to application. Would prefer to see something that will improve the east side.

Catharine Parry, no address given

- Prefers original vision stated in East Waterfront Community Improvement Plan. Feels proposed application will take city in opposite direction.
- Opposed to application.

Mitch Carriere, 173 Welland Street

- Has owned property across the street for over twenty years. Pollution, noise and dust from existing industries is an on-going problem. Adding more industrial uses will make problem worse.
- Concern about impact on property value.
- Concern about impact on West Street, Canal Days and tourism.
- Application will negatively impact quality of life in East Village.
- Opposed to application.

Robert Szabari, 131 Welland Street

- Opposed to application.

- Lives across street and will be directly impacted.
- Light and heavy industrial is not correct fit for neighbourhood.
- Priority should be environment and residents.
- Concern about property value, water and air quality.

### DIVISION/AGENCY COMMENTS

At the time of writing this report, staff has received the following written comments from City divisions and external review agencies (attached in full as Appendix B):

#### Drainage Superintendent

- “No Concern.”

#### Regional Municipality of Niagara

- Notes some support for application from Regional Official Plan recommending industrial uses be located along Welland Canal.
- Notes some support for parks and public open space along Welland Canal Cultural Heritage Landscape.
- Notes that the City is not the owner of the land and is not currently in a position to create a park on this land.
- Notes concerns about Ministry of Environment, Conservation and Parks D-6 Guidelines (Compatibility between Industrial Facilities). Suggests that uses that do not meet D-6 setback requirements be removed from permitted uses on the property.

#### Niagara Peninsula Conservation Authority

- “170 Welland Street is not impacted by any NPCA Regulated Features and as such the NPCA has no concerns with the proposed change.”

### PLANNING DIVISION

#### City of Port Colborne Official Plan

According to Schedule F: East Waterfront Secondary Plan, the City of Port Colborne’s Official Plan designates the properties as **Parks and Open Space**. Land uses in the Parks and Open Space designation include public landscaped open space, playgrounds and sports fields not administered by a school board; cultural and recreational facilities such as arenas; museums, halls, swimming pools, docks and publicly operated golf courses; linear parks and public open spaces such as multi-use trails and pathways and on-road bicycle routes.

The application for Official Plan Amendment proposes to change the Official Plan designation to **Industrial Areas**. Land uses in the Industrial Areas designation include manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; offices as an accessory or secondary use; commercial activities that provide amenities to employees during the workday, as an

accessory use, medical marihuana production facilities; industrial activities related and proximate to the canal and harbour such as ship dockage and repair; and accessory uses such as parking garages.

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

The subject properties are zoned **P-CH (Public and Park with Conversion Holding)**. The Public and Park zone permits Cemetery; Community Garden; Conservation Use; Cultural Facility; Food Vehicle; Park; Public Use; Recreation Use; and Uses, structures and buildings accessory thereto. The Conversion Holding symbols requires a Record of Site Condition to be filed with the Ontario Ministry of the Environment before Public and Park zone uses can be established on the property.

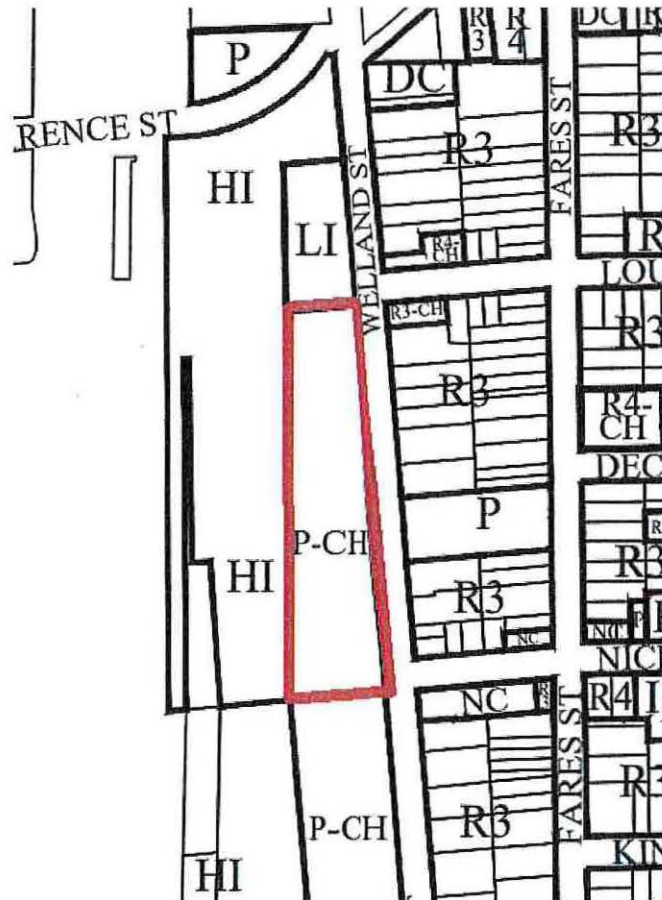
The zoning is proposed to change to **LI-51**, a special provision of the **Light Industrial zone**. The LI-51 zone will permit Car wash; Contractor's Yard; Crematorium; Education Facility; Industry, Light; Motor Vehicle Repair Garage; Public Use; Research Facility; Transportation Depot; and Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades.

The "Industry, Light" use is defined in Section 38 of the Zoning By-law as: "premises used for: a) The manufacture, processing, assembly, disassembly or packaging of finished parts or products from previously prepared materials; b) The repair or servicing of products; c) Building supply storage and wholesale; and d) Warehouse and storage."

It is important to keep in mind that this property has an active salvage yard license from the Niagara Region (formerly Niagara Regional Police Service) and this can continue as a legal non-conforming use irrespective of the zoning of the property.

#### Adjacent Zoning and Land Use

As shown in the diagram below, the zoning around the subject property is mixed. To the immediate north of the property is an office/yard for a construction company with Light Industrial zoning. To the east is residential lands with some commercial zoning as well as a park. To the south are lands currently zoned P-CH (Public and Park with Conversion Holding), which will be subject to a future City-initiated zoning by-law amendment application as discussed above. To the west is a harbour facility zoned Heavy Industrial. The land to the south and west is owned by Transport Canada and operated by the St Lawrence Seaway Management Corporation (Seaway). The Seaway has stated its intention of maintaining ownership of land along the Welland Canal for continued operation of the canal and marine-related industries.



### Comment and Discussion

The current official plan designation and zoning of the subject property came about in 2012. At that time, the City adopted the East Waterfront Secondary Plan, which changed the designation of the property from Industrial Light to Parks and Open Space. When the City adopted zoning by-law 6575/30/18, the zoning was changed from Light Industrial to P-CH to match the Parks and Open Space official plan designation. According to aerial imagery, this property has had industrial uses since at least 1921. Although the property has been dormant in recent times, staff understand that the owner has maintained a Salvage Yard licence on the property giving this use legal non-conforming status. Given the long history of industrial use on this site and neighbouring properties, including its most recent use as salvage yard, it is safe to conclude there is a high level of contamination on the subject property. Remediation of the contamination would be required before park and public uses could be established, as required by the conversion holding provision and the Ontario Building Code.

After the official plan designation and zoning was changed for this property, Council has not expressed interest in acquiring the property for cleaning and conversion to parkland. Therefore, the property is currently in a state of paradox where the zoning only permits public and park uses, but the City is not prepared to purchase the property and create a park. The current owner would like to sell it, but without industrial zoning, the property is unsellable.

That said, staff is aware of the concern of many of the individuals who provided comments and feedback throughout the public participation process. These concerns stem from a desire to see this land converted to a park. With continued industrial use on this site, concern arises from noise, dust, run-off, emissions and other forms of pollution along with traffic. Finally, there have been several comments about impact continued industrial use will have on residential property values in the area.

Staff will address these concerns below. Regarding impact on property value, staff notes that the land has not actually been converted to a park. Industrial zoning will only result in resumed industrial operations on the site. Given this situation, staff is not aware of any evidence suggesting a decline in property values.

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

Concerns about noise, dust, emissions and vibrations can be addressed through the application of the Ministry of Environment, Conservation and Parks D-6 Guidelines. These guidelines specifically address land use compatibility between industrial properties and more sensitive land uses, including residential. As suggested by Council and the Region, staff have reviewed uses permitted in the light industrial zone with the industrial categorization criteria used in the D-6 Guidelines. Staff is of the opinion that uses permitted in the light industrial zone can only be classified as Class I industries because “obnoxious, dangerous and offensive trades” are not permitted.

The D-6 Guidelines suggest a 20 metre separation between Class I industries and residential properties. This measurement is taken between property lines. The Welland Street road allowance is 20.11 metres in width, meaning that the suggested separation distance is met.

The one deviation between the Light Industrial zone and the Class I industry category is outside storage. The D-6 guidelines do not permit outside storage for Class I industries, whereas the City’s light industrial zone does, however only in the side and rear yards. Therefore, staff recommend a condition being placed on the LI-51 zone that outside storage will only be permitted after a 2.6 metre privacy fence is built to shield the storage area from Welland Street. This should serve to mitigate noise and dust associated with the exterior storage.

#### Source Water Protection

Concerns about proximity of the subject property to the water inlet for the Port Colborne Water Treatment Plant on King Street have been raised. The City, Region and NPCA have previously reviewed the area around the water inlet and have identified two areas, or Intake Protection Zones, where land-uses should be restricted to prevent contamination of the water supply. Schedule A9 of Zoning By-law 6575/30/18 identifies the subject property as being within the IPZ-2 area. Prohibited uses in the IPZ-2 area are waste disposal site, stormwater management facility and agricultural uses, including the storage or application of agricultural source material. Both waste disposal and agricultural uses are not permitted within the Light Industrial zoning. Staff recommend adding stormwater management facility as a prohibited use to the LI-51 zone. Doing so will

ensure that the subject property will comply with source water protection policies and regulations.

### Traffic

Welland Street is a designated trucking route for large commercial vehicles travelling to the Vale facility at the end of Nickel Street. Schedule D of the City of Port Colborne's Official Plan identifies Welland Street between Clarence and Rodney streets as a "local commercial or industrial" road. Section 9.1.2 of the Official Plan defines this road type as "roads that provide access to commercial or industrial areas." Therefore, the subject property is located on the correct street type for light industrial uses.

### Site Plan Control

The property is not currently under site plan control. Any expansion of the existing 570 square metre building on the property will require a site plan agreement for the whole property. The site plan agreement will address fencing, lighting, landscaping, parking and other elements.

### Conclusion

Staff believes that changing the Official Plan designation from Parks and Open Space to Industrial Areas and the zoning from P-CH to LI-51 for 170 Welland Street complies with City, Regional and Provincial policies. These changes will not result in the loss of any actual parks or open space. Rather, it will recognize the existing and long-standing uses of the subject property, effectively reverting to the pre-2012 designation and zoning. The special provisions of the LI-51 zone will prohibit Medical Marihuana Production Facility, Adult Oriented Entertainment Establishment, and Stormwater Management Facility as uses on the subject property to comply with direction from Council and the IPZ-2 requirements. A condition will also be placed requiring a 2.6 metre fence to shield outside storage from Welland Street. Staff recommends approval of this official plan and zoning by-law amendment.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

##### **a) Do nothing**

Not an option as Council is statutorily obligated to make a decision on the proposed applications.

##### **b) Other Options**

Though not recommended, Council could deny the application.

Council could request additional information or further changes from staff.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

N/A



**6) ATTACHMENTS**

- Appendix A: Official Plan Amendment
- Appendix B: Zoning By-law Amendment
- Appendix C: Public & Agency Comments
- Appendix D: Draft Minutes of Public Meeting

**7) RECOMMENDATION**

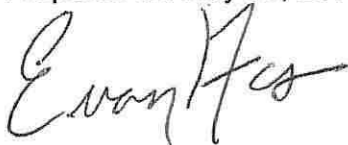
That the Official Plan Amendment, attached to Planning and Development Department, Planning Division, Report 2019-85 as Appendix A, changing the designation of the property from "Parks and Open Space" to "Industrial Areas", be approved.

That the Zoning By-law Amendment, attached to Planning and Development Department, Planning Division, Report 2019-85 as Appendix B, rezoning the land from "P-CH" to "LI-51", be approved

That Planning staff be directed to prepare the Notice of Passing in accordance with the *Planning Act* and circulate to all applicable parties.

**8) SIGNATURES**

Prepared on May 31, 2019 by:



Evan Acs, MA, MSc  
Planner

Reviewed by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

The Corporation of the City of Port Colborne

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

Being a by-law to adopt amendment no. 6 to the  
Official Plan for the City of Port Colborne

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

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

1. That Official Plan Amendment No. 6 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

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

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

\_\_\_\_\_  
Amber LaPointe  
Clerk

**AMENDMENT NO. 6  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

**PREPARED BY:  
CITY OF PORT COLBORNE  
DEPARTMENT OF PLANNING & DEVELOPMENT**

**June 10, 2019**

**AMENDMENT NO. 6  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

**AMENDMENT NO. 6  
TO THE OFFICIAL PLAN  
FOR THE  
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 6 to the Official Plan for the City of Port Colborne.

Date: \_\_\_\_\_

**AMENDMENT NO. 6 TO THE OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

**INDEX**

The Statement of Components

Part A – The Preamble

Purpose  
Location  
Basis

Part B – The Amendment

Introductory Statement  
Details of the Amendment  
Implementation & Interpretation

Part C – The Appendices

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

## **STATEMENT OF COMPONENTS**

### **PART A**

The Preamble does not constitute part of this Amendment.

### **PART B**

The Amendment, consisting of the following map, constitutes Amendment No. 6 to the Official Plan for the Port Colborne Planning Area.

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

### **PART A - THE PREAMBLE**

#### **Purpose**

The purpose of Official Plan Amendment No. 6 is to change the designation for the subject lands, shown on the attached Schedule, from Parks and Open Space to Industrial Areas.

#### **Location**

The lands affected by this amendment are located in legally described as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known at 170 Welland Street.

#### **Basis**

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

It is intended to concurrently approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing "P-CH" zone to "LI-51" that will permit industrial uses on the subject lands.

Planning staff has evaluated the proposed amendment in light of Official Plan policies, the public information process and general planning principles and have recommended approval of this Official Plan Amendment through Department of Planning and Development Report No. 2019-85 which is attached as Appendix II in Part C.

### **PART B - THE AMENDMENT**

All of this part of the document entitled **PART "B"** – "The Amendment" consisting of the following text and map designated Schedule "A" constitutes Amendment No. 6 to the Official Plan for the City of Port Colborne. The Official Plan of the City of Port Colborne is hereby amended as follows:

Lands shown on Schedule A are redesignated from Parks and Open Space to Industrial Areas.

### **IMPLEMENTATION AND INTERPRETATION**

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

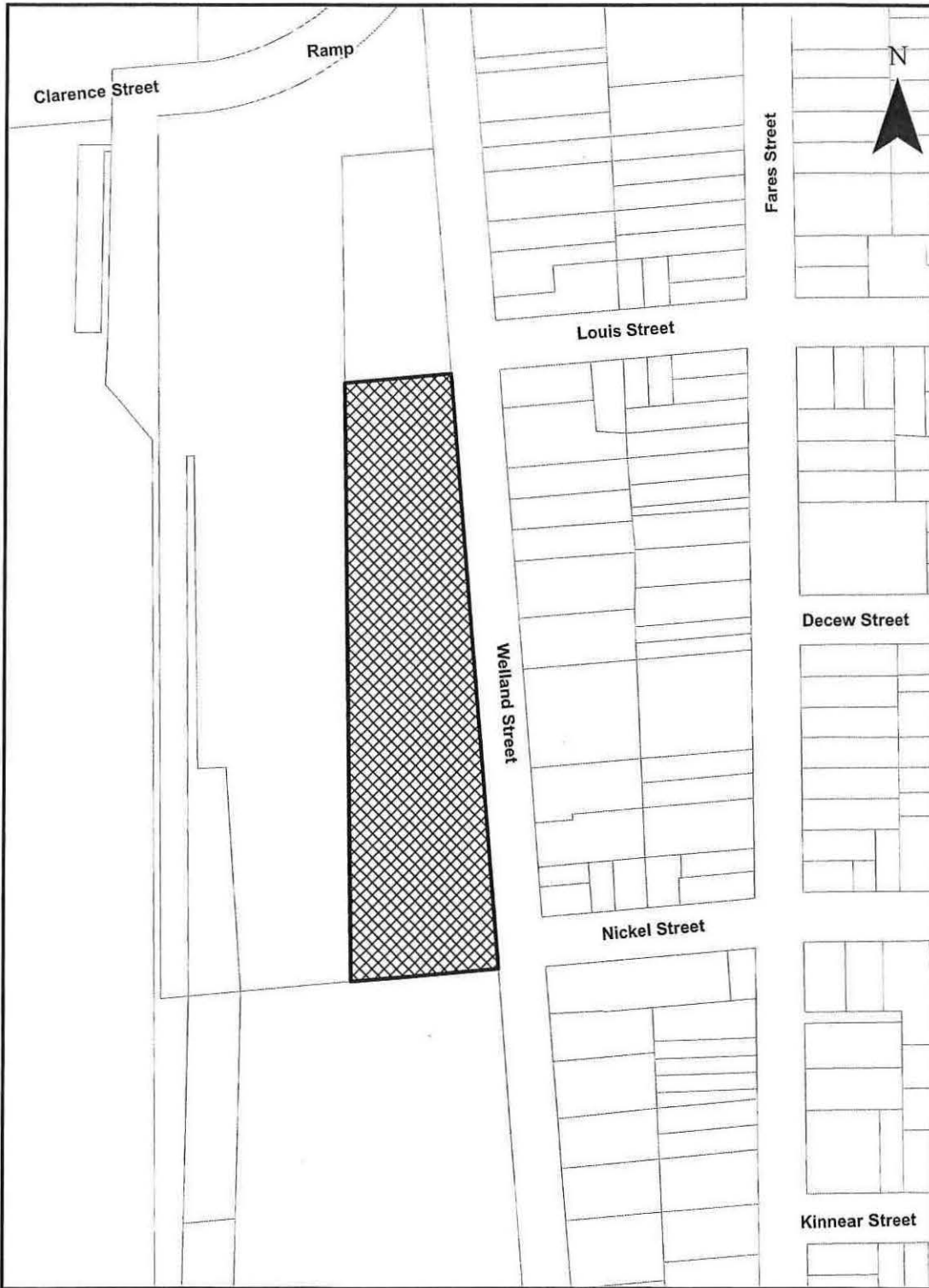
### **PART C – THE APPENDICES**

The following appendices do not constitute part of Amendment No. 5 but are included as information to support the Amendment.

APPENDIX I – Minutes of the Public Meeting

APPENDIX II – Department of Planning & Development Report





THIS IS SCHEDULE "A" TO BY-LAW NO \_\_\_\_\_


PASSED THE \_\_\_\_\_, 2019

\_\_\_\_\_

MAYOR

\_\_\_\_\_

CLERK

 Lands to be redesignated from Parks and Open Space to Industrial Areas

MAY 2019

FILE: D09-01-19

DRAWN BY: CITY OF PORT COLBORNE  
PLANNING DIVISION

NOT TO SCALE

The Corporation of the City of Port Colborne

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

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known at 170 Welland Street.

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

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

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

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A6" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from P-CH to LI-51.
3. That Section 37 entitled SPECIAL EXCEPTIONS AND PROVISIONS of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

LI-51

Notwithstanding the provisions of the Light Industrial zone, the following uses are prohibited: Medical Marihuana Production Facility; Adult Oriented Entertainment Establishment; and Stormwater Management Facility. Outside storage is subjected to the following condition: A 2.6m privacy fence is built to shield view of outside storage from Welland Street.

4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.


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

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

\_\_\_\_\_  
Amber LaPointe  
Clerk



THIS IS SCHEDULE "A" TO BY-LAW NO \_\_\_\_\_  
 PASSED THE \_\_\_\_\_, 2019  
 \_\_\_\_\_  
 MAYOR  
 \_\_\_\_\_  
 CLERK

 Lands to be rezoned from P-CH to LI-51

MAY 2019

FILE: D14-03-19

DRAWN BY: CITY OF PORT COLBORNE  
 PLANNING DIVISION

NOT TO SCALE

## PUBLIC OPEN HOUSE COMMENT SHEET

File: D09-01-19 and D14-03-19

Address: 170 Welland Street, City Land on Lake Road and Transport  
Canada Lands on the East Side of the Welland Canal

Open House Date: April 29 2019

Comments:

NEEDS MORE PUBLIC INPUT  
SHOULD BE POLICED  
SO THAT MULTI USE - LIGHT INDUSTRIAL  
& BIRD SCANTURY AND ACCESS TO  
THE PUBLIC TO ALL OF THE EAST  
WELLAND SHORE LAND

- CHANNEL SOME TO LIGHT INDUSTRIAL.

Name: HARRY ROSAUK

Address: 62 FRASER ST. P.C

Email: 

**NAME AND ADDRESS MUST BE COMPLETE FOR COMMENT TO ENTER PUBLIC RECORD**

# PUBLIC OPEN HOUSE COMMENT SHEET

File: D09-01-19 and D14-03-19

Address: 170 Welland Street, City Land on Lake Road and Transport  
Canada Lands on the East Side of the Welland Canal

Open House Date: April 29 2019

Comments:

I live right across from <sup>Jeff.</sup> Dewars.  
I am really scared about 1- property  
value dropping drastically. 2- that  
if his property is changed to L-1.  
that leaves the transport comp owned  
by ~~the~~ to purchase his land and  
expand his business. It could happen and I  
am very worried. Thx.

Name: Debbie Gravelle

Address: 177 Welland St  
P.C

Email: 

**NAME AND ADDRESS MUST BE COMPLETE FOR COMMENT TO ENTER PUBLIC RECORD**

## PUBLIC OPEN HOUSE COMMENT SHEET

File: D09-01-19 and D14-03-19

Address: 170 Welland Street, City Land on Lake Road and Transport  
Canada Lands on the East Side of the Welland Canal

Open House Date: April 29 2019

Comments:

- how will the heavy industrial area affect our property value, will we ever be able to sell our homes when these changes happen.

- how will these proposed ~~chang~~ changes affect the opportunity to sell \$ our homes.

- are we going to be pushed out of our houses due to the changes, noise, traffic, construction, machinery, more ~~pollution~~ activity, pollution,

Name: TINA WHITWELL

Address: 83 WELLAND ST.

PORT COLBORNE ON L3K 1V1

Email: 

**NAME AND ADDRESS MUST BE COMPLETE FOR COMMENT TO ENTER PUBLIC RECORD**

## PUBLIC OPEN HOUSE COMMENT SHEET

File: D09-01-19 and D14-03-19

Address: 170 Welland Street, City Land on Lake Road and Transport  
Canada Lands on the East Side of the Welland Canal

Open House Date: April 29 2019

Comments:

- eye sore to look at. West St is #1 street in  
Port. Visitors from all over come to Port to visit  
to shop - CANAL Days. They don't want to see  
heavy equipment, noise, High piles of who  
know what.
- HEALTH Issues - On a windy day comes from  
the west the East side gets all that stuff  
on our homes Breathing Unhealthy air -  
I have COPD & I don't want to have to  
stay inside my house come the Summer  
- won't be able to sell our home now

Name: LORETTA VAN DER HOEK

Address: 117 FARIS ST

Email: [REDACTED]

**NAME AND ADDRESS MUST BE COMPLETE FOR COMMENT TO ENTER PUBLIC RECORD**

April 26, 2019

Amber LaPointe

City Clerk,

Port Colborne City Hall,

66 Charlotte Street,

Port Colborne, ON.

L3K 3C8



Dear, Port Colborne, City Clerk, Amber LaPointe and or City of Port Colborne, Ontario, Canada.

Re: Letter I received April 25th, 2019, dated April 23<sup>rd</sup>, 2019. Addressing: Files; D09-01-19 & D14-03-19, Proposed Official Plan & Zoning By-law Amendment for 170 Welland Street, City Land on Lake Road and Transport Canada Lands.

As per the Legal Notice section of your letter, referring to ( Section 22 and 34 of the Planning Act), please accept this written submission from me, a resident and property owner (217 Welland St., Port Colborne), with respect to these major zoning change proposals, and their numerous, potentially negative effects, of industrialization, on this east side/Nickel Beach community, Lake Erie, the Downtown core and the City as a whole. These effects, ranging from all forms of pollution; air, water, noise, smell, visual, contaminants, traffic and others, degrade, nature and wildlife, the life style and living conditions of all inhabitants of this great Lake Erie, coastal City. I submit this letter now, in response, to reserve my right or option, to appeal this proposed Amendment change before a Local Planning Appeal Tribunal, moving forward. I submit this letter now, prior to a decision by the City of Port Colborne Council, on this proposed matter, ( the Official Plan and Zoning By-law Amendments), as referenced above.

I would also appreciate the personal notice offered in your letter, with respect to Council's decision about this matter, (time is of the essence) if an appeal is warranted. I look forward to hearing more about this matter.

Thank you.

Kindest regards,

Glenn Hamilton





"Heavy Industry" means heavy smoke, stink, noise, traffic.

## PUBLIC OPEN HOUSE COMMENT SHEET

File: D09-01-19 and D14-03-19

Address: 170 Welland Street, City Land on Lake Road and Transport  
Canada Lands on the East Side of the Welland Canal

Open House Date: April 29 2019



Comments:

The elected politicians of Port Colborne have one of the greatest opportunities in the city's history to "Do The Right Thing" by creating a large lake and canal-side park for its citizens. It would be a terrible shame if our city council "sells out" to vested industrial interests and allows a smoky, smelly, noisy conglomeration of heavy industries to be foul and essentially destroy a natural area. There are countless areas of the city and surrounding environs to locate an industrial park. This area is not the place for heavy industry. Please Do the Right Thing. A beautiful lake and canal-side park, and bird sanctuary for generations of thank full Port citizens.

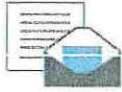
Name: Michael Tenszen 

Address: 2-576 Fielden Avenue

Port Colborne, Ont. L3K 4U1

Email: off line, please contact me, Thank you.

**NAME AND ADDRESS MUST BE COMPLETE FOR COMMENT TO ENTER PUBLIC RECORD**



**Fw: Re Zoning Appliavction May 13th**  
**Dan Aquilina** to: Evan Acs, Heather Mahon

05/09/2019 10:01 AM

Dan Aquilina, MCIP, RPP, CPT  
 Director of Planning and Development  
 905-835-2901 Ext. 203  
 Fax: 905-835-2939  
 www.portcolborne.ca

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----- Forwarded by Dan Aquilina/Port\_Notes on 2019-05-09 10:00 AM -----

From: "David Henderson" [REDACTED]  
 To: mayor@portcolborne.ca, "Ron Bodner" <ronbodner@portcolborne.ca>, angiedesmarais@portcolborne.ca, markbagu@portcolborne.ca, garybruno@portcolborne.ca, frankdanch@portcolborne.ca, ericbeauregard@portcolborne.ca, harrywells@portcolborne.ca, danaquilina@portcolborne.ca  
 Date: 2019-05-09 09:03 AM  
 Subject: Fwd: Re Zoning Appliavction May13th

I am writing to ask you to vote against the rezoning of the lands on the east side of canal south of Clarence Str. to heavy industrial use.

This are is where Port Colborne takes water for its municipal water supply.

Port Colborne's water intake has the highest potential for contamination of any municipality inin Niagara, as shown Table 1.1 and link to Niagara Source Water protection.

<http://www.sourceprotection-niagara.ca/wp-content/uploads/2015/12/1.0-SPP-text-MOE-Approved-131216R.pdf>

Approving this zoning change would be an egregious abuse of your municipal responsibilities, a betrayal of you responsibility to the citizens of Port Colborne and the Canada Water Act.

David Henderson  
 [REDACTED]

Table 1.1 Water Treatment Plants and Intake Protection Zones in Niagara

Water Treatment Plant	Intake Protection Zone (IPZ)	Vulnerability Score
Grimsby	<ul style="list-style-type: none"> <li>• Grimsby IPZ-1</li> <li>• Grimsby IPZ-2</li> </ul>	5.0 4.0

DeCew Falls (which has 3 intakes: Main, Highway 406, and Lake Gibson Alternate) -	<ul style="list-style-type: none"> <li>• Main IPZ-1</li> <li>• Main IPZ-2</li> </ul>	8.0 6.2
	<ul style="list-style-type: none"> <li>• Highway 406 IPZ-1</li> <li>• Highway 406 IPZ-2</li> </ul>	8.0 5.6
	<ul style="list-style-type: none"> <li>• Alternate IPZ-1</li> <li>• Alternate IPZ-2</li> </ul>	8.0 6.4
Welland *	<ul style="list-style-type: none"> <li>• Welland IPZ-1</li> </ul>	7.0
Port Colborne -	<ul style="list-style-type: none"> <li>• Port Colborne IPZ-1</li> <li>• Port Colborne IPZ-2</li> </ul>	9.0 8.1 -
Rosehill (Fort Erie)	<ul style="list-style-type: none"> <li>• Rosehill IPZ-1</li> <li>• Rosehill IPZ-2</li> </ul>	7.0 5.6
Niagara Falls	<ul style="list-style-type: none"> <li>• Niagara Falls IPZ-1</li> <li>• Niagara Falls IPZ-2</li> </ul>	8.0 6.4

\*Table Note: There is no Welland IPZ-2 since it is located wholly within the IPZ-1.



**Fw: No expansion for industry at East Side Waterfront**  
**Dan Aquilina** to: Evan Acs, Heather Mahon

05/09/2019 01:24 PM

Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development  
905-835-2901 Ext. 203  
Fax: 905-835-2939  
www.portcolborne.ca

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----- Forwarded by Dan Aquilina/Port\_Notes on 2019-05-09 01:24 PM -----

From: [REDACTED]  
To: "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>, "danaquilina@portcolborne.ca" <danaquilina@portcolborne.ca>  
Date: 2019-05-09 01:20 PM  
Subject: Fwd: No expansion for industry at East Side Waterfront

---

I am opposed to the proposed changes that would see industry take over. Why can't we not do something else like turn it into green space, in line with other cities, especially at this time in history, when green space is needed, and not more pollution and contaminants.

Tracy Pybus

[187 Oakwood Street](#)

[Port Colborne](#)

Zoning Check  
Site Plan Comments  
Read Receipts  
Fwd: waterway industrial changes  
Dan Aquilina  
to:  
Evan Acs, Heather Mahon  
05/10/2019 08:07 AM  
Hide Details  
From: Dan Aquilina/Port\_Notes  
To: Evan Acs/Port\_Notes@Port\_Notes, Heather Mahon/Port\_Notes@Port\_Notes

Dan Aquilina, MCIP, RPP, CPT  
Director of Planning & Development

Begin forwarded message:

**From:** "tina gifford" [REDACTED]  
**Date:** May 10, 2019 at 12:47:07 AM EDT  
**To:** "[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)" <[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)>  
**Subject:** waterway industrial changes

What in the world is going on?

This is a ridiculous idea. The city of Port Colborne has seen years of industry fallout. Now its planning another creation of the industrial messes from the past.

The canal way is a perfect site to create greenspace, living areas and parks. Isn't it time to try to clean it up not create more of a dismal view of such a beautiful land. Come on!!

Tina Gifford - Iron Spirit Services



Site Plan Comments

Read Receipts

Zoning Check

City Hall Council Meeting of Monday, May 13th/19. ITEM #5, East Canal Lands

L. Louise Hawkins

to:

planner

05/10/2019 11:27 AM

Hide Details

From: "L. Louise Hawkins" [REDACTED]

To: planner@portcolborne.ca

First of all the City Hall website would not allow us and some others to email to anyone within City Hall staff. But I was given this link and my message should be considered for the meeting as it has not yet taken place: especially after the difficulty is sending any message other than a phone call.

We wish to give our input in regards to the rezoning of the said lands.

Our primary concern is of the most southerly section of the proposed rezoning, because that area is one of the few nesting areas along the north shore of Lake Erie for Seagulls and possibly Terns. There are many hundreds of nesting Gulls there as the Cormorants have invaded most of their spaces. They have historically used that area anyways, but the fact that what used to be termed "Gull Island", is mostly Cormorants now.

This area in our opinion should be designated to a PROTECTED bird sanctuary.

The nearest place for major nesting for the Gulls is Mohawk Island. The water levels would deplete a lot of that area for them. And actually Cormorants have largely taken Mohawk Island over. From early May to sometime in July when the fledglings are grown and gone from the nests people should not be allowed to go there and disturb them.

It truly is one of the few major Seagull nesting areas along the North shoreline!

Please take this seriously.

This is our main concern. Of course I would prefer Light Industry in the rest of the proposed rezoning area. We understand the canals were built for shipping.

Parks and an East St. would be lovely and 100% more pleasant but it is not reality for apparent needs. Seeing the Hamilton Spectator article I wonder what use specifically the land would hold and I remain very sceptical, yet our main concern is the Seagull nesting zone. Please consider this concern and bring this to the meeting this coming Monday. Thank you. Yours truly; Linda and Harry Talving.



**Fw: zoning amendment to Part Lot 27 Conc 1 - 170 Welland**  
**Amber LaPointe** to: Heather Mahon  
Cc: Evan Acs

05/13/2019 01:34 PM

FYI

**Amber LaPointe**  
**Manager of Legislative Services /City Clerk**  
Corporate Services Department, City of Port Colborne  
66 Charlotte Street, Port Colborne, ON L3K 3C8  
905-835-2900 x106 Fax: 905-835-2969  
cityclerk@portcolborne.ca

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----- Forwarded by Amber LaPointe/Port\_Notes on 2019-05-13 01:32 PM -----

From: "Ines Mundt" [REDACTED]  
To: cityclerk@portcolborne.ca  
Date: 2019-05-13 11:43 AM  
Subject: zoning amendment to Part Lot 27 Conc 1 - 170 Welland

---

Last Friday a notice was dropped off in my mail box notifying me of a council meeting this evening wherein a proposal to amend zoning from park to heavy industry is proposed for the above address. It is my intention to be at the council meeting this evening to listen to the proposal and show my apposition to this amendment.

I moved to Port Colborne last summer as the community had so much to offer as a healthy environment, active town and one that I felt had much to offer in the way of tourism. What a tremendous shock to be made aware of this proposal to reclaim park area for the purpose of heavy industry. Why is council taking a step back instead of one into the future? Hard to believe that you would make this move. Surely there is enough land available for industry that would not cause the damage to the water, environment and affect the quality of life for the residents of the town. I am very opposed to this change.

***Tax Season Notice: Office is open for personal tax April 1 to April 30, 2019; corporate tax in June, 2019***

PLEASE NOTE NEW ADDRESS

Ines Cohrs Mundt, RHU  
IM Financial - Insurance, Investments, Living Benefits  
35 Canal Bank Rd., Port Colborne, ON L3K 2M6  
Tel: [REDACTED]  
skype: [REDACTED]  
11 rue du Moulin de Piot, 23220 Cheniers, France  
Telephone in France [REDACTED]

Zoning Check  
Site Plan Comments  
Read Receipts  
Fwd: East Side Land Rezoning  
Dan Aquilina  
to:  
Evan Acs, Heather Mahon  
05/10/2019 05:25 PM  
Hide Details  
From: Dan Aquilina/Port\_Notes  
To: Evan Acs/Port\_Notes@Port\_Notes, Heather Mahon/Port\_Notes@Port\_Notes

Dan Aquilina, MCIP, RPP, CPT  
Director of Planning & Development

Begin forwarded message:

**From:** "Dan Aquilina" <[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)>  
**Date:** May 10, 2019 at 5:23:50 PM EDT  
**To:** [REDACTED] "Heather Mahon" <[heathermahon@portcolborne.ca](mailto:heathermahon@portcolborne.ca)>  
**Subject:** Fwd: East Side Land Rezoning

Dan Aquilina, MCIP, RPP, CPT  
Director of Planning & Development

Begin forwarded message:

**From:** "Ha St" [REDACTED]  
**Date:** May 10, 2019 at 4:10:35 PM EDT  
**To:** [danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca), [cityclerk@portcolborne.ca](mailto:cityclerk@portcolborne.ca)  
**Subject:** East Side Land Rezoning


As a resident of the East side, living a block away from the canal, I strongly disagree with any rezoning of the subject lands to Heavy Industrial. As it is is we residents have seen our property values degraded by Inco pollution, we put up with 24 hour a day noise and dust from Snider dock services and now Marine Recycling Corp has taken over the entire south end for their business. Where once people could walk to the break wall to fish, now the land looks like a junkyard. Is the Ministry of the environment monitoring their activities? Directly adjacent to Nickel Beach?  
The Fowlers toad has all but been eradicated, are you willing to do the same to habitat nearby that has Bald Eagles nesting?

My vote is NO to rezoning.

H.Stengel  
192 Fares St.  
Port Colborne.  
[REDACTED]





**Re: Proposed official plan and zoning by-law amendment** 

**Amber LaPointe** to: leo talving

Cc: Heather Mahon, Evan Acs, Brenda Heidebrecht

05/10/2019 06:41 PM

Hi Leo,

Thank you for your comments.

They will be circulated to Planning staff, Council and included in the public record.

**Amber LaPointe**

**Manager of Legislative Services /City Clerk**

Corporate Services Department, City of Port Colborne

66 Charlotte Street, Port Colborne, ON L3K 3C8

905-835-2900 x106 Fax: 905-835-2969

cityclerk@portcolborne.ca


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"leo talving"

Dear city council, I oppose the changes as they...


2019-05-09 06:38:29 PM

From: "leo talving"   
To: "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>  
Date: 2019-05-09 06:38 PM  
Subject: Proposed official plan and zoning by-law amendment

---

Dear city council, I oppose the changes as they stand and would like to offer some proposals for amendments. I object to the heavy industry zoning as I consider it a step in the wrong direction for the town's development. Light industry would fit in better with future development in the town center. Port Colborne is in a unique position having both a working and public waterfront. Let's keep that balance. Secondly, private property in this area should be returned to its original designation ie light industry so that owners could manage their property without hindrance and not be saddled with a designation which would make it difficult to sell their property. Third, the south part of the land under consideration forms a point or isthmus into Lake Erie which ought to be kept in a preserved state. It is the only herring gull nesting ground between the Grand River and the Niagara River. It is a wild place in the center of town and could be a treasure in the future as open free access to lakefront disappears. Again, it is in balance with development. Leo Talving



**Re:**  **Amber LaPointe** to: Barbie Horton  
**Cc:** Heather Mahon, Evan Acs, Brenda Heidebrecht

05/10/2019 06:42 PM

Hi Barbie,

Thank you for your comments.  
 They will be circulated to Planning staff, Council and included in the public record.

**Amber LaPointe**  
**Manager of Legislative Services /City Clerk**  
 Corporate Services Department, City of Port Colborne  
 66 Charlotte Street, Port Colborne, ON L3K 3C8  
 905-835-2900 x106 Fax: 905-835-2969  
 cityclerk@portcolborne.ca

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"Barbie Horton"      In regards to the application for official plan and...      2019-05-09 04:42:57 PM

From: "Barbie Horton"   
 To: cityclerk@portcolborne.ca  
 Date: 2019-05-09 04:42 PM  
 Subject: Re:

In regards to the application for official plan and zoning by-law known as Part lot 27 concession 1 formerly in the township of Humberstone. I oppose of this Industry taking place in this location,, I feel the water will be contaminated, air quality, dust and increase of noise , wildlife ,will all be compromised,, this will be a tragedy for the sake of money.  
 Thank you  
 Best regards  
 Barbie Horton

Sent from my iPad

Attention: Amber Lapointe City Clerk

Subject: Proposed Official Plan and Bylaw Amendment 170 West Street City Land on Lake Road and Transport Canada Lands

File #D09-01-19 D14-03-14

I am writing to express my concerns regarding the protection of our East Side Canal Lands.

I have recently become familiar with the **East Waterfront Community Improvement Plan** of 2012.

I found it to be a forward thinking and exciting C.I.P.

In it are listed 9 Community goals that were established. (Page 24)

1. Repair and renovate existing houses and other buildings.
2. Protect, restore and re-use architecturally and historically significant buildings.
3. Improve the quality of streetscapes in the neighbourhood
4. Reduce the environmental and visual impact of industrial uses
5. Attract new investment and development to vacant properties
6. Create new open spaces and recreational opportunities
7. Improve pedestrian cycling connections to Nickel Beach and the lake generally
8. Establish more attractions at Nickel Beach
9. Protect and enhance the significant natural features of the lakefront

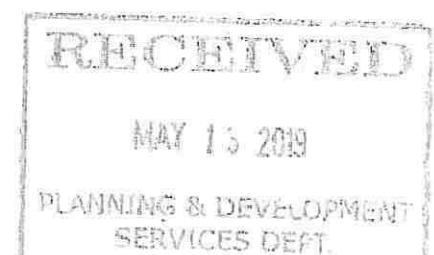
These goals clearly express a LONG TERM VISION for our community and represent a huge opportunity to move in the right direction.

I am appalled that the Proposed Official Plan and Bylaw Amendment will take us in exactly the opposite direction.

I am respectfully asking you to support the people of Port Colborne and

**Vote Against the Official Plan Bylaw Amendment.**

Catharine Parry



To: Amber Lapointe,  
City Clerk  
Evan Acs, Planner  
City of Port Colborne  
66 Charlotte St.  
Port Colborne, ON

May 13, 2019

**RE: 170 Welland Street, City land on Lake Road and Transport Canada Lands. Proposed Official Plan and Zoning By-law Amendment**

My name is Mitch Carriere, I am an owner of a rental property on Welland Street (173 Welland St) directly in front of 170 Welland Street, the property in discussion for zoning changes. Myself and my tenants, would like to present this written submission as our formal opposition to the recent proposed zoning changes on Welland Street. Namely, I am against the following:

I/we are strongly oppose the applications for Official Plan and Zoning By-law amendment for the lands known as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known at 170Welland Street, s/s Lake Road and all lands under federal government ownership on the east side of the Welland Canal.

I/we are strongly oppose the application for Official Plan Amendment proposes to change the East Waterfront Secondary Plan designation for these properties from Parks and Open Space to Industrial Area. I we are against the application for Zoning By-law Amendment of 170Welland proposes to change the zoning from P-CH (Park with Conversion Holding) to Light Industrial.

I/we are strongly oppose or City-owned lands on Lake Road and federal lands the Zoning By-law Amendment proposes to change the zoning from Light Industrial and P-CH (Park with Conversion Holding) to Heavy Industrial.

I have owned this property for over twenty years. Further, the same tenants have resided at this location for this duration. Not only do I have vested interest in this proposed change but my tenants clearly do as well. The property in question, 170 Welland Street, is directly in front of my property therefore any changes taken would impact my property value, as well as affect my tenants' quality of living. The East Village has had to endure the unsightliness of industry, as well as all the westerly polluted winds flowing directly from industry to households since Port was established. This proposal would no doubt add to these already grim circumstances.

It seems totally illogical to me to go from Park land to industrial land. After all the efforts that were made from previous councils, the East Village takes another step backwards. There is plenty of potential Industrial land. The HW 140 corridor and north end Port Colborne. Further, this would no doubt affect West St residents and business owners. West Street is our post card during Canal Days. Which is on full display for only one weekend out of 52 weeks. Instead, like a Niagara-On-The-Lake, It could be on full display every day, a tourist go to ... a jewel in South Niagara. A proposal such as the one

outlined above would only further the unsightliness of the East side docks directly in front of West Street and add to an already poor quality of life in the East Village.

It is short sighted to think that a proposal like this could benefit anybody but a handful of scrap dealers from outside of Port Colborne. Is it not time for Port Colborne to clean up its waterfront and look towards other forms of economic activity. There are so many better and cleaner options. Ask Elliott Lake!

Thanks for your time.

Sincerely,

Mitch Carriere

[REDACTED]

[REDACTED]



Site Plan Comments  
 Read Receipts  
 Zoning Check  
 170 Welland Street  
 M C

to:

cityclerk@portcolborne.ca, planner@portcolborne.ca, angiedesmarais@portcolborne.ca,  
 billsteele@portcolborne.ca

05/22/2019 12:26 PM

Hide Details

From: "M C" [REDACTED]

To: "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>, "planner@portcolborne.ca"  
 <planner@portcolborne.ca>, "angiedesmarais@portcolborne.ca"  
 <angiedesmarais@portcolborne.ca>, "billsteele@portcolborne.ca"  
 <billsteele@portcolborne.ca>

May 22, 2019

To: Bill Steele

Mayor  
 Amber Lapointe,  
 City Clerk  
 Evan Acs, Planner

City of Port Colborne  
 66 Charlotte St.  
 Port Colborne, ON

**RE: 170 Welland Street, City land on Lake Road and Transport Canada Lands. Proposed Official Plan and Zoning By-law Amendment**

Further to my submission sent to the City of Port Colborne May 13, 2019, I would like to add the following:

I did not have the opportunity to attend the Port Colborne City Hall meeting of May 13/2019 since I was at work, however, I had the pleasure of listening to the meeting on social media. Aside from my opposition to the proposal as outlined in my previous submission, I found it odd to learn that this entire proposal for re-zoning classification appears to have been put forward based on one man's word. Mr. Shalom DWOR said to our Mayor that his property was re-zoned without his consent and that he wasn't notified about the changes therefore, without further due, the property should be converted to its original zoning.

I find it odd that an intelligent business man like Mr. DWOR would not be aware of his properties standing and zoning changes since 2012. Myself and most of the immediate residents on Welland St and the East Village were aware of the propose land changes of 170 Welland St. from Industrial land to Park Land in 2012. We received notification by mail to attend meetings as well as I recall browsing the City of Port Colborne web site to view the outlined changes to Park Land. I personally was ecstatic, of the positive changes.

I will give DWOR the benefit of the doubt. I would be upset if my property would be rezoned without my knowing. Then the argument over this whole proposal changes and the legal question becomes:


Did the City of Port Colborne neglect to notify DWOR properly about his property zoning changes back in 2012. I would hope that a "registered" legal document was sent to DWOR and that there would be a record of this communication reflecting zoning changes. If this is not the case, than the City of Port Colborne is clearly negligent and should rectify this matter. The question is, who is going to pay for this negligence. Assuming its stays Park Land, DWOR's property is no doubt less attractive to any buyers. If the property is re-zoned to Light Industrial, then the residents of Welland Street and the East Village lose; Property Values to the residents would clearly be affected even greater than DWOR's limited gain.

Great efforts were made to convert this land to Park Land. If DWOR was not legally notified than he should be compensated by the City of Port Colborne for damages but not at the cost of Welland St. and East Village Residents.

Sincerely  
Mitch Carriere

A black rectangular redaction box covering the signature area.



**Re: Opposed**   
**Amber LaPointe** to: Bob Szabari  
 Cc: Heather Mahon, Evan Acs, Brenda Heidebrecht

05/13/2019 02:22 PM

Hi Bob,

Thank you for your comments.  
 They will be circulated to Planning staff, Council and included in the public record.

**Amber LaPointe**  
**Manager of Legislative Services /City Clerk**  
 Corporate Services Department, City of Port Colborne  
 66 Charlotte Street, Port Colborne, ON L3K 3C8  
 905-835-2900 x106 Fax: 905-835-2969  
 cityclerk@portcolborne.ca

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"Bob Szabari" Hello my name is Robert Szabari....I moved bac... 2019-05-10 09:43:30 PM

From: "Bob Szabari"   
 To: cityclerk@portcolborne.ca  
 Date: 2019-05-10 09:43 PM  
 Subject: Opposed

Hello my name is Robert Szabari....I moved back to Port Colborne in July/2018 which is my hometown. I am very concerned about the proposed change to Part Lot 27 Concession 1...my wife and I moved here in July 2018....coming home to be with family. This proposed amendment is totally unacceptable...we bought a home on Welland St...131 to be exact and feel that any changes to do with light or heavy industrial is not the right thing for our neighborhood. With us buying a home in the neighborhood at this time I think the environment and self preserving of our neighbors both young and old is at a priority. Councilors and Mayor, please hear us in the neighborhood.....stop this and the loss of value of our property, good water....great air quality.

I brought my wife here.... away from her family in BC to a healthier cleaner life....please keep it that way.

Thank you,  
 Robert Szabari  
 131 Welland St  
 Port Colborne, Ontario  
 L3K 1V2

Reply to. this email...thank you



Site Plan Comments  
 Read Receipts  
 Zoning Check  
 Re: Notices of Public Meeting  
 Alana Vander Veen  
 to:  
 Evan Acs  
 04/22/2019 08:28 AM  
 Cc:  
 Brian Kostuk  
 Hide Details  
 From: Alana Vander Veen/Port\_Notes  
 To: Evan Acs/Port\_Notes@Port\_Notes  
 Cc: Brian Kostuk/Port\_Notes@Port\_Notes  
 Hello Evan

There are no concerns with respect to municipal drains for either property.

Alana

Sent from my iPhone

On Apr 18, 2019, at 5:13 PM, Evan Acs <[planner@portcolborne.ca](mailto:planner@portcolborne.ca)> wrote:

Greetings,

Please find attached the corrected notice for D09-01-19 & D14-03-19.

Regards,

Evan Acs, MA, MSc  
 Planner  
 Planning & Development Department

City of Port Colborne  
 66 Charlotte Street  
 Port Colborne ON L3K 3C8  
 Office: 905-835-2900 ext 202  
 Fax: 905-835-2939

***Working smoke and carbon monoxide alarms save lives.***

*(See attached file: D09-01-19 & D14-03-19 Notice of Public Meeting.pdf)*

Evan Acs---04/18/2019 04:05:13 PM---Greetings, Attached are two notices of public meeting. The first is for a zoning by-law amendment f

From: Evan Acs/Port\_Notes  
 To: Brian Kostuk/Port\_Notes@Port\_Notes, Steve Shypowskyj/Port\_Notes@Port\_Notes, Alana Vander Veen/Port\_Notes@Port\_Notes, Sherry Hanson/Port\_Notes@Port\_Notes, Todd Rogers/Port\_Notes@Port\_Notes, Charles Turpin/Port\_Notes@Port\_Notes, Julian Douglas-Kameka/Port\_Notes@Port\_Notes  
 Cc: "Alderman, Aimee" <[Aimee.Alderman@niagararegion.ca](mailto:Aimee.Alderman@niagararegion.ca)>, [clampman@npca.ca](mailto:clampman@npca.ca), [MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com).  
 Date: 04/18/2019 04:05 PM  
 Subject: Notices of Public Meeting

---

**VIA EMAIL ONLY**

May 17, 2019

Files: D.10.07.OPA-19-013  
D.18.07.ZA-19-049

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

Dear Mr. Acs:

**Re: Regional and Provincial Review Comments  
City-Initiated Official Plan and Zoning By-law Amendments  
City File Nos.: D09-01-19 & D14-03-19  
170 Welland Street  
City of Port Colborne**

---

Regional Planning and Development Services staff has reviewed the information circulated for the above-noted Official Plan and Zoning By-law Amendment applications, which propose the following:

- To amend the Official Plan (East Waterfront Secondary Plan) designation for these properties from Parks and Open Space to Industrial Area; and
- To change the existing zoning on 170 Welland Street from Park with Conversion Holding (P-CH) to Light Industrial.

The proposed amendments are City-initiated, and were not discussed or considered through a Pre-Consultation Meeting. Based on correspondence with City staff, Regional staff understands that the subject lands have continued to be used for industrial purposes although the lands were intended for park/open space uses since being redesignated through the adoption of the East Waterfront Secondary Plan (March 12, 2012) and rezoned through the City's Comprehensive Zoning By-law 6575/30/18 (May 2018). The proposed Official Plan and Zoning By-law Amendments were not accompanied by justification to support the change in land use; it is noted that, at the January 28, 2019 City Council meeting, Council provided direction to City Planning and Development staff to initiate the change in land use on the subject properties. The following Provincial and Regional comments are provided to assist the City in considering the applications.

## Background

### East Waterfront Secondary Plan

The City's Waterfront Revitalization Strategy, initiated in 2003, informed the East Waterfront Projects (East Waterfront Secondary Plan and East Waterfront Community Improvement Plan). The Strategy confirmed that there was imperative need and significant opportunities for revitalization on the east side of the Welland Canal. The subject lands are within the City's East Waterfront Secondary Plan, which incorporates green streets and open spaces to create the setting for neighbourhood renewal, intent to significantly revitalize the east side of the canal, infill development and a variety of lakefront experiences. The intent of the Secondary Plan, among other things, is to reduce the environmental and visual impact of industrial uses; create new open spaces and recreational opportunities; and to protect and enhance the significant natural features of the lakefront. The creation of the East Waterfront Secondary Plan was accompanied by the East Waterfront Community Improvement Plan (CIP).

At the time of the Region's review (dated February 24, 2012) of the Secondary Plan and CIP for this area, the following comments were provided that are relevant to the proposed Amendments:

- The East Waterfront revitalization includes a major focus on enhancing the pedestrian and cycling environment and the provision of a variety of public parks/open spaces and facilities that will provide a range of recreational opportunities to the neighbourhood and broader community, including enhancing opportunities for public access to the shoreline. These improvements are consistent with Provincial and Regional policies and, as such, the Region is supportive of the City's efforts in this regard.
- The redesignation of vacant industrial lands close to the existing residential neighbourhood for open space and residential development is appropriate as this will eliminate the potential for further land use conflicts from additional future industrial development/activities.

Further to the above, to support the land conversion from industrial to parks and open space, Urban Strategies undertook a comprehensive review of the vacant and industrial lands, and concluded that the conversion of the lands was appropriate. Specifically, the Secondary Plan states (on page 23; Section 3.4) that: "there was a need for the conversion; allocated employment forecasts for the municipality will be met; the conversion will not adversely affect the overall viability of the employment area; there is existing infrastructure to accommodate the conversion; and the lands are not required over the long term for the employment purposes for which they were designated."

The Secondary Plan and CIP also recognize that the subject lands have confirmed site contamination as a result of the Inco refinery operation and previous/existing industrial uses. In order for the subject lands to be utilized for parks and open space uses,

considerable assessments and remediation will be required. The Secondary Plan stated that it was the City's intent to acquire the subject lands for parks and open space; Regional staff note that the subject lands are not owned by the City. Staff also recognize that it may not be financially feasible for the City to acquire and remediate the subject lands to permit the parks and open space use, as intended by the Secondary Plan.

### **Provincial and Regional Policies**

The subject lands are within a Settlement Area under the Provincial Policy Statement (PPS), and within the Delineated Built-up Area under the Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS directs growth to settlement areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan encourages intensification in Delineated Built-up Areas, and prioritizes planning and investment in infrastructure that will support intensification and the achievement of complete communities.

The property is located within the Urban Area Boundaries for the City of Port Colborne and are designated as within the Built-up Area according to the Regional Official Plan (ROP). These areas are to be planned as compact, complete communities, which support intensification and accommodate a range of land uses including residential, commercial, institutional, employment and other land uses; all development within urban areas should be accommodated on full municipal services.

The subject property is within Intake Protection Zone (IPZ) 2; these lands are areas that surrounding a municipal surface water intake, and where it is desirable to regulate or monitor drinking water threats. Regional staff note that future uses on the subject property will be carefully considered alongside ROP IPZ policies through a Site Plan process.

### **Proposed Official Plan Amendment**

The Official Plan designation on the subject property is proposed to be changed from Parks and Open Space to Industrial Area. The subject property is within the Gateway Economic Centre as per the ROP. The ROP policies regarding the intent and vision of the Gateway Economic Centres across the Region support the general development of employment uses. Further, ROP policies regarding the Welland Canal note that employment land development adjacent to the Welland Canal within designated areas is the priority for capitalizing on the goods movement function of the Canal. To that end, an Industrial designation on the lands is supported by the ROP.

ROP Policy 9.H.4.1 speaks to the Region's role as a formal liaison with the St. Lawrence Seaway Authority and other Federal and Provincial agencies, to identify mutual interests and act on behalf of the local municipalities. Through this role, Regional Economic Development staff offers the following background:

In a recent interim report by the House of Commons standing committee on Transport, Infrastructure and Communities identified the Niagara-Hamilton area for potential economic growth as part of an expanded National Trade Corridor. One of the key findings was the regular congestion on the Queen Elizabeth highway meaning that an alternative must be found for transporting freight. One of the recommendations was to encourage use of the St. Lawrence Seaway for transporting freight. If the Federal Government cooperates with stakeholders such as the St. Lawrence Seaway Management Corporation and the Hamilton Port Authority this could result directly in new investment with Niagara.

There is currently a significant demand for multimodal service industrial lands. For example, the Hamilton Port Authority currently has a list of 60 businesses waiting for property in the area. There is a possibility that many of these companies would locate in Niagara along the Welland Canal if the land was available. Therefore there is an opportunity for lands in Niagara Region to meet that demand, support increased seaway traffic, trade, and grow the local economy.

Conversely, the ROP also encourages and promotes the shared use of parks and public open space along the Welland Canal Cultural Heritage Landscape. The current designation of the property aligns with the intent of the Creative Niagara policies (Chapter 10 of the ROP). To that end, a decision to develop the land as parks and open space would also be consistent with the ROP. However, it is understood that the City is not the owner of the lands and does not intend to purchase the lands for parks purposes at this time.

#### Land Use Compatibility

The City's Official Plan states that the predominant use for lands designated industrial shall include, but not be limited to, manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; and commercial activities. All development within the Industrial Area is subject to the provisions of Site Plan Control, and all new industrial development is required to demonstrate compliance with the Ministry of Environment, Conservation and Parks D-6 Guidelines (Compatibility between Industrial Facilities). Regional staff recommend that the D-6 Guidelines, and the associated recommended minimum separation distances and potential influence areas, be considered when determining appropriate uses on the subject property. An analysis of the proposed permitted uses on the subject property in comparison to the D-6 Guidelines can be found below, in the Proposed Zoning By-law Amendment section.

#### Proposed Zoning By-law Amendment

The Zoning on the subject property is proposed to be changed from Park with Conversion Holding (P-CH) to Light Industrial. Based on a review of the City's Zoning

By-law, permitted uses within the Light Industrial zone include a car wash, contractor's yard, education facility, industry (light), medical marihuana production facility, motor vehicle repair garage, public uses, and transportation depot. Regional staff has some concerns with the industrial uses proposed and the proximity of the lands to existing residential uses.

Based on the permissions in the Zoning By-law for the Light Industrial zone, it appears that the uses include Class I and II Industrial Facilities, which are subjected to the Ministry of Environment, Conservation and Parks D-6 Guidelines (Compatibility between Industrial Facilities). The D-6 Guidelines provide for Potential Influence Area and Recommended Minimum Separation Distances from industrial uses to more sensitive uses, as noted below:

<b>Industrial Facility Class</b>	<b>Recommended Minimum Separation Distance</b>	<b>Potential Influence Area</b>
Class I	20 metres	70 metres
Class II	70 metres	300 metres
Class III	300 metres	1,000 metres

The recommended minimum separation distances do not permit for incompatible development within the outlined parameters (except for redevelopment, infill and mixed use), even if additional mitigation to address adverse effects are implemented; the potential influence areas are those in which adverse effects may be experienced. Regional Staff have concern with permitting all of the uses within the Light Industrial Zone (in line with Class I and II Industrial Facilities) with respect to land use compatibility and alignment with the D-6 Guidelines, as previously mentioned. As such, Regional staff recommend that City Staff conduct a review of the permitted uses of the Light Industrial Zone and only permit those which are in line with Class I Industrial Facilities, to address land use compatibility concerns with surrounding existing residential uses.

### **Servicing**

Staff note that, as part of any future planning applications to facilitate new development on these lands, the Region will require that Functional Servicing Reports be completed and submitted for review and approval in order to address any impacts the future developments may have on the existing sewer infrastructure and Regional Sewage Pumping Stations.

### **Conclusion**

The above comments have been provided by Regional Planning and Development Services staff to assist the City in considering the Official Plan and Zoning By-law Amendment Applications. As previously mentioned, staff has concerns with some of the proposed permitted uses in the Industrial Zone, with respect to compatibility with

surrounding existing residential uses. It is recommended that the City review the list of permitted uses against the Ministry of Environment, Conservation and Parks D-6 Guidelines, and provide rationale to support the proposed uses. A refinement to the list of permitted uses on the subject lands will ensure that there are no negative impacts on the surrounding residential uses. Please send a copy of the draft Zoning By-law along with supporting rationale to the Region for review prior to approval.

The comments provided are subject to the satisfaction of any local requirements. Regional staff request circulation of any future Site Plan applications for the subject properties.

In accordance with the current Memorandum of Understanding, the Official Plan Amendment is exempt from Regional Council approval.

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352, or Aaron Butler, MCIP, RPP, Senior Development Planner, at extension 3264.

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

Sincerely,



Aimee Alderman  
Development Planner

cc: Mr. R. Alguire, Development Approvals Technician, Niagara Region  
Mr. K. Scholtens, Manager, Business Development & Expedited Services, Niagara Region



Site Plan Comments  
 Zoning Check  
 Read Receipts  
 170 Welland Street  
 Cara Lampman

to:

Evan Acs

05/31/2019 10:33 AM

Hide Details

From: "Cara Lampman" <clampman@npca.ca>

To: "Evan Acs" <evanacs@portcolborne.ca>

History: This message has been replied to.

Good morning Evan,

As discussed, 170 Welland Street is not impacted by any NPCA Regulated Features and as such the NPCA has no concerns with the proposed change.

The NPCA does regulate the lands to the south and any future application considering those lands should be circulated to the NPCA for review and approval.

**Cara Lampman**

**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

Tel: 905-788-3135 | extension 272

[clampman@npca.ca](mailto:clampman@npca.ca)

[www.npca.ca](http://www.npca.ca)

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**City of Port Colborne  
Special Council Meeting 13-19  
Minutes**

- Date:** May 13, 2019
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor  
G. Bruno, Councillor  
R. Bodner, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
D. Kalalief, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor
- Staff Present:** E. Acs, Planner  
D. Aquilina, Director of Planning & Development  
T. Cartwright, Fire Chief  
A. Grigg, Director of Community and Economic Development  
A. LaPointe, Manager of Legislative Services/City Clerk  
C. Lee, Director of Engineering & Operations  
S. Luey, Chief Administrative Officer  
H. Mahon, Planning Technician/Clerk (minutes)  
C. McIntosh, Deputy Clerk  
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and WeeStream.

**1. Call to Order:**

Mayor Steele called the meeting to order.

**2. National Anthem:**

Those in attendance stood for O Canada.

**3. Confirmation of Agenda:**

**No. 80** Moved by Councillor H. Wells  
Seconded by Councillor G. Bruno

That the agenda dated May 13, 2019 be confirmed, as circulated or as amended.  
CARRIED.

**4. Disclosures of Interest:**

Nil.

**5. Public Hearing Under the Planning Act:**

Official Plan Amendment and Application for Zoning By-law Amendment

Planning and Development Department, Planning Division, Report No. 2019-64, Public Meeting Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street, City Lands on Lake Road and Transport Canada Lands on the East Side of the Welland Canal

(i) Purpose of Meeting:

Evan Acs advised that the purpose of this meeting, pursuant to Sections 22 and 34 of the Planning Act, is to consider an application initiated by the City of Port Colborne for the properties known as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known at 170 Welland Street, s/s Lake Road and all lands under federal government ownership on the east side of the Welland Canal.

The application for Official Plan Amendment proposes to change the designation of these lands in the East Waterfront Secondary Plan from “Parks and Open Space” to “Industrial Areas”.

The application for Zoning By-law Amendment proposes to change the zoning at 170 Welland Street from “P-CH” (Public and Park with Conversion Holding) to “Light Industrial”. The zoning for Transport Canada lands will change from “P-CH” to “Heavy Industrial”. The zoning for the City-owned land on Lake Road will change from “Light Industrial” to “Heavy Industrial”.

(ii) METHOD OF NOTICE

Notice of the Public Meeting was administered in accordance with Sections 22 and Sections 34 of the Planning Act, as amended, and Section 3 of Ontario Regulation 543/06 and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on April 23rd, 2019. Public notice signs were posted on the properties on April 23rd, 2019. A public notice was also posted

on the City's website on April 23rd, 2019. A public notice appeared in The Port Colborne Leader on April 25th, 2019.

Staff hosted a public open house on April 29th 2019. The open house was attended by a number of residents and property owners from the East Village.

(iii) EXPLANATION OF PROCEDURE TO BE FOLLOWED

Mr. Acs advised that the procedure to be followed this evening will be to present DEPARTMENT OF PLANNING & DEVELOPMENT REPORT 2019-64, to receive questions of clarification from Council to Planning Staff, to open the meeting to the public for comments and questions, to announce the requirements under the Planning Act for written notice of passage of the proposed zoning by-law amendment, and to provide a brief explanation of future meetings regarding the application.

(iv) PRESENTATION OF APPLICATION FOR ZONING BY-LAW AMENDMENT

At this time, Mr. Acs presented Planning and Development Public Hearing Report 2019-64 accompanied by a Power Point presentation.

The subject properties are located on the west side of Welland Street and the south side of Lake Road. The properties are currently vacant, except for an industrial facility at 170 Welland Street. The properties are located in the "East Village" neighbourhood of Port Colborne and are predominately surrounded by residential uses, with some commercial uses on the east side of Welland Street and the north side of Lake Road. To the west of the subject properties is the Welland Canal with industrial uses along its edge.

The City of Port Colborne's Official Plan designates the properties Parks and Open Space. Land uses in the Parks and Open Space designation include public landscaped open space, playgrounds and sports fields not administered by a school board; cultural and recreational facilities such as arenas; museums, halls, swimming pools, docks and publicly operated golf courses; linear parks and public open spaces such as multi-use trails and pathways and on-road bicycle routes.

The application for Official Plan Amendment proposes to change the Official Plan designation to Industrial Areas. Land uses in the Industrial Areas designation include manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; offices as an accessory or secondary use; commercial activities that provide amenities to employees during the workday, as an accessory use, medical marihuana production facilities; industrial activities related and proximate to the canal and harbour such as ship dockage and repair; and accessory uses such as parking garages.

Most of the subject properties are zoned P-CH (Public and Park with Conversion Holding). The Public and Park zone permits Cemetery; Community Garden; Conservation Use; Cultural Facility; Food Vehicle; Park; Public Use; Recreation Use; and Uses, structures and buildings accessory thereto. The Conversion Holding symbols requires a Record of Site Condition to be filed with the Ontario Ministry of the Environment before Public and Park zone uses can be established on the property.

The City-owned land on Lake Street is zoned Light Industrial. The Light Industrial zone permits Adult Oriented Entertainment Establishment; Car wash; Contractor's Yard; Crematorium; Education Facility; Industry, Light; Medical Marihuana Production Facility; Motor Vehicle Repair Garage; Public Use; Research Facility; Transportation Depot; and Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades.

The zoning for property at 170 Welland Street is proposed to change to Light Industrial. The zoning of the other properties subject to this application are proposed to change to Heavy Industrial. The Heavy Industrial zone permits Adult Entertainment Establishment; Bulk Fuel Depot; Car Wash; Contractor's Yard; Crematorium; Education Facility; Heavy Equipment Sales and Service; Industry, Heavy; Industry, Light; Medical Marihuana Production Facility; Motor Vehicle Repair Garage; Public Uses; Research Facility; Transportation Depot; and Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades.

Mr. Acs advised that at its January 28th, 2019 meeting Council provided the following direction to staff: "That Planning and Development staff be directed to bring forward applications under the Planning Act to propose changes in land use for certain properties within the East Waterfront Secondary Plan Area that are federally and privately owned from Parks and Open Space to Industrial/Employment purposes."

The application for Official Plan Amendment proposes to change the designation of these lands in the East Waterfront Secondary Plan from "Parks and Open Space" to "Industrial Areas".

The application for Zoning By-law Amendment proposes to change at the zoning at 170 Welland Street from "P-CH" (Public and Park with Conversion Holding) to "Light Industrial". The zoning for Transport Canada lands will change from "P-CH" to "Heavy Industrial". The zoning for the City-owned land on Lake Road will change from "Light Industrial" to "Heavy Industrial".

Mr. Acs advised that comments in full have been circulated to Mayor, Councillors and Clerk and provided a summary of submitted written comments:

Larry Rosnuk, 62 Fraser Street

- Application should be delayed for additional input.
- Would like to see heavy industrial changed to light industrial with bird sanctuary at the southern end of the “slag spit” protected with public access along Lake Erie shoreline.

Debbie Gravelle, 177 Welland Street

- Lives directly across from 170 Welland Street.
- Concerned about drop in property value resulting from re-zoning.
- Concerned about potential businesses using 170 Welland Street and impact on her property.

Tina Whitwell, 83 Welland Street

- Concerned about decline in property values and ability to sell property if applications approved.
- Concern about noise, traffic and pollution from sites diminishing enjoyment of property.

Loretta Vanderhoeck, 117 Fares Street

- Uses on property unsightly - view from west street is not slightly for tourists.
- Concerns about dust and health issues with wind blowing material stored on site into East Village.
- Concern about ability to sell home if applications approved.

Glenn Hamilton, 217 Welland Street

- Concerns about pollution, noise, odour, traffic and other impacts on residents

Michael Tenszen, 2-576 Fielden Avenue

- Great opportunity for the City to create a large lake and canal-side park with bird sanctuary at this property.
- Opposed to establishment of heavy industrial park on this site due to concerns of impact on natural environment.
- There are other options for locating an industrial park in Port Colborne.

David Henderson, no address given

- Concerns about intake source for municipal water system and impact industry may have.
- Notes that the intake protection zone is the most vulnerable in Niagara.

Tracy Pybus, 187 Oakwood Street

- Opposed to change to industrial uses. Would like to see more greenspace.

Tina Gifford, no address given

- Legacy of industrial contamination in Port Colborne
- Would prefer to see greenspace, residential and parks.

Linda and Harry Talving, no address

- Would like to see protection for bird habitats at the southern end of the “slag spit” as it is an important nesting area for gulls.
- Would prefer to see remaining land rezoned to light industrial.

Ines Mundt, 35 Canal Bank Road

- Moved to Port Colborne for environment and lifestyle.
- See great potential for tourism. Wondering why city is taking step back converting park land to industrial land.
- Concerns about pollution and contamination.

H Stengel, 192 Fares Street

- Opposed to rezoning.
- Neighbourhood is impacted by other industries in area. Does not want to see expansion.
- Concerned about bird nesting area.

Leo Talving, no address given

- Prefer to see light industrial instead of heavy industrial.
- Southern portion of slag spit is important bird area that would be protected.

Barbie Horton, no address given

- Opposed to application.
- Concern about water contamination, air quality, dust and noise.

Rene Sinko, 196 Fares Street,

- Opposed to application. Would prefer to see something that will improve the east side.

Catharine Parry, no address given

- Prefers original vision stated in East Waterfront Community Improvement Plan. Feels proposed application will take city in opposite direction.
- Opposed to application.

Mitch Carriere, 173 Welland Street

- Has owned property across the street for over twenty years. Pollution, noise and dust from existing industries is an on-going problem. Adding more industrial uses will make problem worse.
- Concern about impact on property value.
- Concern about impact on West Street, Canal Days and tourism.
- Application will negatively impact quality of life in East Village.
- Opposed to application.

Rober Szabari, 131 Welland Street

- Opposed to application.
- Lives across street and will be directly impacted.
- Light and heavy industrial is not correct fit for neighbourhood.
- Priority should be environment and residents.
- Concern about property value, water and air quality.

## City and Agency Comments

Drainage Superintendent

- No Concern.

Regional Municipality of Niagara

- Requested extension for submitting comments.

## (v) QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT

At this time, Mr. Acs asked if there are any questions of clarification by Council.

Councillor Bruno asked for clarification of zoning for Allied Marine. Mr. Acs identified the Allied Marine property as being Light Industrial as well as the City owned property to the south east of Allied Marine. The rationale for rezoning lands fronting Welland Street from P-CH to Light and Heavy Industrial was also discussed. Mr. Acs noted that exemptions could be made to prohibit uses such as Medical Marihuana facilities.

Councillor Desmarais noted that she has received a substantial number of emails and personal phone calls regarding the proposed re-zoning. She questioned whether the Dwor property could be discussed separately from the remaining parcels. Mr. Acs advised that this could be done under the direction of Council. Councillor Desmarais also requested that the medical marihuana and adult entertainment uses be removed from the permitted uses.

Councillor Wells questioned Mr. Acs on the Provincial Policy statement regarding having Heavy and Light Industrial uses permitted within a certain distance from sensitive land uses. Discussion commenced and Mr. Acs noted that as no specific type of industry has been proposed yet it is difficult to ascertain. Preference would be for Site Plan control. Councillor Wells asked that the Ministry's guidelines be considered when finalizing the zoning. Councillor Bodner asked that they be provided a schedule which visually identifies the distance between the sensitive land uses and industrial uses. Mr. Acs concurred that this could be done.

Councillor Kalailieff questioned why the lands which had been originally designated as industrial were rezoned to Park and are now being changed back to Industrial. Mr. Acs advised that the direction to rezone had been received from Council. Councillor Bagu questioned whether the City was acting as an agent for Transport Canada. Mr. Acs responded that the Federal level does not have regard for the zoning bylaw at the municipal level.

Before opening the meeting to the public Mr. Acs read the following cautionary statements:

"If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body is not entitled to appeal the decision of the City of Port Colborne Council to Local Planning Appeal Tribunal." and;

"If a person or public body does not make oral submissions at a public meeting, or make written submission to the City of Port Colborne before a decision on the proposed Zoning By-law Amendments is passed by Council, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so."

Mr. Acs advised that for any interested members of the public there is a sign-in sheet located at the back of the room, to request future notices regarding this application.

(vi) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC

At this time Mr. Acs invited any members of the public who wish to speak to the applications to do so.

Larry Rosnuk of 62 Fraser Street addressed Council. Mr. Rosnuk advised that he had submitted a report to Council on the proposed rezoning. He would prefer to see Heavy Industrial changed to Light Industrial. He noted that the Hazard lands along the shoreline cannot be developed anyway and would like to see it left alone and protected as a bird sanctuary. He noted that it is currently the 2<sup>nd</sup> largest



nesting ground for sea gulls in Ontario. He is in favour of having the lands rezoned for Light Industrial use and noted that operations like Allied Marine are a clean Industrial use. He also asked that the decision be delayed until further input could be provided and would like to hear the comments from the NPCA.

Janet Henderson of 2199 Babion Road addressed Council. She questioned who was responsible for the rezoning proposal. Mayor Steele responded that he was responsible. He explained that the owner of Dwor Metals had requested that it be changed back to Light Industrial. Until recently the property has always been Light Industrial and in reality it can never be used for Parkland. Transport Canada will continue to keep it for marine use only.

Janet Henderson questioned whether Council is aware of the water intake risks by making it Industrial. There was some discussion about comments to be received from the NPCA. Mr. Acs advised that the NPCA is a commenting agency not an approval authority. Ms. Henderson wanted it to be noted on record that there could be possible contamination to the water supply if Heavy Industrial were to be located next to the water intake.

Lori Vanderende of 5489 Sherkston Road addressed Council. Ms. Vanderende recalled locations such as Chippawa, N-O-T-L, and Port Weller who have gone through revitalization and now benefit from having cleaned up their waterways and developing their tourism industry. She is a water advocate and warned about the Walkerton experience. She noted how Cleveland now has a beautiful conservation area. She questioned why it is only Port Colborne that has an Industrial problem. She is opposed to rezoning the land to industrial and is in favour of tourism and conservation efforts.

Keith Barre of 201 Mitchell Street addressed Council and advised that he was just there as an observer.

Art Stead of 5 Maple Street addressed Council. Mr. Stead was Director of Parks and Recreation for 26 years. He is opposed to changing the property back to any kind of Industrial use and would like to keep it as Parks and Open Space. He believes there is always room for improvement and also has concerns about the drinking water and its proximity to the water intake. He is concerned about the dust problem which has existed since 1969. He asked that Council postpone their decision and would like to see proper testing on the drinking water.

Councillor Desmarais asked that the following motion be brought forward at this time.

**No. 81**            Moved by Councillor A. Desmarais  
                          Seconded by Councillor G. Bruno

That the application to rezone the property located at 170 Welland Street

be separated from the Transport Canada lands and City-owned lands on Lake Road; and

That the application to rezone the Transport Canada lands and City-owned lands on Lake Road be postponed for 3 to 4 months so that further public and agency comments can be received; and

That the uses of a Medical Marihuana Production Facility and Adult Oriented Entertainment Establishment in the Industrial zones be removed from this application.

Glen Hamilton of 217 Welland Street addressed Council. Mr. Hamilton is opposed to rezoning the Dwor property to Light Industrial. Scott Luey provided some background information on the Dwor property and explained that a decision will not be made this evening. Mr. Hamilton acknowledged Mr. Dwor's situation but still did not want the land rezoned as Industrial. He wants to keep it as Parkland and have it as a buffer between the canal and residential lands. He would like to have the area known as the Nickel Beach community.

Councillor Bruno and Mr. Acs then had a brief discussion on the extent of the Transport Canada lands and Mr. Dwor's property.

(vii) ANNOUNCEMENT RESPECTING WRITTEN NOTICE OF  
PASSAGE OF THE ZONING BY-LAW AMENDMENT

Mr. Acs then advised that if anyone wishes "to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice."

(viii) EXPLANATION OF FUTURE MEETINGS

Mr. Acs advised that this concludes the PUBLIC HEARING UNDER THE PLANNING ACT. The proposed Zoning By-law Amendment will be placed on Council's agenda at a future meeting.

**No. 82**            Moved by Councillor A. Desmarais  
                              Seconded by Councillor M. Bagu

**6. Public Hearing Under the Planning Act:**

Application for Zoning By-law Amendment

Planning and Development Department, Planning Division, Report No. 2019-66 Subject: Public Meeting Report for Zoning By-law Amendment, D14-02-19, 45-53 West Side Road

(i) Purpose of Meeting:

Mr. Acs advised that the purpose of this meeting, pursuant to Sections 34 of the Planning Act, is to consider an application initiated by agent John Redekop for owner Terry St Amand for the property legally known as Block A on Plan 69/NP828, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 45-53 West Side Road.

The application for Zoning By-law Amendment proposes to change the zoning from Commercial Plaza to CP-50, a special provision adding a motor vehicle gas station and a car wash as permitted uses to the property.

(ii) METHOD OF NOTICE

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

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on April 18th, 2019. Public notice signs were posted on the properties by April 23rd, 2019. A public notice was also posted on the City's website on April 18th, 2019.

Staff hosted a public open house on April 30th 2019. No members of the public attended the meeting.

(iii) EXPLANATION OF PROCEDURE TO BE FOLLOWED

Mr. Acs advised that the procedure to be followed this evening will be to present DEPARTMENT OF PLANNING & DEVELOPMENT REPORT 2019-66, hear any comments from the applicant, receive questions of clarification from Council to the applicant or Planning Staff, open the meeting to the public for comments and questions, announce the requirements under the Planning Act for written notice of passage of the proposed zoning by-law amendment, and to provide a brief explanation of future meetings regarding the application.

(iv) PRESENTATION OF APPLICATION FOR ZONING BY-LAW AMENDMENT

At this time, Mr. Acs presented Planning and Development Public Hearing Report 2019-66.

The subject property is located at the south-west corner of West Side Road and Main Street West and is presently occupied by a commercial plaza. Surrounding landuses include commercial, across Main Street West, institutional and park, across West Side Road, and park and residential to the south and southwest.

The City of Port Colborne's Official Plan designates the property as Commercial Plaza. Land uses in the Commercial Plaza designation include retail stores; offices; restaurants; service businesses; movie theatres; and places of amusement or recreation.

The subject property is zoned Commercial Plaza. The Commercial Plaza zone permits Animal Care Establishment; Day Care; Drive-Thru Facility; Existing Motor Vehicle Gas Station; Existing Motor Vehicle Repair Garage; Medical Clinic; Office; Personal Service Business; Place of Worship; Public Use; Recreation Facility; Restaurant, Fast Food; Restaurant, Full-Service; Restaurant, Take-Out; Retail Store; Service Commercial; Studio; Veterinary Clinic; and Uses, structures and buildings accessory thereto.

The applicant is seeking to add a motor vehicle gas station and car wash to the permitted uses on the property. The zone only allows existing motor vehicle gas stations, meaning establishing a new existing motor vehicle gas station requires a zoning by-law amendment.

The application for Zoning By-law Amendment proposes to change the zoning from Commercial Plaza to CP-50, a special provision adding a motor vehicle gas station and a car wash as permitted uses to the property. Special provisions are also being sought to reduce the corner side yard setback, parking requirements and minimum landscape area. These changes are being sought to build a motor vehicle gas station, car wash and two new commercial structures on this property.

The applicant would like to add a motor vehicle gas station, car wash and additional commercial units to the property, which requires the zoning change to add uses, reduce setbacks and parking requirements.

Mr. Acs then provided a summary of the submitted written comments:

Ritesh Malik, 599 Main Street West

- Concerns about lower growth rate in Port Colborne and ability to absorb new commercial uses.
- Concerns about potential competition from new gas station across the street from a gas station currently being built. Expensive construction costs have reduced profitability.
- Competing businesses in close proximity will make further commercial developments at 599 Main Street West difficult.
- Strongly opposed to zoning by-law amendment.

City and Agency Comments

Drainage Superintendent

- No Concern.
- 

Regional Municipality of Niagara

- Not opposed.

(v) COMMENTS OF APPLICANT

At this time, Mr. Acs invited the applicant to comment.

Michael Allen of ACK Architects addressed Council. Mr. Allen provided some background information pertaining to the development. The site is currently underutilized and this development will improve and provide additional commercial services to the site. The side yard setback is not extensive and the addition of landscape coverage will improve the look of the property. Port Colborne's current parking requirements are more restrictive than St. Catharines and Niagara Falls. Instead of a large asphalt parking lot the added business and landscaping will be an improvement.

(vi) QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT

At this time, Mr. Acs asked if there any questions of clarification for myself.

As there was no further discussion Mr. Acs then read the following cautionary statements into the record:

"If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body is not entitled to appeal the decision of the City of Port Colborne Council to Local Planning Appeal Tribunal." And;

"If a person or public body does not make oral submissions at a public meeting, or make written submission to the City of Port Colborne before a decision on the proposed Zoning By-law Amendments is passed by Council, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so."

Mr. Acs also advised that for any interested members of the public there is a sign-in sheet located at the back of the room to request future notices regarding this

application.

(vii) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC

Nil.

(viii) ANNOUNCEMENT RESPECTING WRITTEN NOTICE OF  
PASSAGE OF THE ZONING BY-LAW AMENDMENT

Mr. Acs then advised if anyone wishes “to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.”

(ix) EXPLANATION OF FUTURE MEETINGS

Mr. Acs advised that this concludes the PUBLIC HEARING UNDER THE PLANNING ACT. The proposed Zoning By-law Amendment will be placed on Council's agenda at a future meeting.

7. Adjournment

**No. 83** Moved by Councillor H. Wells  
Seconded by Councillor G. Bruno

That the Council meeting be adjourned at approximately 8:10 p.m.  
CARRIED.

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William C. Steele  
Mayor

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Amber LaPointe  
City Clerk

Minutes prepared by the Department of Planning and Development.

/hm



Planning and Development Department  
**Memorandum**

**To:** Mayor Steele and Members of City Council  
**From:** Dan Aquilina, Director of Planning and Development  
**Date:** June 24, 2019  
**Re:** Planning and Development Department, Planning Division, Report 2019-85  
Ministry of Environment D-6 Guidelines

At its meeting of June 10, 2019, Council deferred Planning and Development Department, Planning Division Report 2019-85, Subject: Recommendation Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street. Council requested that the Director of Planning report back to Council with respect to the Ministry of Environment's D-6 guidelines which indicate the separation distance between Class I Industries and residential properties.

Subsequent to Council's direction, the Director of Planning and Development advised members of Council via email that the MOE's D-6 guideline has a 70 metre potential influence area and a recommended 20 metre setback for Class I – Light Industrial. The Director further advised that the setback for 170 Welland Street provides for a setback greater than 20 metres and that fencing will be provided.

Signed,

Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

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Report Number: 2019-99

Date: June 24, 2019

**SUBJECT: Recommendation Report for Zoning By-law Amendment D14-02-19,  
45-53 West Side Road**

### **1) PURPOSE**

The purpose of this report is to provide council with a recommendation regarding a proposed Zoning By-law Amendment initiated by agent John Redekop for the owner Terry St. Amand for the property legally known as Block A on Plan 69/NP828, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 45-53 West Side Road.

### **2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The application for Zoning By-law Amendment proposes to change the zoning from Commercial Plaza to CP-52, a special provision adding a motor vehicle gas station and a car wash as permitted uses to the property. Special provisions are also being sought to reduce the corner side yard setback, parking requirements and minimum landscaped area. These changes are being sought to build a motor vehicle gas station, car wash and two new commercial structures on this property.

### **3) STAFF COMMENTS AND DISCUSSIONS**

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on April 18, 2019. Public notice signs were posted on the property by April 23, 2019. A public notice was also posted on the City's website on April 18, 2019.

Staff hosted a public open house on April 30, 2019. No members of the public attended the meeting.

### **PUBLIC COMMENTS**

At the time of writing this report, staff have received the following written comment from a member of the public (attached in full as Appendix B):

#### Ritesh Malik, 599 Main Street West

- Concerns about lower growth rate in Port Colborne and ability to absorb new commercial uses.
- Concerns about potential competition from new gas station across the street from a gas station currently being built. Expensive construction costs have reduced profitability.
- Competing businesses in close proximity will make further commercial

- developments at 599 Main Street West difficult.
- Strongly opposed to zoning by-law amendment.

### **DIVISION/AGENCY COMMENTS**

At the time of writing this report, staff have received the following written comments from City divisions and external review agencies (attached in full as Appendix B):

#### Drainage Superintendent

- “There are no concerns on this property with respect to Municipal Drainage.”

#### Regional Municipality of Niagara

- “Not opposed.”

### **PLANNING DIVISION**

#### City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne’s Official Plan designates the property as **Commercial Plaza**. Land uses in the Commercial Plaza designation include retail stores; offices; restaurants; service businesses; movie theatres; and places of amusement or recreation.

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

The subject property is zoned **Commercial Plaza**. The Commercial Plaza zone permits Animal Care Establishment; Day Care; Drive-Thru Facility; Existing Motor Vehicle Gas Station; Existing Motor Vehicle Repair Garage; Medical Clinic; Office; Personal Service Business; Place of Worship; Public Use; Recreation Facility; Restaurant, Fast Food; Restaurant, Full-Service; Restaurant, Take-Out; Retail Store; Service Commercial; Studio; Veterinary Clinic; and Uses, structures and buildings accessory thereto.

The applicant is seeking to add a motor vehicle gas station and car wash to the permitted uses on the property. The zone only allows existing motor vehicle gas stations, meaning establishing a new existing motor vehicle gas station requires a zoning by-law amendment.

Special provisions are also being sought to reduce the required corner side yard setback from 23 metres to 8.3 metres for the eastern corner lot line. Reductions are also being sought for parking requirements – from 467 spots to 307 – and the minimum landscaped area – from 10% to 8.6%. These changes are being sought to build a four-pump motor vehicle gas station, a 106 square metre car wash and two new commercial structures on this property. One of the proposed commercial structures is a single storey 389 square metre restaurant, currently proposed to be a Harvey’s and Swiss Chalet. The other building is a single storey 455 square metre convenience store and coffee shop. All of

these structures will be located in the northeast section of the property that is currently being used for parking. No changes or additional uses are proposed for the existing plaza building on the property.

Adjacent Zoning and Land Use

As shown on the zoning schedule below, predominant land uses and zoning surrounding the subject properties includes residential dwellings and a park to the south and southwest of the subject property. On the north side of Main Street West is a cluster of fast-food restaurants with a new gas station, car wash and fast-food restaurant being built. On the east side of West Side Road is an elementary school, park and a self-storage facility.



## Comment and Discussion

### Official Plan Policies

Section 3.7.1 and 3.7.2 of the City of Port Colborne Official Plan establishes design guidelines for development areas within the Commercial Plaza Designation. While many of these policies apply to the specific design and appearance of the building, which is out-of-scope for a zoning by-law amendment application, there are several policies that support the proposed development and its placement on the subject property.

#### 3.7.1 General Policies

a) Any new or expanding development in the Commercial Plaza area is subject to Site Plan Control.

The proposed development at 45-53 West Side road would be subject to site plan control.

c) New Commercial uses grouped in a planned development are encouraged and extensive strip development without interconnecting access is discouraged.

The proposed development and site plan demonstrate the interconnecting access that would be present at the site. The continuation of the existing sidewalk near the proposed restaurant, and the new walkways that would be developed aid in making the site more interconnected.

d) Adequate off-street parking facilities are required in well-organized, landscaped and well-illuminated parking areas or structures.

Adequate off-street parking and various landscaped elements will be present on the proposed development site. These guidelines will be further addressed during site plan control.

e) A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety.

There are three entranceways to the proposed development that will allow for safety standards to be met. The main entranceway on to Main Street West is proposed to be updated to meet current fire access policies. The Niagara Region's request for the new entrance on Main Street will be addressed during site plan control.

#### 3.7.2.1 General Appearance and Signage

a) Buffering shall be provided between the commercial establishment and other land uses. This shall include grassed areas and appropriate planting of trees and shrubs and/or the provision of other suitable screening materials. The types of trees and shrubs

will be subject to the approval of the Director of Planning and Development Services.

The proposed development has plans for a landscaped area, however the by-law amendment would allow for the total amount of area to be decreased from 10% to 8.6%. The types of materials required will be addressed during site plan control.

b) Building entrances and display windows should be oriented to street frontages, and a minimum of one major building entrance should front directly onto the main street frontage.

The proposed major building entrance fronts onto Main Street West.

c) Buildings should be built to a minimum setback at intersections to help frame the streets.

Special provisions are being sought to reduce the required corner side yard setback from 23 metres to 8.3 metres for the eastern corner lot line. The proposed development will help frame the streets.

f) Where large setbacks can be justified for large commercial stores, smaller commercial buildings (i.e. restaurants, banks) should be located at the street edge.

The proposed commercial buildings are to be located at the streets' edge.

i) Commercial garbage receptacles will be adequately screened or in an enclosed storage area contiguous with the building.

The location of garbage receptacles will be addressed during site plan control.

### 3.7.2.2 Parking, Access and Loading Areas

a) Parking and landscaping for commercial establishments should be designed as follows:

ii) Buffers shall be located at the perimeter of the property line adjacent to parking areas and laneways to accommodate landscaping and tree planting.

The location of the buffers will be addressed during site plan control.

iii) Landscaped islands shall be placed at the end of all parking aisles.

The location of landscaped islands will be addressed during site plan control.

v) All parking islands shall be planted with hardy, strongly branched and salt tolerant trees.

Specific landscaping materials will be addressed during site plan control.

viii) Parking for bicycles shall be included, which shall be consistent with professionally recognized design guidelines.

Bicycle parking will be addressed during site plan control.

### Special Provisions

The applicant is seeking a number of special provisions to permit the development of a motor vehicle gas station and car wash at a preferred site on the property. The applicant requested a corner side yard setback of 8.3 metres instead of the required 23 metres. Reductions are also being sought for parking requirement, the applicant is requesting 307 spots be permitted for the development instead of the required 467. The applicant is also requesting to reduce the minimum landscaped area from 10% to 8.6%.

The reduction in side yard setback for the eastern corner side yard is acceptable as it is supported by policies in the Official Plan. The road allowance along West Side Road is over 28 metres in width at this location. On the opposite side of West Side Road is parkland and a school field. The reduction in corner side yard setback should not create any conflicting land uses.

The City's Zoning By-law requires one parking space per 20 square metres of gross floor area. Staff have visited the site numerous times to gauge parking usage and notes that the spots that will be removed from by the proposed development are seldom in use. Staff also notes many parking spaces at the rear of the existing shopping centre that are also seldom used. Staff is comfortable with the reduction in parking and believes that the site will still offer adequate parking.

The request in reduction of minimum landscaped area from 10% to 8.6% is misleading because with the proposed development the landscaped area on the lot will actually be increasing. That said, the lot will still be deficient from where it will be. The landscaped area improvements will see landscaped buffers at the end of parking aisles and landscaping around the proposed buildings. Given this, staff is supportive of the reduction in minimum landscaped area.

### Motor Vehicle Gas Station

As stated above, the Commercial Plaza zoning only permits an existing motor vehicle gas station. The applicant is seeking approval to add a motor vehicle gas station as a permitted use. Staff is generally supportive of adding this use to the subject property because of its prominent location at major junction and gateway to Port Colborne. The zoning on properties on the north side of Main Street West permits motor vehicle gas stations, so the addition of one on the south will not be out of keeping for the area.

Staff has reviewed comments received from the owner/developer of 599 Main Street

West, where a motor vehicle gas station, car wash, fast food establishment and oil change shop are currently being built. While staff has regard for the challenges in developing 599 Main Street West, staff does not believe that zoning by-laws should be used to regulate competition between private businesses. There are a number of motor vehicle gas stations either under construction or proposed in this area of the City and market studies by the proponents will determine the viability of each site.

#### Site Plan Control

If development were to occur on the proposed property, the applicants must amend the existing site plan agreement. The site plan agreement will address fencing, lighting, parking, landscaping, waste disposal, signage and entrances and exits to the property.

#### Conclusion

Staff is of the opinion that the proposed zoning by-law amendment changing the property from Commercial Plaza to CP-52 is consistent with the City's Official plan in addition to Provincial and Regional Plans. Therefore, the Planning Division recommends approval of the Zoning By-law Amendment.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

##### **a) Do nothing**

Not an option as Council is statutorily obligated to make a decision on the proposed applications.

##### **b) Other Options**

Though not recommended, Council could deny the application.

Though not recommended, Council could decide not to grant rezoning to the property from Commercial Plaza to CP-52. The motor vehicle gas station and car wash would not be permitted on the property.

Council could request additional information or further changes from staff.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

N/A

#### **6) ATTACHMENTS**

Appendix A: Zoning By-law Amendment  
Appendix B: Public & Agency Comments  
Appendix C: Minutes of Public Meeting

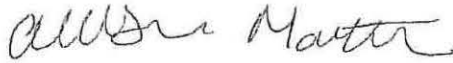
**7) RECOMMENDATION**

That the Zoning By-law Amendment, attached as Appendix A to Planning and Development Department, Planning Division Report 2019-99, be approved, rezoning 45-53 West Side Road from Commercial Plaza to CP-52; and

That staff be directed to prepare the Notice of Passing in accordance with the *Planning Act* and circulate to all applicable parties.

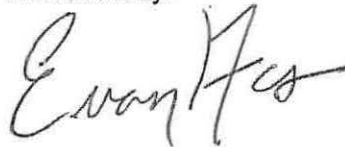
**8) SIGNATURES**

Prepared on June 14, 2019 by:



Allison Martin  
Planning Student

Reviewed by:



Evan Acs, MA, MSC  
Planner

Reviewed by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer



The Corporation of the City of Port Colborne

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

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Block A on Plan 69/NP828, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 45-53 West Side Road.

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

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

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

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A7" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Commercial Plaza to CP-50.
3. That Section 37 entitled SPECIAL EXCEPTIONS AND PROVISIONS of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

CP-52

In addition to the uses permitted in the Commercial Plaza zone, this land may also be used for a motor vehicle gas station and car wash, and the following regulations shall apply:

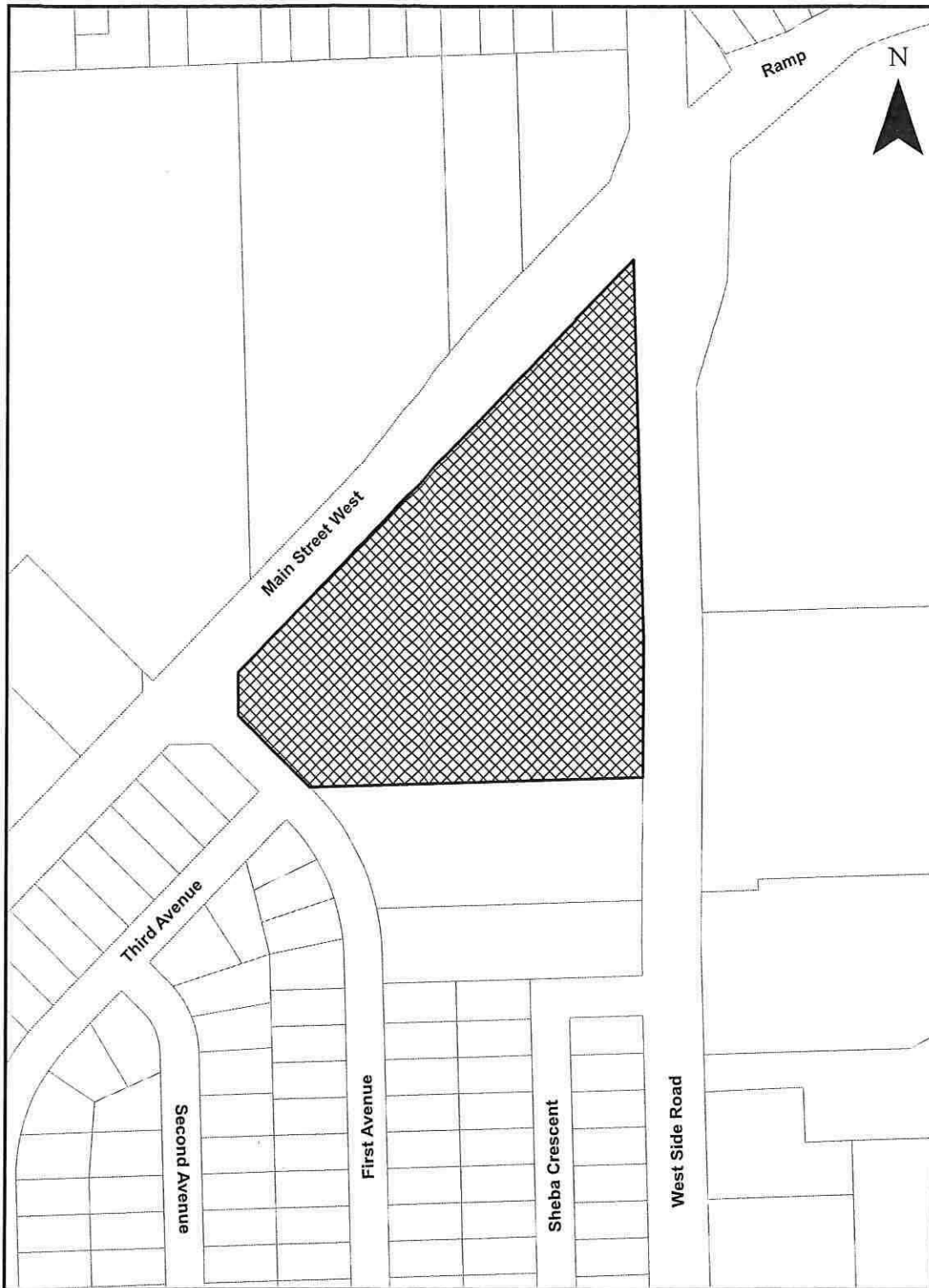
- |                                     |      |
|-------------------------------------|------|
| a) Minimum Eastern Corner Side Yard | 8.3m |
| b) Minimum Landscaped Area          | 8.6% |
| c) Minimum Required Parking Spaces  | 307  |

4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.


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

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

\_\_\_\_\_  
Amber LaPointe  
Clerk



THIS IS SCHEDULE "A" TO BY-LAW NO \_\_\_\_\_  
 PASSED THE \_\_\_\_\_, 2019  
 \_\_\_\_\_  
 MAYOR  
 \_\_\_\_\_  
 CLERK

 Lands to be Rezoned from Commercial Plaza to CP-52  
 JUNE 2019  
 FILE NO D14-02-19  
 DRAWN BY: CITY OF PORT COLBORNE  
 PLANNING DIVISION  
 NOT TO SCALE

**13<sup>th</sup> May; 2019**

**2493207 Ontraio Inc.**

**Office : 7500, Hwy 27, Vaughan ON L4H0J2**

**Site Address : 599, Main Street West, Port Colborne L3K5Y7**

To

Amber LaPointe

City Clerk,

City of Port Colborne

66, Charlotte Street

Port Colborne, ON L3K 3C8

Subject : Proposed Zoning By-law Amendment, 45-53 , West Side Road

Dear Amber,

We have received a Notice of Complete Application/Notice of Open House/Notice of Public Meeting with regards to Zoning By Law amendment for above mentioned site. We would like to put forward our strong objection to said zoning change and allowance of suggested usage.

1. City of Port Colborne is growing City, but with limited absorption at the moment.
2. Even with our project and given the topography of City and budget involved with site servicing , we have committed ourselves to a very long break even period.
3. The City has already gas stations which are barely surviving and even with our development and changing landscape, fuel supplier is not very optimistic of growth. But as mentioned above and along with other offerings, we are hoping to achieve break even little longer than anticipated or cover with other offerings at the development.
4. Another gas station in close vicinity might not be a good idea for our development and will not only effect Phase 2 development of our project,

but also not do any good for this proposed development. Overall it will only dampen our spirit and resolve to further invest in the City and 2 businesses struggling and fighting for survival will not be a good sign for City as well.

5. City should consider that all developments need to be supported and go for balanced & varied kinds of developments as per need of the City. Same kind of developments with same usages right next to each other are not serving any good to anyone.
6. Moving of Swiss Chalet/ Harvey's to across the road is not bringing in any new business to the City, and will only result in another empty building and Store which will be hard to find tenant. We are already having the same issue for our Phase 2 with not too many takers at this point.

We strongly oppose the proposed Zoning/ Usage change at this location as this will not support City, investment or new jobs into the City in any way , and will for sure effect current new development and future survival and sustainability of investment gone into it and going into this proposed development. And would appreciate discussion and further due diligence to achieve City's long term objectives of attracting investment and sustainable growth long term into the City.

Many Thanks,



Ritesh Malik  
+ 1 647 225 8411  
ritesh@riteshmalik.com

**VIA EMAIL ONLY**

May 7, 2019

File: D.18.07.ZA-19-048

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

Dear Mr. Acs:

**Re: Regional and Provincial Comments  
Proposed Zoning By-law Amendment  
City File No.: D14-02-19  
Owner: Terry St. Amand  
Agent: John Redekop & Michael D. Allen (ACK Architects)  
Address: 45-53 West Side Road  
City of Port Colborne**

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Regional Planning and Development Services staff has reviewed the information circulated for the above-noted Zoning By-law Amendment application, which proposes to change the zoning on the subject property from Commercial Plaza to CP-50. Special provisions to the Commercial Plaza zone are being sought to add a motor vehicle gas station and car wash as permitted uses, and for technical purposes, such as reducing the corner side yard setback, parking requirements and minimum landscape area. The Zoning By-law Amendment, if approved, would facilitate the construction of a motor vehicle gas station, car wash and two new commercial structures on the subject property. A pre-consultation meeting was held at the City on February 14, 2019 with staff from the Region and City, and the agent. The following Provincial and Regional comments are provided to assist the City in considering this application.

**Provincial and Regional Policies**

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS), and within the Delineated Built-up Area under the Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS directs growth to settlement areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan encourages intensification in Delineated Built-up Areas, and prioritizes planning and investment in infrastructure that will support intensification and the achievement of complete communities.

The property is located within the Urban Area Boundaries for the City of Port Colborne and are designated as within the Built-up Area according to the Regional Official Plan (ROP). These areas are to be planned as compact, complete communities, which support intensification and accommodate a range of land uses including residential, commercial, institutional, employment and other land uses; all development within urban areas should be accommodated on full municipal services. In this regard, Regional staff is not opposed to the motor vehicle gas station use.

### **Traffic**

At the pre-consultation meeting in February 2019, Regional staff had identified that, due to the location of the property and the fact that the site already has two existing points of entry/exit, the Region would not be supportive of an additional access from Main Street West (Regional Road 3). The current Site Plan ('SP1' by ACK Architects dated April 2019) that has been submitted is showing a new one way access from Main Street West (Regional Road 3) which will need to be removed from the proposed site design. Future Site Plan Application submissions should include revised plans showing no additional entrances from Main Street West (Regional Road 3).

### **Waste Collection**

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

- No limit blue/grey containers;
- No limit green containers; and,
- 4 garbage containers.

Regional staff has reviewed the Site Plan ('SP1' by ACK Architects dated April 2019) which was submitted as part of the Zoning By-law Amendment Application and note that the development is proposing to utilize an onsite Earth Bin waste storage system. The owner should be advised that this method of waste storage and collection does not align with Regional Corporate Waste Collection Policies and By-laws related to waste collection and waste collection for the proposed development will be the responsibility of the owner through a private waste collection contractor and not the Region.

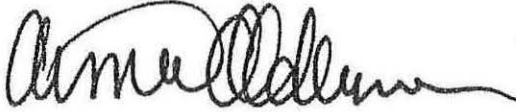
### **Conclusion**

Regional Planning and Development Services staff is not opposed to the Zoning By-law Amendment application, subject to the satisfaction of any local requirements, and provided that the Region is circulated on the future Site Plan application.

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352, or Pat Busnello, MCIP, RPP, Manager of Development Planning, at extension 3379.

Please send a copy of the staff report and notice of the City's decision on this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Aimee Alderman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Aimee Alderman  
Development Planner

cc: Mr. R. Alguire, Development Approvals Technician, Niagara Region

**City of Port Colborne  
Special Council Meeting 13-19  
Minutes**

- Date:** May 13, 2019
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor  
G. Bruno, Councillor  
R. Bodner, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor
- Staff Present:** E. Acs, Planner  
D. Aquilina, Director of Planning & Development  
T. Cartwright, Fire Chief  
A. Grigg, Director of Community and Economic Development  
A. LaPointe, Manager of Legislative Services/City Clerk  
C. Lee, Director of Engineering & Operations  
S. Luey, Chief Administrative Officer  
H. Mahon, Planning Technician/Clerk (minutes)  
C. McIntosh, Deputy Clerk  
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and WeeStream.

**1. Call to Order:**

Mayor Steele called the meeting to order.

**2. National Anthem:**

Those in attendance stood for O Canada.

**3. Confirmation of Agenda:**

**No. 80** Moved by Councillor H. Wells  
Seconded by Councillor G. Bruno



That the agenda dated May 13, 2019 be confirmed, as circulated or as amended.  
CARRIED.

4. **Disclosures of Interest:**

Nil.

5. **Public Hearing Under the Planning Act:**

Official Plan Amendment and Application for Zoning By-law Amendment

Planning and Development Department, Planning Division, Report No. 2019-64, Public Meeting Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street, City Lands on Lake Road and Transport Canada Lands on the East Side of the Welland Canal

(i) Purpose of Meeting:

Evan Acs advised that the purpose of this meeting, pursuant to Sections 22 and 34 of the Planning Act, is to consider an application initiated by the City of Port Colborne for the properties known as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known at 170 Welland Street, s/s Lake Road and all lands under federal government ownership on the east side of the Welland Canal.

The application for Official Plan Amendment proposes to change the designation of these lands in the East Waterfront Secondary Plan from “Parks and Open Space” to “Industrial Areas”.

The application for Zoning By-law Amendment proposes to change the zoning at 170 Welland Street from “P-CH” (Public and Park with Conversion Holding) to “Light Industrial”. The zoning for Transport Canada lands will change from “P-CH” to “Heavy Industrial”. The zoning for the City-owned land on Lake Road will change from “Light Industrial” to “Heavy Industrial”.

(ii) METHOD OF NOTICE

Notice of the Public Meeting was administered in accordance with Sections 22 and Sections 34 of the Planning Act, as amended, and Section 3 of Ontario Regulation 543/06 and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on April 23rd, 2019. Public notice signs were posted on the properties on April 23rd, 2019. A public notice was also posted

on the City's website on April 23rd, 2019. A public notice appeared in The Port Colborne Leader on April 25th, 2019.

Staff hosted a public open house on April 29th 2019. The open house was attended by a number of residents and property owners from the East Village.

(iii) EXPLANATION OF PROCEDURE TO BE FOLLOWED

Mr. Acs advised that the procedure to be followed this evening will be to present DEPARTMENT OF PLANNING & DEVELOPMENT REPORT 2019-64, to receive questions of clarification from Council to Planning Staff, to open the meeting to the public for comments and questions, to announce the requirements under the Planning Act for written notice of passage of the proposed zoning by-law amendment, and to provide a brief explanation of future meetings regarding the application.

(iv) PRESENTATION OF APPLICATION FOR ZONING BY-LAW AMENDMENT

At this time, Mr. Acs presented Planning and Development Public Hearing Report 2019-64 accompanied by a Power Point presentation.

The subject properties are located on the west side of Welland Street and the south side of Lake Road. The properties are currently vacant, except for an industrial facility at 170 Welland Street. The properties are located in the "East Village" neighbourhood of Port Colborne and are predominately surrounded by residential uses, with some commercial uses on the east side of Welland Street and the north side of Lake Road. To the west of the subject properties is the Welland Canal with industrial uses along its edge.

The City of Port Colborne's Official Plan designates the properties Parks and Open Space. Land uses in the Parks and Open Space designation include public landscaped open space, playgrounds and sports fields not administered by a school board; cultural and recreational facilities such as arenas; museums, halls, swimming pools, docks and publicly operated golf courses; linear parks and public open spaces such as multi-use trails and pathways and on-road bicycle routes.

The application for Official Plan Amendment proposes to change the Official Plan designation to Industrial Areas. Land uses in the Industrial Areas designation include manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; offices as an accessory or secondary use; commercial activities that provide amenities to employees during the workday, as an accessory use, medical marihuana production facilities; industrial activities related and proximate to the canal and harbour such as ship dockage and repair; and accessory uses such as parking garages.

Most of the subject properties are zoned P-CH (Public and Park with Conversion Holding). The Public and Park zone permits Cemetery; Community Garden; Conservation Use; Cultural Facility; Food Vehicle; Park; Public Use; Recreation Use; and Uses, structures and buildings accessory thereto. The Conversion Holding symbols requires a Record of Site Condition to be filed with the Ontario Ministry of the Environment before Public and Park zone uses can be established on the property.

The City-owned land on Lake Street is zoned Light Industrial. The Light Industrial zone permits Adult Oriented Entertainment Establishment; Car wash; Contractor's Yard; Crematorium; Education Facility; Industry, Light; Medical Marihuana Production Facility; Motor Vehicle Repair Garage; Public Use; Research Facility; Transportation Depot; and Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades.

The zoning for property at 170 Welland Street is proposed to change to Light Industrial. The zoning of the other properties subject to this application are proposed to change to Heavy Industrial. The Heavy Industrial zone permits Adult Entertainment Establishment; Bulk Fuel Depot; Car Wash; Contractor's Yard; Crematorium; Education Facility; Heavy Equipment Sales and Service; Industry, Heavy; Industry, Light; Medical Marihuana Production Facility; Motor Vehicle Repair Garage; Public Uses; Research Facility; Transportation Depot; and Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades.

Mr. Acs advised that at its January 28th, 2019 meeting Council provided the following direction to staff: "That Planning and Development staff be directed to bring forward applications under the Planning Act to propose changes in land use for certain properties within the East Waterfront Secondary Plan Area that are federally and privately owned from Parks and Open Space to Industrial/Employment purposes."

The application for Official Plan Amendment proposes to change the designation of these lands in the East Waterfront Secondary Plan from "Parks and Open Space" to "Industrial Areas".

The application for Zoning By-law Amendment proposes to change at the zoning at 170 Welland Street from "P-CH" (Public and Park with Conversion Holding) to "Light Industrial". The zoning for Transport Canada lands will change from "P-CH" to "Heavy Industrial". The zoning for the City-owned land on Lake Road will change from "Light Industrial" to "Heavy Industrial".

Mr. Acs advised that comments in full have been circulated to Mayor, Councillors and Clerk and provided a summary of submitted written comments:

Larry Rosnuk, 62 Fraser Street

- Application should be delayed for additional input.
- Would like to see heavy industrial changed to light industrial with bird sanctuary at the southern end of the “slag spit” protected with public access along Lake Erie shoreline.

Debbie Gravelle, 177 Welland Street

- Lives directly across from 170 Welland Street.
- Concerned about drop in property value resulting from re-zoning.
- Concerned about potential businesses using 170 Welland Street and impact on her property.

Tina Whitwell, 83 Welland Street

- Concerned about decline in property values and ability to sell property if applications approved.
- Concern about noise, traffic and pollution from sites diminishing enjoyment of property.

Loretta Vanderhoeck, 117 Fares Street

- Uses on property unsightly - view from west street is not slightly for tourists.
- Concerns about dust and health issues with wind blowing material stored on site into East Village.
- Concern about ability to sell home if applications approved.

Glenn Hamilton, 217 Welland Street

- Concerns about pollution, noise, odour, traffic and other impacts on residents

Michael Tenszen, 2-576 Fielden Avenue

- Great opportunity for the City to create a large lake and canal-side park with bird sanctuary at this property.
- Opposed to establishment of heavy industrial park on this site due to concerns of impact on natural environment.
- There are other options for locating an industrial park in Port Colborne.

David Henderson, no address given

- Concerns about intake source for municipal water system and impact industry may have.
- Notes that the intake protection zone is the most vulnerable in Niagara.

Tracy Pybus, 187 Oakwood Street

- Opposed to change to industrial uses. Would like to see more greenspace.

Tina Gifford, no address given

- Legacy of industrial contamination in Port Colborne
- Would prefer to see greenspace, residential and parks.

Linda and Harry Talving, no address

- Would like to see protection for bird habitats at the southern end of the “slag spit” as it is an important nesting area for gulls.
- Would prefer to see remaining land rezoned to light industrial.

Ines Mundt, 35 Canal Bank Road

- Moved to Port Colborne for environment and lifestyle.
- See great potential for tourism. Wondering why city is taking step back converting park land to industrial land.
- Concerns about pollution and contamination.

H Stengel, 192 Fares Street

- Opposed to rezoning.
- Neighbourhood is impacted by other industries in area. Does not want to see expansion.
- Concerned about bird nesting area.

Leo Talving, no address given

- Prefer to see light industrial instead of heavy industrial.
- Southern portion of slag spit is important bird area that would be protected.

Barbie Horton, no address given

- Opposed to application.
- Concern about water contamination, air quality, dust and noise.

Rene Sinko, 196 Fares Street,

- Opposed to application. Would prefer to see something that will improve the east side.

Catharine Parry, no address given

- Prefers original vision stated in East Waterfront Community Improvement Plan. Feels proposed application will take city in opposite direction.
- Opposed to application.

Mitch Carriere, 173 Welland Street

- Has owned property across the street for over twenty years. Pollution, noise and dust from existing industries is an on-going problem. Adding more industrial uses will make problem worse.
- Concern about impact on property value.
- Concern about impact on West Street, Canal Days and tourism.
- Application will negatively impact quality of life in East Village.
- Opposed to application.

Rober Szabari, 131 Welland Street

- Opposed to application.
- Lives across street and will be directly impacted.
- Light and heavy industrial is not correct fit for neighbourhood.
- Priority should be environment and residents.
- Concern about property value, water and air quality.

## City and Agency Comments

Drainage Superintendent

- No Concern.

Regional Municipality of Niagara

- Requested extension for submitting comments.

## (v) QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT

At this time, Mr. Acs asked if there are any questions of clarification by Council.

Councillor Bruno asked for clarification of zoning for Allied Marine. Mr. Acs identified the Allied Marine property as being Light Industrial as well as the City owned property to the south east of Allied Marine. The rationale for rezoning lands fronting Welland Street from P-CH to Light and Heavy Industrial was also discussed. Mr. Acs noted that exemptions could be made to prohibit uses such as Medical Marihuana facilities.

Councillor Desmarais noted that she has received a substantial number of emails and personal phone calls regarding the proposed re-zoning. She questioned whether the Dwor property could be discussed separately from the remaining parcels. Mr. Acs advised that this could be done under the direction of Council. Councillor Desmarais also requested that the medical marihuana and adult entertainment uses be removed from the permitted uses.

Councillor Wells questioned Mr. Acs on the Provincial Policy statement regarding having Heavy and Light Industrial uses permitted within a certain distance from sensitive land uses. Discussion commenced and Mr. Acs noted that as no specific type of industry has been proposed yet it is difficult to ascertain. Preference would be for Site Plan control. Councillor Wells asked that the Ministry's guidelines be considered when finalizing the zoning. Councillor Bodner asked that they be provided a schedule which visually identifies the distance between the sensitive land uses and industrial uses. Mr. Acs concurred that this could be done.

Councillor Kalailieff questioned why the lands which had been originally designated as industrial were rezoned to Park and are now being changed back to Industrial. Mr. Acs advised that the direction to rezone had been received from Council. Councillor Bagu questioned whether the City was acting as an agent for Transport Canada. Mr. Acs responded that the Federal level does not have regard for the zoning bylaw at the municipal level.

Before opening the meeting to the public Mr. Acs read the following cautionary statements:

"If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body is not entitled to appeal the decision of the City of Port Colborne Council to Local Planning Appeal Tribunal." and;

"If a person or public body does not make oral submissions at a public meeting, or make written submission to the City of Port Colborne before a decision on the proposed Zoning By-law Amendments is passed by Council, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so."

Mr. Acs advised that for any interested members of the public there is a sign-in sheet located at the back of the room, to request future notices regarding this application.

(vi) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC

At this time Mr. Acs invited any members of the public who wish to speak to the applications to do so.

Larry Rosnuk of 62 Fraser Street addressed Council. Mr. Rosnuk advised that he had submitted a report to Council on the proposed rezoning. He would prefer to see Heavy Industrial changed to Light Industrial. He noted that the Hazard lands along the shoreline cannot be developed anyway and would like to see it left alone and protected as a bird sanctuary. He noted that it is currently the 2<sup>nd</sup> largest

nesting ground for sea gulls in Ontario. He is in favour of having the lands rezoned for Light Industrial use and noted that operations like Allied Marine are a clean Industrial use. He also asked that the decision be delayed until further input could be provided and would like to hear the comments from the NPCA.

Janet Henderson of 2199 Babion Road addressed Council. She questioned who was responsible for the rezoning proposal. Mayor Steele responded that he was responsible. He explained that the owner of Dwor Metals had requested that it be changed back to Light Industrial. Until recently the property has always been Light Industrial and in reality it can never be used for Parkland. Transport Canada will continue to keep it for marine use only.

Janet Henderson questioned whether Council is aware of the water intake risks by making it Industrial. There was some discussion about comments to be received from the NPCA. Mr. Acs advised that the NPCA is a commenting agency not an approval authority. Ms. Henderson wanted it to be noted on record that there could be possible contamination to the water supply if Heavy Industrial were to be located next to the water intake.

Lori Vanderende of 5489 Sherkston Road addressed Council. Ms. Vanderende recalled locations such as Chippawa, N-O-T-L, and Port Weller who have gone through revitalization and now benefit from having cleaned up their waterways and developing their tourism industry. She is a water advocate and warned about the Walkerton experience. She noted how Cleveland now has a beautiful conservation area. She questioned why it is only Port Colborne that has an Industrial problem. She is opposed to rezoning the land to industrial and is in favour of tourism and conservation efforts.

Keith Barre of 201 Mitchell Street addressed Council and advised that he was just there as an observer.

Art Stead of 5 Maple Street addressed Council. Mr. Stead was Director of Parks and Recreation for 26 years. He is opposed to changing the property back to any kind of Industrial use and would like to keep it as Parks and Open Space. He believes there is always room for improvement and also has concerns about the drinking water and its proximity to the water intake. He is concerned about the dust problem which has existed since 1969. He asked that Council postpone their decision and would like to see proper testing on the drinking water.

Councillor Desmarais asked that the following motion be brought forward at this time.

**No. 81**            Moved by Councillor A. Desmarais  
                          Seconded by Councillor G. Bruno

That the application to rezone the property located at 170 Welland Street



be separated from the Transport Canada lands and City-owned lands on Lake Road; and

That the application to rezone the Transport Canada lands and City-owned lands on Lake Road be postponed for 3 to 4 months so that further public and agency comments can be received; and

That the uses of a Medical Marihuana Production Facility and Adult Oriented Entertainment Establishment in the Industrial zones be removed from this application.

Glen Hamilton of 217 Welland Street addressed Council. Mr. Hamilton is opposed to rezoning the Dwor property to Light Industrial. Scott Luey provided some background information on the Dwor property and explained that a decision will not be made this evening. Mr. Hamilton acknowledged Mr. Dwor's situation but still did not want the land rezoned as Industrial. He wants to keep it as Parkland and have it as a buffer between the canal and residential lands. He would like to have the area known as the Nickel Beach community.

Councillor Bruno and Mr. Acs then had a brief discussion on the extent of the Transport Canada lands and Mr. Dwor's property.

(vii) ANNOUNCEMENT RESPECTING WRITTEN NOTICE OF  
PASSAGE OF THE ZONING BY-LAW AMENDMENT

Mr. Acs then advised that if anyone wishes "to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice."

(viii) EXPLANATION OF FUTURE MEETINGS

Mr. Acs advised that this concludes the PUBLIC HEARING UNDER THE PLANNING ACT. The proposed Zoning By-law Amendment will be placed on Council's agenda at a future meeting.

**No. 82** Moved by Councillor A. Desmarais  
Seconded by Councillor M. Bagu

**6. Public Hearing Under the Planning Act:**

Application for Zoning By-law Amendment

Planning and Development Department, Planning Division, Report No. 2019-66 Subject: Public Meeting Report for Zoning By-law Amendment, D14-02-19, 45-53 West Side Road

(i) Purpose of Meeting:

Mr. Acs advised that the purpose of this meeting, pursuant to Sections 34 of the Planning Act, is to consider an application initiated by agent John Redekop for owner Terry St Amand for the property legally known as Block A on Plan 69/NP828, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 45-53 West Side Road.

The application for Zoning By-law Amendment proposes to change the zoning from Commercial Plaza to CP-50, a special provision adding a motor vehicle gas station and a car wash as permitted uses to the property.

(ii) METHOD OF NOTICE

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

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on April 18th, 2019. Public notice signs were posted on the properties by April 23rd, 2019. A public notice was also posted on the City's website on April 18th, 2019.

Staff hosted a public open house on April 30th 2019. No members of the public attended the meeting.

(iii) EXPLANATION OF PROCEDURE TO BE FOLLOWED

Mr. Acs advised that the procedure to be followed this evening will be to present DEPARTMENT OF PLANNING & DEVELOPMENT REPORT 2019-66, hear any comments from the applicant, receive questions of clarification from Council to the applicant or Planning Staff, open the meeting to the public for comments and questions, announce the requirements under the Planning Act for written notice of passage of the proposed zoning by-law amendment, and to provide a brief explanation of future meetings regarding the application.

(iv) PRESENTATION OF APPLICATION FOR ZONING BY-LAW AMENDMENT

At this time, Mr. Acs presented Planning and Development Public Hearing Report 2019-66.

The subject property is located at the south-west corner of West Side Road and Main Street West and is presently occupied by a commercial plaza. Surrounding landuses include commercial, across Main Street West, institutional and park, across West Side Road, and park and residential to the south and southwest.

The City of Port Colborne's Official Plan designates the property as Commercial Plaza. Land uses in the Commercial Plaza designation include retail stores; offices; restaurants; service businesses; movie theatres; and places of amusement or recreation.

The subject property is zoned Commercial Plaza. The Commercial Plaza zone permits Animal Care Establishment; Day Care; Drive-Thru Facility; Existing Motor Vehicle Gas Station; Existing Motor Vehicle Repair Garage; Medical Clinic; Office; Personal Service Business; Place of Worship; Public Use; Recreation Facility; Restaurant, Fast Food; Restaurant, Full-Service; Restaurant, Take-Out; Retail Store; Service Commercial; Studio; Veterinary Clinic; and Uses, structures and buildings accessory thereto.

The applicant is seeking to add a motor vehicle gas station and car wash to the permitted uses on the property. The zone only allows existing motor vehicle gas stations, meaning establishing a new existing motor vehicle gas station requires a zoning by-law amendment.

The application for Zoning By-law Amendment proposes to change the zoning from Commercial Plaza to CP-50, a special provision adding a motor vehicle gas station and a car wash as permitted uses to the property. Special provisions are also being sought to reduce the corner side yard setback, parking requirements and minimum landscape area. These changes are being sought to build a motor vehicle gas station, car wash and two new commercial structures on this property.

The applicant would like to add a motor vehicle gas station, car wash and additional commercial units to the property, which requires the zoning change to add uses, reduce setbacks and parking requirements.

Mr. Acs then provided a summary of the submitted written comments:

Ritesh Malik, 599 Main Street West

- Concerns about lower growth rate in Port Colborne and ability to absorb new commercial uses.
- Concerns about potential competition from new gas station across the street from a gas station currently being built. Expensive construction costs have reduced profitability.
- Competing businesses in close proximity will make further commercial developments at 599 Main Street West difficult.
- Strongly opposed to zoning by-law amendment.

City and Agency CommentsDrainage Superintendent

- No Concern.
- 

Regional Municipality of Niagara

- Not opposed.

## (v) COMMENTS OF APPLICANT

At this time, Mr. Acs invited the applicant to comment.

Michael Allen of ACK Architects addressed Council. Mr. Allen provided some background information pertaining to the development. The site is currently underutilized and this development will improve and provide additional commercial services to the site. The side yard setback is not extensive and the addition of landscape coverage will improve the look of the property. Port Colborne's current parking requirements are more restrictive than St. Catharines and Niagara Falls. Instead of a large asphalt parking lot the added business and landscaping will be an improvement.

## (vi) QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT

At this time, Mr. Acs asked if there any questions of clarification for myself.

As there was no further discussion Mr. Acs then read the following cautionary statements into the record:

"If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body is not entitled to appeal the decision of the City of Port Colborne Council to Local Planning Appeal Tribunal." And;

"If a person or public body does not make oral submissions at a public meeting, or make written submission to the City of Port Colborne before a decision on the proposed Zoning By-law Amendments is passed by Council, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so."

Mr. Acs also advised that for any interested members of the public there is a sign-in sheet located at the back of the room to request future notices regarding this

application.

(vii) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC

Nil.

(viii) ANNOUNCEMENT RESPECTING WRITTEN NOTICE OF  
PASSAGE OF THE ZONING BY-LAW AMENDMENT

Mr. Acs then advised if anyone wishes “to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.”

(ix) EXPLANATION OF FUTURE MEETINGS

Mr. Acs advised that this concludes the PUBLIC HEARING UNDER THE PLANNING ACT. The proposed Zoning By-law Amendment will be placed on Council’s agenda at a future meeting.

7. Adjournment

**No. 83** Moved by Councillor H. Wells  
Seconded by Councillor G. Bruno

That the Council meeting be adjourned at approximately 8:10 p.m.  
CARRIED.

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

\_\_\_\_\_  
Amber LaPointe  
City Clerk

Minutes prepared by the Department of Planning and Development.

/hm

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Report Number: 2019-101

Date: June 24, 2019

**SUBJECT: Creation of an Affordable Housing Strategy for Port Colborne**

### **1) PURPOSE**

The purpose of this information report is to inform Council of steps that may be taken in the process of creating an affordable housing strategy.

### **2) HISTORY AND BACKGROUND**

On February 11, 2019, Council passed the following direction:

“That the Director of Planning and Development be directed to engage with stakeholders to create a coordinated municipal affordable housing strategy for the City of Port Colborne with the goal to establish a definition for the term “affordable housing” and to create affordable housing options across the housing continuum, with a report due back to Council to include a high-level view of timelines and targets on or before May 27, 2019.”

The information presented in this report is meant to address the affordable housing statements, availability problems, and issues brought to attention during recent council meetings.

### **3) STAFF COMMENTS AND DISCUSSIONS**

This report will first present municipal tools for affordable housing along with City current practices. This report also explores how the tools available to the City of Port Colborne might be used to respond to affordable housing issues in light of the roles and responsibilities amongst various government agencies.

#### Vision

The purpose of an affordable housing strategy is to provide the implementation framework for the Official Plan's (OP) affordable housing objectives and strategies. Various data analyses reports should be submitted to the Director of Planning and Development in order for a vision to be devised.

A potential vision statement that the City could adopt in the future is:

Port Colborne will strive to be a vibrant, inclusive, and thriving city with a wide range of affordable housing options that contribute directly to community health. Sustainable growth, economic security and social well-being of individuals, families and communities.

#### Targets and Goals

A housing data analysis supported by community engagement would be necessary in order to identify the targets and goals of the City of Port Colborne in regards to affordable housing.

The proposed strategic actions presented below could be considered at the drafting stages of an Official Affordable Housing Strategy:

- a) The City of Port Colborne will aim to increase opportunities and options across the housing continuum by working with developers, planners and community services. This goal is in line with the Niagara Housing and Homelessness Action Plan (HHAP) and the City of Port Colborne's Official Plan.
- b) The City of Port Colborne will strive to increase the building capacity and improve the effectiveness of the housing system. This goal is in line with the Niagara Housing and Homelessness Action Plan (HHAP) and the City of Port Colborne's Official Plan.
- c) The City of Port Colborne will aim to maintain the supply of affordable and market rental housing.
- d) The City of Port Colborne will work to anticipate, recognize and coordinate action to respond to housing and homelessness needs.
- e) The City of Port Colborne will continue to encourage a variety of housing types, mixes and densities to accommodate the diverse needs of residents. This goal is in line with the policies outlined in the City of Port Colborne's Official Plan.

### Municipal Responsibilities

The *Ontario Planning Act* sets out the formal planning process and the roles and responsibilities of a municipality. Section 2 of the *Planning Act* requires that City Council shall have regard to, among other matters, matters of provincial interest related to affordable housing in order for the adequate provision of a full range of housing, including affordable housing. Affordable housing is a matter of provincial interest, and the city is to consider and have regard for affordable housing in its Official Plan, Zoning By-law and all other planning related activities. The City staff should strive to create affordable housing policies, implement provincial and regional policies addressing affordable housing, abide by their OP and Zoning By-law, and address prospective incentive provisions that relate to issues regarding affordable housing.

### City of Port Colborne Official Plan

Currently the City of Port Colborne supports a full range of housing types through its OP policies and Zoning By-law. The City's Official Plan is the main policy document for the City that guides the type, form and location of growth.

Planning and Development Department staff should meet to review the policies that are outlined in the City of Port Colborne's current Official Plan regarding affordable housing. Amendments may be necessary in order to ensure that affected groups have been considered within the entirety of the policies.

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

Planning and Development department staff should meet in order to review the Zoning By-law to ensure that affordable housing needs can be met by the present policies.



The proposed strategic actions presented below could be considered at the drafting stages of an Official Affordable Housing Strategy when considering By-law and Community Improvement Plan amendments:

a) Proposed By-law Amendment Considerations

- i) Staff should consider legislation for inclusionary zoning that would enable the municipality to mandate the inclusion of affordable housing units in new development projects. Amending the City's current Zoning By-law 6575/30/18 will help encourage the provision of affordable housing in the City.
- ii) To achieve the feasibility for interior accessory apartments, removing the current height restrictions for affordable housing projects should be explored. Planning, Building and Engineering staff should explore the potential of stacked townhouses within the City of Port Colborne.

Polices may be put in place regarding height and density in exchange for additional identified community benefits that include affordable housing. Affordable housing may be identified as a community benefit as part of a request under Section 37 of the *Planning Act* for additional height and density.

- iii) Staff should explore the possibility of modifying the parking requirements for multi-unit residential properties and mixed use developments that include affordable residential units to reduce requirements where appropriate. A combined low-density residential zoning category that would permit both single and semi-detached dwelling units should be explored.
- iv) Staff should consider implementing legislation that allows for the possibility of adding "rooming" and/or "boarding houses" into the Zoning By-law. According to the Ontario Building Code these rooms mean a building that:
  - 1. Has a building height not exceeding three storeys and a building area not exceeding 600 m<sup>2</sup>,
  - 2. In which lodging is provided for more than four persons in remuneration or for the provision of services or for both,
  - 3. And in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.
- v) Staff should consider accessibility needs when reviewing the Zoning By-law in order to ensure that the new development of affordable housing is inclusionary to all.

b) Community Improvement Grant Solely Dedicated to Affordable Housing

Community Improvement Plans are one of the most effective tools available to the municipality to directly fund affordable housing projects. The City of Port Colborne Planning and Development Department should explore the possibility of creating a separate community improvement grant that is dedicated to the development of affordable housing projects. Council could evaluate which types of developments and grants to allocate funding to each

year. A sunset clause may also be explored in order to ensure development is completed within a specific time frame.

The Brownfield Community Improvement Plan which is already in place may be altered in order to further support and promote the development of affordable housing. A clause regarding maintenance on these properties may be explored.

### Key Stakeholders

There are various stakeholders within the City of Port Colborne and the Niagara Region who should be consulted at the time of drafting an Affordable Housing Strategy. The following is a preliminary list of stakeholders who should be consulted at the time of drafting, and is not a complete list of those who should be involved:

#### a) Developers

- i) Staff should engage in conversation with developers and builders about existing policies and zoning regulations within the City's municipal development plan and Zoning By-law that support housing affordability. Developers should explore the options surrounding the construction of legal basement suites in new residential subdivisions in order to provide additional affordable housing options to citizens. City staff should further explore the potential of the continued waiving of development fees.
- ii) City staff and Council should begin to explore the possibility of requiring affordable housing in all new subdivisions and in areas of redevelopment where appropriate. City staff must ensure that these requirements abide by provincial legislation.
- iii) Potential developers within the City of Port Colborne should attempt to increase the number of rental housing units that meet the needs of those identified 'at risk' in a housing needs assessment study.
- iv) Developers and City of Port Colborne staff should explore the possibility of contractually using the same contractor that agrees to offer a certain per cent discount to those who are interested in developing affordable housing.

#### b) Planning and Development Staff

- i) Planning staff should attempt to identify where affordable housing would be best located within the city and if there is a potential to develop city land. Section 2.4.2 of Port Colborne's current OP promotes the intensification of urban areas and encourages the development of mixed housing types. Staff should consider where public transportation is accessible to ensure that affordable housing considerations are included.
- ii) At the time of drafting, Planning and Development staff should explore the possibility of density bonusing within the City and if it will positively affect the availability of affordable housing. The City of Port Colborne should encourage developers of new residential projects to provide affordable housing and various public amenities on a voluntary basis in exchange for increased developable floor space, as per the Ontario Professional Planners Institute.

- iii) During the drafting process, Planning and Development staff should also begin to examine demolition control areas. Section 33 of the *Planning Act* and section 2.4.2.2 of the City's OP detail how demolition control areas contribute to great availability of affordable housing.
- c) Canada Mortgage and Housing Corporation (CMHC)
    - i) The CMHC should be consulted by City of Port Colborne staff in order to identify the vacancy rate of affordable housing and the housing needs within the City. The vacancy rate will aid in better determining the availability of affordable housing within Port Colborne. The CMHC may also help in identifying who is/was/has been impacted by the lack of available affordable housing. This information will aid staff in developing an Official Affordable Housing Strategy.
  - d) Niagara Regional Housing (NRH) and Community Services
    - i) Niagara Regional Housing and Community Services should be included in the process of creating a housing strategy. NRH will aid in addressing housing and housing affordability in the region that will help frame the early stages of an Official Affordable Housing Strategy. According to the Niagara Region Official Plan, the analysis of the housing strategy will inform elements of the land needs assessment related to determining "persons per unit." Community services may contribute to planning and implementing community building efforts that will help develop a sense of community in all social housing, such as activities that may enhance neighbour relationships.
    - ii) Community services may also develop a general public awareness campaign regarding housing rights, anti-discrimination in housing and where to get housing (e.g., communications to the general public, tenants, young people, newcomers, Aboriginal people, seniors and landlords).
  - e) Economic Development
    - i) The City's Economic Development Officer (EDO) should be consulted when considering an affordable housing strategy. The EDO should consider the public cost savings in relation to affordable housing in the city. The EDO should also consider and investigate the increased property tax revenue associated with affordable housing development. The EDO and Planning and Development Department, along with Council, should explore the possibility of continuing to waive development fees, especially for those who are looking to develop affordable housing.

### Recommended Steps

This report recommends that the affordable housing strategy be developed through work consisting of several steps. The proposed strategy components, by step, are outlined below and can be considered during the drafting process:

- a) Staff should consider conducting a Housing Needs Assessment that will identify the housing needs throughout the City. This will include determining the level of affordability for local residents, based on market trends and existing policy framework. A review of the Niagara

Region's affordable housing targets may be required as part of the housing needs assessment.

- b) Staff should consider conducting a Senior Housing Study in order to identify the list of available and underutilized sites well suited to senior housing developments to ensure that they have close proximity to local amenities and supportive services.
- c) Staff and Community Members should review the protection policies and regulations in place for rental units and conversion of condominium units.
- d) Staff should identify financial/non-financial tools and incentives that support the development of affordable housing. A financial assessment of the cost implications of key tools and incentives may be required.
- e) Staff should consider conducting a State of Housing Report that would provide a demographic and statistical analysis of the current state of housing in the City of Port Colborne.
- f) Staff should consider developing a new housing research program that allows for citizens to participate in order to gain additional housing knowledge that will aid in the creation of an affordable housing strategy. City Council and staff members should also consider creating an annual housing needs monitoring report in order to remain informed on housing needs and availability in Port Colborne.

This report acknowledges that this is not an all-inclusive list of steps that should be taken in the drafting process, these are only steps that should be considered during the drafting process.

### Education Regarding Affordable Housing

Staff should be mindful of the fact that increasing awareness and understanding among community members for housing needs and affordable housing best practices will aid in the potential housing transition within the community. Staff should consider providing education regarding affordable housing to community members in order to ensure a complete understanding. It is imperative that there be raised awareness and education regarding the impact housing needs have on the community's health, sustainable growth and economic security. The City should aim to increase the understanding of affordable housing, housing needs, and associated best practices. The City should consider and explore the possibility of offering innovative housing workshops where local and national experts can share practical and innovative housing designs that meet emerging market needs.

City staff should consider working with the public to determine who is most at risk and who is impacted the most in order to determine what solutions are needed.

### Conclusions

This report presents the potential draft directions derived from a review of municipal affordable housing tools, current City practices and the practices of other municipalities. The report presents a range of tools available to municipalities to assist with affordable housing needs, including regulatory, policy and procedure, financial, partnerships and advocacy responses. This report, including the municipal tools and draft directions, will be used to consult with community

stakeholders to ensure the draft directions represent a comprehensive response to the issues, recognizing the tools available to the City of Port Colborne. Staff intends to embark on creating a draft affordable housing strategy this calendar year.

#### 4) OPTIONS AND FINANCIAL CONSIDERATIONS

##### a) Do nothing

Though not advisable, Council may choose to do nothing.

This option is not recommended.

##### b) Other Options

Council could refer the report back to staff for additional information.

#### 5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

N/A

#### 6) ATTACHMENTS

N/A

#### 7) RECOMMENDATION

That Planning and Development Department, Planning Division Report 2019-101 be received for information.

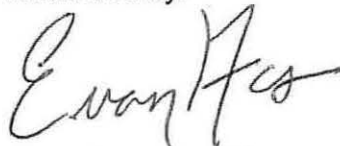
#### 8) SIGNATURES

Prepared on June 14, 2019 by:



Allison Martin  
Planning Student

Reviewed by:



Evan Acs, MA, MSc  
Planner

Reviewed by:



Das Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

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Report Number: 2019-102

Date: June 24, 2019

**SUBJECT: Property and Liability Insurance Policy Renewal**

**1) PURPOSE**

The purpose of this report is to seek approval to renew the City's Property and Liability Insurance Policy with Frank Cowan Company for an 18-month term ending December 31, 2020.

**2) BACKGROUND**

The City's Property and Liability Insurance Policy expires on June 30, 2019. The City has contacted its Broker, McAvoy, Belan, & Campbell, to review the current insurance policy and negotiate with the current provider, Frank Cowan Company, for a new 18-month term insurance policy. Frank Cowan Company has provided property and liability insurance coverage for the City since 2013. Frank Cowan Company is a leader in providing specialized insurance programs, including risk management and claims services to municipalities across Canada. Proven industry knowledge, gained through eight decades of partnering with insurance companies and independent brokers, gives Frank Cowan Company the ability to effectively manage the necessary risk, advisory, and claims services for both standard and complex issues.

The City's Broker has conducted multiple market surveys over the past nine years and concluded that Frank Cowan Company provided the best overall program for the City based on factors such as premiums, coverage, and risk management.

On June 10, 2019, the City received documentation from its Broker relating to the proposed 2019-2020 insurance program prepared by Frank Cowan Company. After a 4.5% inflationary increase to the property schedule, there was an overall 4.90% increase in premium. This compares favourably with the recent Treasurers' survey of surrounding municipalities where others are facing double-digit increases.

**3) STAFF COMMENTS AND DISCUSSIONS**

The City has received the proposed renewal which provides for coverage for the term June 30, 2019 to December 31, 2020. The proposal outlines all coverages and costs. Premiums for the 18-month term are \$618,129, \$410,109 annualized.

Compared to the existing program, the 2019-2020 premium represents a 4.90% increase or an annualized increase of \$19,173 (\$410,109 - \$390,936). Within the 2019-2020 proposal Frank Cowan Company has provided optional coverages. The options include an environmental liability, crime, legal expense, unmanned aerial vehicle, and terrorism coverages. Staff has recommended the environmental liability option increase be added to the existing insurance program. The existing insurance policy carries a limit of \$2,000,000 with a \$4,000,000 aggregate. For \$8,250 (\$5,500 annualized) the City's limit can be increased to \$3,000,000 with a \$5,000,000 aggregate.

The following chart provides a detailed premium analysis, comparing the 2018-2019 program with the proposed 2019-2020 program.

<b>City of Port Colborne Detailed Insurance Program Analysis</b>				
	Existing Program	Proposed Program	Change	Jun 30, 2019 to Dec 31, 2020 Term
<b>Existing Coverage:</b>				
Casualty	279,243	292,507	4.75%	439,933
Property	63,686	67,476	5.95%	101,494
Automobile	36,458	38,250	4.92%	58,495
Excess	11,549	11,876	2.83%	18,207
<hr/>				
Annual Premium with Existing Coverage (Excluding Tax)	\$ 390,936	\$ 410,109	4.90%	\$ 618,129
<hr/>				
<b>Optional:</b>				
Environmental Liability		5,500		8,250
<hr/>				
Total Annual Premium (Excluding Tax)		\$ 415,609		\$ 626,379

The largest increase occurs under property coverage. In the past few years, the City has made some large additions to its asset inventory. Prior to the Vale Health and Wellness Centre, the total insured values were \$49 million. Total insured values are now at \$121 million. This represents a 147% increase in assets.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

**a) Do Nothing**

This would not be an option since the City requires general insurance to guarantee day to day operations.

**b) Other Options**

Request an extension for insurance coverage and further investigate premium pricing. This is not recommended at this time.

It is staff's opinion that the City, considering the above, should engage the services for general insurance program as provided by Frank Cowan Company. They have been the City's provider since 2013 and continue to offer competitive rates and a comprehensive program to the City with an 18-month guarantee. The City's broker therefore recommends that the City accept Cowan's proposal and further accept the offer of an 18-month policy, which will provide the City with cost certainty through to December 31, 2020. Cowan offers a premium of \$618,129 for the 18-month term, \$410,109 annualized.



In addition, staff recommend:

- Adding extra Environmental Liability coverage which increases the limit from \$2,000,000 to \$3,000,000 and increases the aggregate from \$4,000,000 to \$5,000,000.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable. Insurance is a normal administrative cost.

**6) ATTACHMENTS**

Appendix A. Letter from McAvoy, Belan & Campbell, including About Frank Cowan Company, Program & Coverage Report and Program Options

**7) RECOMMENDATION**

That coverage with Frank Cowan Company be approved to provide the City's comprehensive property and liability insurance program for the next 18 months to December 31, 2020, as outlined and recommended in this report; and

That the addition be approved for Environmental Liability coverage which carries a limit of \$3,000,000 with an aggregate of \$5,000,000 and an estimated premium of \$8,250.

**8) SIGNATURES**

Prepared on June 14, 2019 by:



Brenda Garrett  
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Office



June 10, 2019

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

Attention: Brenda Garrett, Director of Corporate Services / City Treasurer

Dear Ms. Garrett:

Re: General Insurance Program, June 30, 2019

As per the instructions from your department, I am pleased to report that we have concluded renewal negotiations. Our report is attached herein.

Background: We have conducted three market surveys in the past nine years. In the last survey, Frank Cowan Company provided the best overall program based on factors such as premiums, coverage and risk management.

Pricing: We are pleased to report that after a 4.5% inflationary increase to the property schedule, we have been able to keep the change to the overall program to 4.90%. This compares favourably with the recent Treasurers' survey of the surrounding municipalities where others are facing double-digit increases.

Market Conditions: While competitive markets have held down premiums for some years now, the Public Entity sector remains a target for some significant liability losses. Some of these losses have been driven by landmark cases but overall frequency and severity of claims are mirroring our own experience. For protection against large losses, our liability limit was increased to \$50 million last term.

Commercial and Vehicle insurance in Ontario is under pressure and rate increases have either been instituted or are planned by most Insurers throughout the next 12 months. It has been reported that, due to their market restrictions, some usual proponents have recently not responded to municipal RFPs.

City Assets: In the past few years, we have made some large additions to our Property Schedule. Prior to the Vale Centre, our Total Insured Values (excluding the fleet schedule) were \$49 million which has now increased to \$121 million or 147%. Details of our current TIV's are contained in the attached Statement of Values.

At the end of each policy term we conduct an audit of our fleet (vehicles licensed under the Highway Traffic Act). Our blanket coverage does not leave them uninsured, but we are obligated to provide an accurate listing leading up to the renewal date.

Loss History: Our five-year loss history for Third Party and Professional Liability has been a little high the past six years at over but much better during the last three. The loss ratios for the fleet and property have improved in the last three years as well. A detailed Loss History is contained in a separate report.

FCC has conducted several loss control seminars for us over the past three years. This service is included in our premiums and has assisted in reducing our claims exposure and keeping down premiums. More are being planned for the coming term.

Claims Service: The City employs Sedgwick Canada (formerly Cunningham- Lindsey), an independent adjusting firm, to act on their behalf and to ensure that risk and responsibility are transferred wherever appropriate. We have put measures in place to ensure claimants are dealt with quickly and fairly by use of a dedicated Control Adjuster who also provides input on claims potential for new and existing City programs. This relationship would continue in the new term.

#### Notes

- 1) We currently have a loss of income coverage for \$1,700,000. I have attached a worksheet to double check that we are not over (or under) insured. Included should be revenue from all sources (Marina & boat ramp, Vale Centre (arenas & YMCA) etc.) but exclude taxes, water & sewer charges. We are examining a blanket change to enhance the coverage for the loss of income at the arenas as a result of equipment breakdown. We do not anticipate a change of premium.
- 2) Though it's never been an issue, it bears repeating that the City owned docks need to be protected from ice damage as this is an excluded coverage.
- 3) Losses to vehicles exceeding 25 years of age will be settled by Actual Cash Value instead of Replacement Cost.
- 4) The Environmental & Errors and Omissions liability policies are on a Claims Made basis so the policy in force at the time the claim is brought is the one that responds. In contrast, the General Liability (Bodily Injury and Property Damage) is on an occurrence basis so the policy that is in force, at the time of the incident, is the one that responds.



- 5) **Boiler & Pressure Vessel Certification:** The certification inspections, required by the Ontario government, are included in our program. Please see attached TSSA form for requesting their attendance.
- 6) **Monuments & Anchor Exhibits** have been moved to the Fine Arts form.
- 7) The premiums were derived by the information provided approximately 45 days ago. Additions and deletions to the property, equipment or fleet schedules prior to June 30<sup>th</sup>, may increase or decrease our premiums.

Options (See descriptions in the Program & Coverage report. Premiums are estimated on an 18-month basis)

- 1) **Environmental Liability:** This Claims Made policy carries a limit of \$2,000,000 with a \$4,000,000 Aggregate. For \$8,250 this can be increased to \$3,000,000/\$5,000,000
- 2) **Crime Options:**
  - a) **Extortion:** \$50,000 for threats to persons or property would be \$300
  - b) **Pension/Employee Benefits:** \$200,000 for crime involving the employee pensions or benefits would cost \$1,250.
- 3) **Legal Expense Options:** To include the following items in our Legal Expense policy
  - a) Contract Disputes & Debt Recovery: \$8,000
  - b) Statutory License Protection: \$300
  - c) Property Protection: \$300
  - d) Tax Protection: \$1,650
- 4) **Unmanned Aerial Vehicle:** Standard liability policies have a specific exclusion for aircraft, which drones are considered to be. Adding one to our liability policy has an estimated premium of \$2,250.
- 5) **Terrorism & Associated Coverages:** Currently an exclusion in standard insurance policies, we are able to add the following individually or as a whole:
  - a) Active Assailant Event Insurance: \$4,800
  - b) Chemical, Biological, Radiological and Nuclear Insurance: \$11,500
  - c) Terrorism Property Insurance: \$5,900
  - d) Terrorism Liability Insurance: \$4,200



Recommendations

- 1) It is our recommendation that the City of Port Colborne accepts the Frank Cowan Company 18-month proposal as outlined for \$618,129 plus applicable taxes.
- 2) I invite a meeting to assess the City's need for all Options. Numbers 1) and 4) have been discussed in prior meetings and may be of particular interest.

Sincerely yours,



Tim McAvoy, BA, RIB

Attachments:

- Statement of Values
- Earnings Worksheet
- Boiler Certification Request Form
- Indemnity Agreement for Signature



## City of Port Colborne 2019 Insurance Program

### Schedule of Coverage

(Coverage is provided for those item(s) indicated below)

#### Casualty

Coverage Description	(\$)*Deductibles	(\$)*Limit of Insurance
General Liability (Occurrence Form) <i>Broad Definition of Insured</i>	25,000	15,000,000 Per Claim No Aggregate
Voluntary Medical Payments	Nil	50,000 Per Person 50,000 Per Accident
Voluntary Property Damage	Nil	50,000 Per Occurrence 50,000 Annual Aggregate
Voluntary Compensation - Employees	Nil	50,000 Each Person 250,000 Annual Aggregate
Sewer Backup	25,000 Per Claimant	
Wrongful Dismissal (Legal Expense – Claims Made)	25,000	250,000 Per Claim 250,000 Aggregate
Forest Fire Expense	Nil	1,000,000 1,000,000 Aggregate
Errors & Omissions Liability (Claims Made Form)	25,000	15,000,000 Per Claim No Aggregate
Non-Owned Automobile Liability		15,000,000
Legal Liability for Damage to Hired Automobiles	500	250,000
Environmental Liability (Claims Made Form)	25,000	2,000,000 Per Claim 4,000,000 Aggregate
*Your deductible may be a Deductible and Reimbursement Clause (including expenses) refer to Policy Wordings		

#### Follow Form – Excess Liability

Coverage Description	(\$)*Limit of Insurance
Excess Limit	10,000,000
<b>Underlying Policy</b>	<b>(\$)*Underlying Limit</b>
General Liability	15,000,000
Errors & Omissions Liability	15,000,000
Non-Owned Automobile	15,000,000
Owned Automobile	15,000,000

**Total Limit of Liability (\$)** 25,000,000

**Schedule of Coverage**

(Coverage is provided for those item(s) indicated below)

**Follow Form - Excess Liability\***

Coverage Description		(\$) Limit of Insurance
Excess Limit		25,000,000
Underlying Policy	(\$) Underlying Limit	
General Liability	25,000,000	
Errors & Omissions Liability	25,000,000	
Non-Owned Automobile	25,000,000	
Owned Automobile	25,000,000	

\*Subject to Minimum Retained

**Total Limit of Liability (\$)**      50,000,000

**Crime**

Coverage Description	(\$) Deductibles	(\$) Limit of Insurance
Employee Dishonesty – Form A (Commercial Blanket Bond)		1,000,000
Loss Inside the Premises (Broad Form Money & Securities)		1,000,000
Loss Outside the Premises (Broad Form Money & Securities)		1,000,000
Audit Expense		200,000
Money Orders and Counterfeit Paper Currency		200,000
Forgery or Alteration (Depositors Forgery)		1,000,000
Computer and Transfer Fraud (Including Voice Computer Toll Fraud)		200,000
Fraudulent Induced Transfer Coverage	500	50,000

## Schedule of Coverage

(Coverage is provided for those item(s) indicated below)

### Accident

Coverage Description	(\$) Deductibles	(\$) Limit of Insurance
Board Members: Persons Insured Mayor and Eight (8) Councillors		
Board Members Accidental Death & Dismemberment		250,000
Paralysis		500,000
Weekly Income – Total Disability		500
Weekly Income – Partial Disability		300
Accidental Death of a Spouse while Travelling on Business		Included
24 Hour Coverage Endorsement		Included
Volunteers Accidental Death & Dismemberment		50,000
Paralysis		100,000
Weekly Income – Total Disability		500
Weekly Income – Partial Disability		250

### Conflict of Interest

Coverage Description	(\$) Deductibles	(\$) Limit of Insurance
Legal Fees Expenses		100,000 Per Claim No Aggregate

### Legal Expense (Claims Made)

Coverage Description	(\$) Deductibles	(\$) Limit of Insurance
Legal Defence Cost		100,000 500,000 Aggregate



## Schedule of Coverage

(Coverage is provided for those item(s) indicated below)

### Property

Coverage is on an All Risk Basis unless otherwise specified. Basis of Settlement is Replacement Cost unless otherwise specified The Deductible is on a Per Occurrence Basis			
Coverage Description	(\$ Deductibles	Basis	(\$ Limit of Insurance
Property of Every Description - Blanket	25,000	RC	114,136,066

<b>Property Supplemental Coverage</b> (Included in the Total Sum Insured unless otherwise specified in the wording)		
Building By-laws	25,000	Included
Building Damage by theft	25,000	Included
Debris Removal	25,000	Included
Electronic Computer Systems		
Electronic Computer Hardware and Media	25,000	Included
Electronic Computer Systems Breakdown	25,000	1,700,674
Electronic Computer Systems – Extra Expense	25,000	50,000
Extra Expense Period of Restoration	25,000	90 Days
Expediting Expense	25,000	Included
Fire or Police Department Service Charges	25,000	Included
First Party Pollution Clean-up	25,000	Included
Fungi and Spores	25,000	10,000
Furs, Jewellery and Ceremonial Regalia		
Ceremonial Regalia	25,000	Included
Furs and Jewellery	25,000	25,000
Inflation Adjustment	25,000	Included
Live Animals Birds or Fish	25,000	25,000
Newly Acquired Property	25,000	Included
Professional Fees	25,000	Included
Property and Unnamed Locations	25,000	Included
Property Temporarily Removed Including while on Exhibition and during Transit	25,000	Included
Recharge of Fire Protection Equipment Expense	25,000	Included

Sewer Backup and Overflow	25,000	Included
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<b>Public Entity Extension Endorsement</b> (In Addition to the Total Sum Insured unless specifically scheduled in the wording)		
Accounts Receivable	25,000	500,000
Bridges and Culverts	25,000	50,000
Buildings Owned due to Non Payment of Municipal Taxes	25,000	100,000
Buildings in the Course of Construction Reporting Extension	25,000	1,000,000
By Laws – Governing Acts	25,000	25,000
Consequential Loss Caused by Interruption of Services		
On Premises	25,000	Included
Off Premises	25,000	1,000,000
Cost to Attract Volunteers Following a Loss	25,000	10,000
Docks, Wharves and Piers	25,000	100,000
Errors and Omissions	25,000	Included
Exterior Paved Surfaces	25,000	50,000
Extra Expense	25,000	2,500,000
Fine Arts		
At Insured's Own Premises		Not Insured
On Exhibition		Not Insured
Fundraising Expenses	25,000	10,000
Green Extension	25,000	50,000
Growing Plants		
Any One Item	25,000	1,000
Per Occurrence	25,000	100,000
Ingress and Egress	25,000	Included
Leasehold Interest	25,000	25,000
Master Key	25,000	25,000
Peak Season Increase	25,000	25,000
Personal Effects	25,000	25,000
Property of Others	25,000	25,000

Rewards: Arson, Burglary Robbery and Vandalism	25,000	25,000
Signs	25,000	Included
Vacant Property	25,000	1,000,000
Valuable Papers	25,000	500,000
<b>Business Interruption</b>		
Rent or Rental Value	25,000	500,000
Gross Revenue	25,000	1,200,000
<b>Additional Endorsements</b>		
Earthquake – POED	3% Minimum \$100,000	Included
Flood – POED	\$ 25,000	Included
Fine Arts Form	25,000	1,198,196
<b>(\$) Total Amount of Insurance</b>		121,229,262
<b>RC = Replacement Cost ACV = Actual Cash Value VAL = Valued</b>		

## Schedule of Coverage

(Coverage is provided for those item(s) indicated below)

### Equipment Breakdown (TechAdvantage)

Coverage Description	(\$) Deductibles / Waiting Period	(\$) Limit of Insurance
Direct Damage	25,000	50,000,000 Per Accident
Loss of Arena Revenues	24 Hours	1,000 Daily Indemnity 90,000 Total limit of loss
Business Interruption – Gross Rent and Rental Value	24 Hours	500,000
Business Interruption – Loss of Profits (Gross Revenue)	24 Hours	1,200,000
Extra Expense	24 Hours	2,500,000
Spoilage		50,000
Expediting Expense		Included
Hazardous Substances		500,000
Ammonia Contamination		500,000
Water Damage		500,000
Professional Fees		500,000
Civil Authority or Denial of Access		30 days
Errors and Omissions		250,000
Data Restoration		50,000
By-Law Cover		Included
Off Premises Transportable Object		10,000
Brands and Labels		100,000
Green Coverage		50,000
Environmental Efficiency <b>*Will not show on Declarations Page</b>		Up to 150% of Loss
Anchor Locations		Included
Service Interruption <b>*Will not show on Declarations Page</b>		Included Within 1000 metres
Contingent Business Interruption		25,000
Public Relations Coverage		5,000

## Schedule of Coverage

(Coverage is provided for those item(s) indicated below)

### Owned Automobile

Coverage Description	(\$) Deductibles	(\$) Limit of Insurance
Liability		
Bodily Injury	25,000	15,000,000
Property Damage		Included
Accident Benefits		As stated in Section 4 of the Policy
Uninsured Automobile		As stated in Section 5 of the Policy

#### Direct Compensation – Property Damage

*This policy contains a partial payment of recovery clause for property damage if a deductible is specified for direct compensation-property damage.	25,000	
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#### Loss or Damage\*\*

Specified Perils (excluding Collision or Upset)		
Comprehensive (excluding Collision or Upset)		
Collision or Upset		
All Perils	VRS	Included

#### Endorsements

GCNA #4 - Fire Department Vehicles		Included
GCNA #8 - Replacement Cost		Included
#20 - Coverage for Transportation Endorsement		1,200/Occ
#21B - Blanket Fleet Coverage		50/50
#31 - Non - Owned Equipment		Included
#32 - Use of Recreational Vehicle by Unlicensed Operators		Included

**\*\* This policy contains a partial payment of loss clause.  
A deductible applies for each claim except as stated in your policy.**

### Indemnity Agreement

Coverage Description	(\$) Deductibles
Third Party Liability (Bodily Injury & Property Damage)	25,000

**Schedule of Coverage**

(Coverage is provided for those item(s) indicated below)

**Cyber Liability**

Coverage Description	(\$) Deductibles	(\$) Limit of Insurance
Cyber Risk Insurance	10,000	\$1,000,000 Each Claim \$1,000,000 Aggregate
<b>Below are the Coverages Provided under a Cyber Policy</b>		
Media Content Services Liability	10,000	Included
Network Security Liability	10,000	Included
Privacy Liability	10,000	Included
Extortion Threat	10,000	Included
<b>Sub-Limits</b>		
Privacy Notification Costs	10,000	50,000 Aggregate
Regulatory Proceedings	10,000	500,000 Aggregate
Crisis Management Expense	10,000	50,000 Aggregate
Business Interruption	24 Hours	500,000 Aggregate
<p><b>The Sub-Limits are subject to specific limits and are based on the Main Cyber Aggregate Limit Selected. They are included within the Cyber Aggregate limit and not in addition to this Limit.</b></p>		
<b>Cyber Subjectivities</b>		
<p>After reviewing the information submitted, we are pleased to offer the quotation subject to receipt, review and acceptance of the following:</p>		
No Known Claims by the Applicant/Insured		
Signed and Dated Application		

## Cost Analysis

	Expiring Program Term	Renewal Program Term	June 30, 2019 to December 31, 2020 Term
<b>Casualty</b>			
General Liability	\$ 236,854	\$ 250,118	376,178
Errors and Omissions Liability	14,751	14,751	22,186
Non-Owned Automobile Liability	410	410	617
Environmental Liability	14,122	14,122	21,239
Crime	3,532	3,532	5,313
Board Members Accident	1,435	1,435	2,158
Volunteers Accident	200	200	301
Conflict of Interest	539	539	811
Legal Expense	900	900	1,354
Cyber	6,500	6,500	9,776
<b>Property</b>			
Property / Data Processing	58,454	62,192	93,547
Equipment Breakdown	5,232	5,284	7,947
<b>Automobile</b>			
Owned Automobile	36,458	38,250	58,495
<b>Excess</b>			
Follow Form	6,549	6,876	10,557
Follow Form	5,000	5,000	7,650
<b>Total Annual Premium</b>	<b>\$ 390,936</b>	<b>\$ 410,109</b>	<b>618,129</b>
(Excluding Taxes Payable)			

## Changes to Your Insurance Program

Please be advised of the following changes to your insurance program that now apply:

### Property Policy

- **We have made important changes to your policy.** We have rewritten our Property Coverages with many improvements, including several new coverages making our wording much more flexible and adaptable to your needs while retaining the broad coverage Frank Cowan Company is known for. This redesign includes our wordings as well as our Declaration Pages and Summary of Coverage.

While many changes have been made to expand coverage under your property policy, changes have also been made to clarify intent with coverage being much more clear and concise. There may also be areas where coverage is now more restrictive.

Refer to the Property Change Highlights for further details.

- Building values have been increased in order to reflect inflationary trends.
- The Monuments/Anchor Exhibits have been transferred to Fine Arts Form
- The Limit per item on Fine Arts has been deleted. Non-Owned Items on Exhibition added to Fine Arts.

### Equipment Breakdown Policy

- Endorsement L Excluded Items will be removed at Renewal.



# PROPERTY CHANGE HIGHLIGHTS

We have made important changes to your policy. Please read your policy carefully and contact your Frank Cowan Company Representative should you have any questions or concerns.

## NEW LOOK AND STYLE

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Frank Cowan Company's property coverage has a new look and style that provides you with a more streamlined approach for your convenience and ease of reference. This redesign includes our wordings as well as our Declaration Pages and Summary of Coverage.

## OVERVIEW

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We have rewritten our Property Coverages with many improvements, including several new coverages making our wording much more flexible and adaptable to your needs while retaining the broad coverage Frank Cowan Company is known for.

While many changes have been made to expand coverage under your property policy, changes have also been made to clarify intent with coverage being much more clear and concise. There may also be areas where coverage is now more restrictive (e.g. vacancy exposures are automatically covered for up to 120 days, after which time coverage is to be reported). Due to the extent of changes, the structure, layout and terminology of our wordings have been modified significantly. As this document only provides a brief overview of changes, please read your policy carefully.

Moving forward, your policy will be comprised of a Base Property Wording and a new Public Entity Extension of Coverage Endorsement along with any miscellaneous or specific endorsements required to tailor coverage to your needs.

## BASE PROPERTY WORDING (PROPERTY COVERAGE) OVERVIEW OF CHANGES

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Your property insurance includes broad coverage to protect your physical assets (e.g. buildings and other property you own, lease or are legally liable for) from direct physical loss. All parts of the base Property Wording have been re-written including the:

- Introduction
- Insuring Agreement
- Insurer's Liability Under the Form
- Property Insured
- Deductible and Dual Policy Deductible Clauses
- Perils Insured
- Property and Perils Excluded
- Supplemental Coverages
- Coverage Territory
- Loss Conditions
- Basis of Settlement
- Loss Agreement Clause
- Definitions

## **BASE PROPERTY WORDING (PROPERTY COVERAGE) OVERVIEW OF CHANGES CONTINUED**

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Improvements to the base Property Wording include the following:

- Additional titles and sections have been added for ease of reference.
- The Insuring Agreement has been re-written to clearly specify what the Insurer(s) agrees to indemnify the Insured for under the policy.
- The Insurer's Liability Under the Form clause clarifies the Insurer(s) intent when there is and is not a catastrophic limit shown on the Declarations.
- Two Deductible Clauses: We now have a standard Deductible Clause and a Dual Policy Deductible Clause. The Dual Policy Deductible Clause states how a deductible will be applied when there is both an automobile policy and a property policy involved in the same loss (when both policies are written with Frank Cowan Company).
- The 'Perils Insured' clause has been expanded to provide coverage on either a Named Perils or All Risk basis, whichever is indicated on the Declarations/Summary of Coverage pages.

### **EXCLUSIONS UNDER THE BASE PROPERTY WORDING**

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Many important changes have been made to both the Property and Perils Excluded Sections to remain current and in order to:

- Prevent duplication of coverage. Additional exclusions may be shown as in many instances coverage is more specifically insured under the policy (e.g. under the Public Entity Extension Endorsement we provide coverage for Fine Arts, Valuable Papers etc.)
- Clearly exclude exposures the policy was not intended to cover (e.g. Ocean Marine exposures, Property Illegally Acquired etc.)
- Allow us to review a risk exposure more thoroughly (e.g. Vacant Risks).
- Implement stronger exclusionary clauses with the addition of non-concurrency language under the Perils Excluded and Other Excluded Losses sections.
- Review our catastrophic coverage and exposures (e.g. Earthquake and Flood). These will now be added separately for a premium when you request coverage.
- Add Standard Exclusions within the base wording including exclusions for Terrorism, Fungi, Nuclear and Data.
- Remove the outdated exclusion for loss or damage to rented premises, where the cause of loss was due to neglect by tenants.

### **ADDITIONAL CHANGES**

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Additional Changes to the Base Property Wording include:

Loss Conditions:	An option for Insurer(s) to settle a loss directly with the Insured or owner of the property.
Loss Agreement:	Revisions to stipulate how the Equipment Breakdown and property policies will both respond in the event of a loss.
Territory:	Clarification that coverage is worldwide.
Basis of Settlement:	Expansion in various sections to clarify different settlement options.
Definitions:	Many new definitions have been added to provide clarification of intent.

**SUPPLEMENTAL COVERAGE UNDER THE BASE PROPERTY WORDING**

This section has been added to clarify the many benefits we automatically provide such as:

• Building Bylaws	• Furs, Jewellery and Ceremonial Regalia
• Building Damage by Theft	• Inflation Adjustment
• Debris Removal Expense	• Live Animals, Birds or Fish
• Electronic Computer Systems	• Newly Acquired Property
• Expediting Expense	• Professional Fees
• Fire or Police Department Service	• Property at Unnamed Locations
• First Party Pollution Clean-Up Coverage	• Property Temporarily Removed Including while on Exhibition and during
• Fungi (covers the expense for any testing, evaluating or monitoring for fungi or spores required due to loss)	• Recharge of Fire Protective Equipment
	• Sewer Back Up and Overflow

**Note:** The Supplemental Coverage does not increase your Total Sum Insured in most cases.

**STATUTORY AND ADDITIONAL CONDITIONS CHANGES**

- Liberalization Clause: A new clause allowing any change in statutory coverage to automatically apply to the property policy.
- Mortgage Clause: A new clause which was previously added via endorsement.
- Verification of Values: A new clause which provides the Insurer access to your Insureds' books/records etc. which may be required especially in event of a loss.

**PUBLIC ENTITY EXTENSIONS OF COVERAGE ENDORSEMENT**

Each Extension of Coverage will have an individual Limit of Insurance that will be shown on the Summary of Coverage/Declarations Page.

The Limit of Insurance for each Extension of Coverage is over and above the Total Sum Insured (unless shown as 'included' on the declarations or otherwise stipulated within the wording).

Limits of Insurance available for each Extension of Coverage will vary based on the individual risk.

• Accounts Receivable	• Green Extension
• Bridges and Culverts	• Growing Plants
• Building Coverage Owned Due to the Non Payment of Municipal Taxes – <i>Named Perils Coverage applies.</i>	• Ingress and Egress
• Building(s) in the Course of Construction Reporting Extension	• Leasehold Interest
• By Laws – Governing Acts	• Master Key
• Consequential Loss caused by Interruption of Services	• Peak Season Increase
• Cost to Attract Volunteers Following a	• Personal Effects
• Docks, Wharves and Piers	• Property of Others

**PUBLIC ENTITY EXTENSIONS OF COVERAGE ENDORSEMENT CONTINUED**

<ul style="list-style-type: none"><li>• Errors and Omissions</li></ul>	<ul style="list-style-type: none"><li>• Rewards: Arson, Burglary, Robbery and Vandalism</li></ul>
<ul style="list-style-type: none"><li>• Exterior Paved Surfaces</li></ul>	<ul style="list-style-type: none"><li>• Signs</li></ul>
<ul style="list-style-type: none"><li>• Extra Expense</li></ul>	<ul style="list-style-type: none"><li>• Vacant Properties – <i>Named Perils Coverage applies on an Actual Cash Value basis.</i></li></ul>
<ul style="list-style-type: none"><li>• Fine Arts at Own Premises and Exhibition Site</li></ul>	<ul style="list-style-type: none"><li>• Valuable Papers</li></ul>
<ul style="list-style-type: none"><li>• Fundraising Expenses</li></ul>	

The information in this notice is intended for informational purposes only. For full details with respect to coverage, exclusions, conditions and limitations refer to the policy wordings. While coverage may be quoted, once a policy is issued coverage is only applicable if shown on Declaration Page or Schedule of Coverage.

## Program Options

Outlined below are the program options, followed by your current coverage highlights.

### 1. Environmental Liability

To increase the present limits of \$2,000,000 per claim/\$4,000,000 aggregate to \$3,000,000 per claim/\$5,000,000 aggregate would be an additional \$5,443 annual (12 month) premium.

### 2. Unmanned Aerial Vehicle (UAV) Coverage

- Property and/or Liability Cover may be available for Unmanned Aerial Vehicles (UAV)
- Application required to quote
- For Coverage information refer to the Unmanned Aerial Vehicles (UAV) Highlight Sheet.

## Description of Coverages

"Your Insurance Coverage" provides a summary of current coverages, limits and deductibles included in this proposal.

Highlights of coverage follow providing a summary of coverage. Highlight pages may include description of optional coverages.

The information in this notice is intended for informational purposes only. For full details with respect to coverage, exclusions, conditions and limitations refer to the policy wordings. While coverage may be quoted, once a policy is issued coverage is only applicable if shown on Declaration Page or Schedule of Coverage.

# MUNICIPAL LIABILITY COVERAGE HIGHLIGHTS

## OVERVIEW

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The Frank Cowan Company are specialists at insuring Public Entities. Our liability wording has been specially designed to meet the unique needs of these types of risks.

## COVERAGE

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- Limits up to \$50,000,000 available.
- Occurrence coverage with no General Aggregate.
- Territory – World-wide for all coverage.
- Products and Completed Operations – liability arising out of the Insured's operations conducted away from the Insured's premises once those operations have been completed or abandoned. An Aggregate limit may apply for limits in excess of \$25,000,000.
- Bodily Injury including coverage for assault and battery.
- Personal Injury coverage - broad coverage (including advertising coverage) for acts that violate or infringe on the rights of others.
- Liquor Liability for bodily injury or property damage imposed upon an Insured by a Liquor Liability Act.
- Blanket Contractual for liability assumed by the Insured in contracts, whether reported to the insurer or not.
- Products Liability - legal liability incurred by an Insured because of injury or damage resulting from a product's exposure.
- Professional/Malpractice Liability including for bodily injury or property damage from professional exposures.
- Abuse Liability for the entity insured.
- Employers Liability providing coverage for liability to employees for work-related bodily injury or disease, other than liability imposed on the Insured by a workers compensation law.
- Sewer backup Liability
- Watercraft Liability - full coverage with no restrictions.
- Tenants legal liability
- Cross Liability
- Broad Definition of Insured.

## COMMON ENDORSEMENTS

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In addition to the base wording, we have many optional endorsements to tailor coverage for individual accounts including:

- Wrongful Dismissal (Legal Expense)
- Forest Fire Expense
- Marina Liability Extension
- Sexual Abuse Therapy and Counselling Extension for long term care homes.
- Other endorsements specifically crafted for a particular exposure.

## COVERAGE IS PROVIDED FOR UNIQUE EXPOSURES

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- Products and Completed Operations Aggregate Limit may come into play for exposures such as road maintenance, snow removal, garbage collection / waste disposal, street cleaning or other duties that the Insured Municipality has to perform on behalf of third parties.
- Assault and battery coverage is imperative when there are security exposures (e.g. police).
- Products exposures such as utilities (e.g. water) are covered.
- Full Malpractice including Medical Malpractice as well as professional exposures are covered.
- Professional exposures include those such as medical, engineering, design errors or building inspection operations.
- Abuse and Professional Liability – as we have no exclusions for abuse, professional liability, negligent hiring practices or failure to supervise we provide exceptionally broad coverage for health risks such as long term care homes.

The information in this notice is intended for informational purposes only. For full details with respect to coverage, exclusions, conditions and limitations refer to the policy wordings. While coverage may be quoted, once a policy is issued coverage is only applicable if shown on Declaration Page or Schedule of Coverage.

# PUBLIC ENTITY ERRORS AND OMISSIONS LIABILITY COVERAGE HIGHLIGHTS

## PUBLIC ENTITY ERRORS AND OMISSIONS INSURANCE

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Public Entity Errors and Omissions Insurance (E&O) Coverage protects risks from civil litigation caused by allegations of professional negligence or failure to perform professional duties. Errors and Omissions focuses on providing coverage when there is financial loss to a third party (rather than bodily injury or property damage as general liability does).

### FEATURES

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<b>Limits</b>	Typically limits follow that of our Liability. We have the availability to offer up to \$50,000,000.
<b>Defence Costs</b>	Over and above the Limit of Insurance. Whether a potential claim is baseless, or not, mounting legal expense can have serious monetary consequences for an Insured.
<b>No Annual Aggregate</b>	With higher out of court settlements and increased damage awards, large or even a series of small claims can quickly erode an annual aggregate limit.
<b>Claims Made Policy</b>	Pays for claims occurring and reported during the policy period. Our policy provides retroactive coverage (no date need be specified) and stipulates that a claim is first known only when written notice is first received.
<b>Claims Definition</b>	The definition of claim also includes arbitration, mediation or alternative dispute resolution proceedings.
<b>Insured Definition</b>	Includes Councilors, Statutory Officers, Council Committees, Firefighters, Employees and Volunteers.

### COVERAGE IS PROVIDED FOR UNIQUE EXPOSURES

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<b>Insurance</b>	No exclusion for failure to procure or maintain adequate insurance bonds or coverage (e.g. construction projects).
<b>Benefit Plans</b>	Errors or Omissions in administering Employee Benefit Plans are covered.
<b>Misrepresentations</b>	Municipal governments are required to provide information with respect to local matters and must ensure the information which is provided is accurate, true and not misleading. Our definition of a Wrongful Act covers misstatements or misleading statements.
<b>Other Specialists and Services</b>	Covers errors or omissions when they are rendered in connection with operations that are typical of public sector such as those of building inspections, zoning, planning, developing or regulating by-laws. Officials and employees acting in good faith are often times the subject of lawsuits.

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# NON-OWNED AUTOMOBILE COVERAGE HIGHLIGHTS

## OVERVIEW

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Non-Owned and hired automobile liability insurance covers bodily injury and property damage caused by a vehicle not owned by the Insured (including rented or borrowed vehicles). Coverage is provided for Third Party Liability arising from the use or operation of any automobile not owned or licensed in the name of the Insured if it results in bodily injury (including death), property damage (if the property was not in possession of the Insured) to a third party.

## FEATURES

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### **SEF No. 96 Contractual Liability:**

- When renting a vehicle you engage in a contractual relationship with the rental company where you assume liability for the operation of the automobile. It is therefore important that contractual coverage is added to the policy by way of an endorsement known as SEF (Standard Endorsement Form) No. 96. Contractual Liability coverage is automatically provided for all written contractual agreements with our Non-Owned Automobile coverage.

### **SEF No. 99 Long Term Lease Exclusion:**

- When Contractual Liability is provided under the policy there is also an exclusion for Long Term Leased vehicles SEF No. 99. This excludes coverage for vehicles hired or leased for longer than a certain period such as 30 days.

### **Territory:**

- The Non-Owned Automobile policy provides coverage while in Canada and United States.

### **Termination Clause:**

- The standard termination clause has been amended in that the Insured may still provide notice of cancellation at any time, however, the Insurer must provide ninety days' notice of cancellation to the Insured rather than the standard 15 or 30 days.

### **SEF No. 94 Legal Liability (Physical Damage) to a Hired/Rented Automobile:**

- We automatically provide coverage for damage to a vehicle that you have hired or rented. Coverage is provided via endorsement SEF No. 94. We automatically provide 'All Perils' coverage. The limit of coverage will vary per client.

## ADDITIONAL INFORMATION

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Courts have repeatedly held that when an automobile is used on a person's behalf or under a person's direction, that person (or entity) has a responsibility for the operation of the automobile and may be held liable for damages in the event of an accident even though he or she is not the owner or driver of the vehicle. This common law principle has been supported by a number of court decisions making an employer responsible for the use and operation of an automobile when an employee is operating an automobile (not owned by the employer) while being used for the employer's business.

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# ENVIRONMENTAL COVERAGE HIGHLIGHTS

## OVERVIEW

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Pollution incidents are a significant risk that can result in serious harm to public health and safety as well as to the environment.

We provide pollution liability insurance for claims for third party bodily injury and property damage. Coverage is provided on a blanket basis resulting from pollution conditions on or migrating from premises owned, occupied, rented or leased by the insured that are discovered and are reported during the policy period. The policy responds to events that are gradual in nature as well as those that are sudden and accidental, causing third party damage whether pollutants are released on land, into the atmosphere or in the water.

## FEATURES

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### Defence Costs

- Our Defence costs are over and above the limit of insurance and will respond even if allegations are groundless or false.

### Storage Tanks

- Seepage or leakage from both above and below ground storage tanks are covered without being specifically listed on the policy.

### Territory

- Worldwide territory.

### Limits of Insurance

- Both a 'per incident' and an 'aggregate' limit is applicable.

## ADDITIONAL INFORMATION

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Environmental exposures pose an imminent and substantial threat to public health, safety or welfare or to the environment. Exposures could stem from: wastewater treatment plants, electric utility plants, construction sites, flood and rainwater runoff or retention basins, underground fuel storage tanks, herbicides, pesticides, and fertilizers, road salts and chemicals used to de-ice roads and bridges, contaminated waste from medical facilities or health clinics, marina's, fire-fighting chemicals or even contaminated swimming pools.

An environmental exposure arising from sewers is covered under our liability.

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# CRIME COVERAGE HIGHLIGHTS

## OVERVIEW

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Our crime coverage is one of the broadest and most flexible in the industry. An Insured may elect to purchase any or all of the Standard Crime Coverage we have available. In addition to the Standard crime coverage the Insured may elect to also purchase any of our Optional Coverages.

### Optional Crime Coverage Includes:

- Extortion Coverage (Threats to persons and property).
- Pension or Employment Benefit Plan coverage.
- Residential Trust Fund Coverage.
- Credit Card Coverage.
- Client Coverage (Third Party Bond).
- Fraudulently Induced Transfer Coverage (otherwise known as Social Engineering). *Separate Coverage Highlights Sheet for Fraudulently Induced Transfer Coverage is available.*

For more information on our Optional Coverage refer to our Crime Coverage Options Highlight Sheet.

## FEATURES OF OUR STANDARD CRIME COVERAGE

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Below is a brief description of the Standard Crime Coverage an Insured may elect to purchase:

### Employee Dishonesty – Form A Commercial Blanket Bond

- This protects the employer from financial loss due to the fraudulent activities of an employee or group of employees. The loss can be the result of theft of money, securities or other property belonging to the employer.

### Loss Inside and Loss Outside the Premises (Broad Form Money and Securities)

- Covers loss by theft, disappearance, or destruction of the Insured's money and securities inside the Insured's premises (or Insured's bank's premises) as well as outside the Insured's premises while in the custody of a messenger.

### Money Orders and Counterfeit Paper Currency

#### Covers Loss

- Due to acceptance of a money order that was issued (or is purported to have been issued) by a post office or express company; and
- From the acceptance of counterfeit paper currency of Canada or the United States.

### Forgery and Alteration

- Covers loss due to dishonesty from a forgery or alteration to a financial instrument (cheque, draft or promissory note).

### Audit Expense

- Coverage for the expenses that are incurred by the Insured for external auditors to review their books in order to establish the amount of a loss. This is a separate limit of insurance.

### Computer and Transfer Fraud (Including Voice Computer Toll Fraud)

- Loss caused when money, securities, or other property is transferred because of a fraudulent computer entry or change. The entry or change must be within a computer system that the Insured owns (and on their premises).
- Loss caused when money or securities are transferred, paid, or delivered from the Insured's account at a financial institution based on fraudulent instructions (at the financial institutions premises).
- Voice computer toll fraud covers the cost of long distance calls if caused by the fraudulent use of an account code or a system password.

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# FRAUDULENTLY INDUCED TRANSFER ENDORSEMENT COVERAGE HIGHLIGHTS (SOCIAL ENGINEERING)

## OVERVIEW

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Fraud today has become much more sophisticated and complex with Fraudulently Induced Transfer Crimes (otherwise known as Social Engineering) trending in today's marketplace. In response to this trend we now offer a Fraudulently Induced Transfer Endorsement as part of our suite of Crime Coverage.

These types of crimes are usually a targeted approach where criminals are after something definite from the target, either money (usually in the form of a wire transfer) or information (such as a list of vendors, routing numbers, etc.). Often times communications are sent to an employee (most often via email, telephone or a combination of the two), which are doctored to appear as if they are sent by a senior officer of the company or by one of its customers or vendors. Essentially criminals prey on human and procedural vulnerabilities. The standard crime coverage does not respond to these types of losses as an employee of the organization has voluntarily parted with the money or securities and would be considered an active participant in the loss.

### Example 1

Instructions to an employee supposedly coming from a vendor or customer are often accomplished by informing the employee that they have changed banks and require the company to use the new banking information for future payments.

### Example 2

Instructions to an employee supposedly coming from an internal source (e.g. senior staff) to bypass in-house safeguards and redundancies, criminals apply pressure by imposing a time constraint, demanding secrecy or simply flattering the ego of the target by including him or her "in" on an important business transaction.

Fraudulently Induced Transfer coverage is an optional endorsement that may be purchased. Coverage is subject to a satisfactory supplementary application being completed.

## FRAUDULENTLY INDUCED TRANSFER LOSSES, CYBER LOSSES AND CURRENT CRIME POLICIES

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Even though this fraud often involves emails and wire transfers, cyber policies are not designed to cover them:

- Cyber policies cover losses that result from unauthorized data breaches or system failures. Fraudulently Induced Transfer actually depends on these systems working correctly in order to communicate with an organization's employees and transfer information or funds.
- Crime policies cover losses that result from theft, fraud or deception. As the underlying cause of a loss is 'fraud', a company would claim a loss under its crime policy rather than its cyber policy. Without this endorsement, coverage would be denied under a crime policy due to the Voluntary Parting Exclusion.

## FRAUDULENTLY INDUCED TRANSFER ENDORSEMENT FEATURES

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- Coverage is provided when an Insured under the policy has been intentionally misled by someone claiming to be a vendor, client or another employee of the company and the Insured (employee) has transferred, paid or delivered money or securities to this third party.
- Fraudulently Induced Transfer is defined as: The intentional misleading of an employee, through misrepresentation of a material fact which is relied upon by an employee, believing it to be genuine to voluntarily transfer funds or valuable information to an unintended third party.

## LIMITS AND DEDUCTIBLE

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The Fraudulently Induced Transfer Endorsement is subject to:

- Separate Limits of Insurance (both an Occurrence and Aggregate);
- A separate deductible;
- Limits ranging from \$10,000 - \$100,000.

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# BOARD MEMBERS' (INCLUDING COUNCILLORS') ACCIDENTAL DEATH AND DISMEMBERMENT COVERAGE HIGHLIGHTS

AD&D AND PARALYSIS LIMITS	OPTION 1	OPTION 2
Accidental Death or Dismemberment (including loss of life and heart attack coverage)	\$100,000	\$250,000
Paralysis Coverage – 200% of Accidental Death and Dismemberment Limit		
Permanent Total Disability - Accidental Death and Dismemberment Limit		

WEEKLY INDEMNITY	OPTION 1	OPTION 2
Total Loss of Time	\$300	\$500
Partial Loss of Time	\$150	\$300

## ACCIDENT REIMBURSEMENT - \$15,000

Chiropractor	Crutches <sup>†</sup>
Podiatrist/Chiropodist	Splints <sup>†</sup>
Osteopath	Trusses <sup>†</sup>
Physiotherapist	Braces (excludes dental braces) <sup>†</sup>
Psychologist	Casts <sup>†</sup>
Registered or Practical Nurse	Oxygen Equipment – Iron Lung
Trained Attendant or Nursing Assistant <sup>‡</sup>	Rental of Wheelchair
Transportation to nearest hospital <sup>†</sup>	Rental of Hospital Bed
Prescription drugs or Pharmaceutical supplies <sup>‡</sup>	Blood or Blood Plasma <sup>‡</sup>
Services of Physician or Surgeon outside of the province	Semi Private or Private hospital room <sup>‡</sup>

<sup>†</sup>Maximum \$1,000 per accident. <sup>‡</sup>If prescribed by physician

## DENTAL EXPENSES

Dental Expenses	\$5,000
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## OCCUPATIONAL RETRAINING – REHABILITATION

Retraining – Rehabilitation for the Named Insured	\$15,000
Spousal Occupational Training	\$15,000

## REPATRIATION

Repatriation Benefit (expenses to prepare and transport body home)	\$15,000
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## DEPENDENT CHILDREN – PER CHILD

Dependent Children's Education (limit is per year- maximum 4 years)	\$10,000
Dependent Children's Daycare (limit is per year- maximum 4 years)	\$10,000

## TRANSPORTATION/ACCOMMODATION (WHEN TREATMENT IS OVER 100KM FROM RESIDENCE)

Transportation costs for the Insured when treatment is over 100km from home.	\$1,500
Transportation and accommodation costs when Insured is being treated over 100km from home.	\$15,000

## HOME ALTERNATION AND VEHICLE MODIFICATION

Expenses to modify the Insured's home and/or vehicle after an accident.	\$15,000
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## SEATBELT DIVIDEND

10% of Principal Sum	\$25,000
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## **FUNERAL EXPENSE**

Benefit for loss of life \$10,000

## **IDENTIFICATION BENEFIT**

Benefit for loss of life \$5,000

## **EYEGASSES, CONTACT LENSES AND HEARING AIDS**

When Insured requires these items due to an accident. \$3,000

## **CONVALESCENCE BENEFIT – PER DAY**

Insured Coverage \$100  
One Family Member Coverage \$50

## **WORKPLACE MODIFICATION BENEFITS**

Specialized equipment for the workplace. \$5,000

## **ELECTIVE BENEFITS**

### **Complete Fractures**

Skull	\$ 5,200	Foot & Toes	\$ 2,200
Lower Jaw	\$ 2,800	Two or More Ribs	\$ 1,900
Collar Bone	\$ 2,800	Colles' fracture	\$ 2,800
Shoulder Blade	\$ 3,500	Potts' fracture	\$ 3,400
Shoulder Blade complications	\$ 3,700	<b>Dislocation</b>	
Thigh	\$ 4,600	Shoulder	\$ 2,200
Thigh/hip joints	\$ 4,600	Elbow	\$ 2,200
Leg	\$ 3,500	Wrist	\$ 2,500
Kneecap	\$ 3,500	Hip	\$ 4,600
Knee/joint complications	\$ 4,000	Knee	\$ 3,500
Hand/Fingers	\$ 2,200	Bones of Foot or Toe	\$ 2,500
Arm (between shoulder & elbow)	\$ 4,600	Ankle	\$ 2,800
Forearm (between wrist & elbow)	\$ 2,800		

## **AGGREGATE LIMIT**

Aggregate Limit only applicable when 2 or more board members are injured in same accident. \$ 2,500,000

## **COVERAGE EXTENSIONS**

- Standard coverage is applicable while the Insured is 'On Duty'. Coverage for Accidents that may occur 24/7 may be purchased.
- Accidental Death of a Spouse While Travelling on Business is automatically included when this coverage is purchased. This endorsement provides for Accidental Death of a spouse when the spouse is travelling with an Insured Person on business. Coverage applies while travelling to or from such an event and /or if the loss of life occurs within one year of the accident.
- When Board Members' Accidental Death and Dismemberment Coverage is purchased, the Insured also has the option to purchase Critical Illness Coverage.

## **ADDITIONAL INFORMATION**

- Loss of life payments up to 365 days from date of Accident or if permanently disabled up to 5 years.
- Weekly Indemnity coverage pays in addition to Elective Benefits.
- Weekly Indemnity payments take other income sources into consideration (e.g. automobile, CPP, group plans).
- Coverage is applicable to Insured 80 years of age or under.

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# VOLUNTEERS' ACCIDENTAL DEATH AND DISMEMBERMENT COVERAGE HIGHLIGHTS

## AD&D AND PARALYSIS LIMITS

Accidental Death or Dismemberment	\$50,000
Paralysis Coverage – 200% of Accidental Death and Dismemberment Limit	\$100,000

## WEEKLY INDEMNITY

Total Loss of Time	\$500
Partial Loss of Time	\$250

† Volunteer must be gainfully employed immediately prior to an accident for weekly indemnity benefits

## ACCIDENT REIMBURSEMENT - \$15,000

Chiropractor	Crutches†
Podiatrist/Chiropodist	Splints†
Osteopath	Trusses†
Physiotherapist	Braces (excludes dental braces)†
Psychologist	Casts†
Registered or Practical Nurse	Oxygen Equipment – Iron Lung
Trained Attendant or Nursing Assistant‡	Rental of Wheelchair
Transportation to nearest hospital†	Rental of Hospital Bed
Prescription drugs or Pharmaceutical supplies†	Blood or Blood Plasma†
Services of Physician or Surgeon outside of the province	Semi Private or Private hospital room‡

†Maximum \$1,000 per accident. ‡If prescribed by physician.

## DENTAL EXPENSES

Dental Expenses	\$5,000
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## OCCUPATIONAL RETRAINING – REHABILITATION

Retraining – Rehabilitation for the Volunteer	\$15,000
Spousal Occupational Training	\$15,000

## REPATRIATION

Repatriation Benefit (expenses to prepare and transport body home)	\$15,000
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## DEPENDENT CHILDREN – PER CHILD

Dependent Children's Education (limit per year- maximum 4 years)	\$10,000
Dependent Children's Daycare (limit per year- maximum 4 years)	\$10,000

## TRANSPORTATION/ACCOMMODATION (WHEN TREATMENT IS OVER 100KM FROM RESIDENCE.)

Insured Coverage	\$1,500
Family Member	\$15,000

## HOME ALTERATION AND VEHICLE MODIFICATION

Expenses to modify the Insured's home and/or vehicle after an accident.	\$15,000
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## SEATBELT DIVIDEND

10% of Principal Sum when proof of wearing a seatbelt.	\$5,000
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**FUNERAL EXPENSE**

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Benefit for loss of life.	\$10,000
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**IDENTIFICATION BENEFIT**

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Transportation and accommodation costs for family member to identify Insured's remains.	\$5,000
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**EYEGLOSS, CONTACT LENSES AND HEARING AIDS**

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When Insured requires these items due to an accident.	\$3,000
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**CONVALESCENCE BENEFIT – PER DAY**

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Confined to hospital.	\$100
Out patient.	\$ 50

**WORKPLACE MODIFICATION BENEFITS**

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Specialized equipment for the workplace.	\$5,000
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**AGGREGATE LIMIT**

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Aggregate Limit only applicable when 2 or more volunteers are injured in same accident.	\$ 1,000,000
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**ADDITIONAL INFORMATION**

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- Loss of life payments up to 365 days from date of Accident Weekly Indemnity payments take other income sources into consideration (e.g. automobile, CPP, group plans).
  - Coverage is applicable to Insured 80 years of age or under.
  - Coverage is afforded to the Volunteer only when they are 'On Duty'.

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# CONFLICT OF INTEREST COVERAGE HIGHLIGHTS

## OVERVIEW

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Conflict of Interest can be described as a situation in which public servants have an actual or potential interest that may influence or appear to influence the conduct of their official duties or rather divided loyalties between private interests and public duties.

Conflict of Interest coverage provides protection for the cost of legal fees and disbursements in defending a charge under the Municipal Conflict of Interest Act (or other similar Provincial Legislation in the respective province of the Insured).

## FEATURES

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Coverage is offered as a standalone coverage providing the client a separate limit of insurance that is not combined with any other coverage such as legal expense coverage.

- Per Claim Limit only – No Annual Aggregate.
- Coverage provided on a Reimbursement Basis.

## COVERAGE DESCRIPTION

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Coverage is provided for legal costs an Insured incurs in defending a charge under the Provincial Conflict of Interest Act if a court finds that:

- There was no breach by the Insured; or
- The contravention occurred because of true negligence or true error in judgment; or
- The interest was so remote or insignificant that it would not have had any influence in the matter.

## ADDITIONAL INFORMATION

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Coverage is provided for elected or appointed members of the Named Insured including any Member of its Boards, Commissions or Committees as defined in the 'Conflict of Interest Act' while performing duties related to the conduct of the Named Insured's business.

Conflict of Interest coverage is applicable to only those classes of businesses that are subject to the Municipal Conflict of Interest Act (or other similar Provincial legislation in the respective province of the Insured).

# LEGAL EXPENSE COVERAGE HIGHLIGHTS

## COVERAGE FEATURES

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We offer comprehensive Legal Expense Coverage to protect an Insured against the cost of potential legal disputes arising out of your operations.

- Coverage will pay as costs are incurred.
- Broad Core Coverage.
- Optional Coverage.
- Coverage for Appeals for Legal Defence Costs and any Optional Coverage purchased.
- Unlimited Telephone Legal Advice and access to Specialized Legal Representation in event of legal disputes.
- Additional Optional Coverage available.
- Broad Definition of Insured including managers, employees and volunteers.

## BROAD CORE COVERAGE

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The core coverage provides Legal Defence Costs for:

- Provincial statute or regulation (including human rights tribunals).
- Criminal Code Coverage when being investigated or prosecuted. Coverage is applicable whether pleading guilty or a verdict of guilt is declared.
- Civil action for failure to comply under privacy legislation.
- Civil action when an Insured is a trustee of a pension fund for the Named Insured's employees.

## OPTIONAL COVERAGE

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In addition to the Core Coverage an Insured can mix and match any of the following Optional Coverage:

- Contract Disputes and Debt Recovery
- Statutory License Protection
- Property Protection
- Tax Protection

## LIMITS AND DEDUCTIBLES

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- Coverage is subject to an Occurrence and an Aggregate Limit.
- The Core Coverage is typically written with no deductible however a deductible may be applied to Optional Coverage.

## EXCLUSIONS

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- Each Insuring Agreement is subject to Specific Exclusions and Policy Exclusions.
- Municipal Conflict of Interest Act (or other similar provisions of other Provincial legislation) is excluded.  
\* Conflict of Interest Coverage may be provided under a separate policy for eligible classes of business.

## TELEPHONE LEGAL ADVICE AND SPECIALIZED LEGAL REPRESENTATION

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- General Advice (available from 8 am until 12 am local time, 7 days a week).
- Emergency access to a Lawyer 24 hours a day, 7 days a week.
- Services now automatically include the option of using an appointed representative from a panel of Lawyers with expertise in a variety of areas.

## CLIENT MATERIAL AND WALLET CARD

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- The 'Legal Expense Important Information' wording attached to each policy explains the steps that are to be taken in event of a claim.
- A wallet card is now attached to the policy which the Named Insured can copy & distribute to each Insured (e.g. managers, employees, etc.).

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# PROPERTY COVERAGE HIGHLIGHTS

## OVERVIEW

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Property insurance is about planning for the unexpected and protecting your physical assets in order to minimize your business disruption should a loss occur. It is important that your property insurance includes broad coverage to protect these assets (e.g. buildings and other property you own, lease or are legally liable for) from direct physical loss.

We will work closely with you to customize a property coverage solution. We cover a wide variety of property, including buildings, inventory and supplies, office furniture and fixtures, computers, electronics, equipment (including unlicensed mobile equipment, maintenance and emergency equipment) and other unique property.

The Frank Cowan Company property wording is flexible and adaptable. Your policy will be comprised of a Base Property Wording and a Public Entity Extension of Coverage Endorsement as well as any miscellaneous or specific endorsements to tailor coverage to meet your needs.

## FEATURES AND BENEFITS

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Features and Benefits include:

- Coverage is typically written on an all-risk basis including replacement cost.
- Our standard practice is to write property on a Property of Every Description (POED) or blanket basis, however, coverage can be scheduled separately if required.
- No margins clause and no statement of values required.
- We have two Deductible Clauses: A standard Deductible Clause and a Dual Policy Deductible Clause. The Dual Policy Deductible clause states how a deductible will be applied when there is both an automobile policy and a property policy involved in the same loss (when both policies are written with Frank Cowan Company).
- Worldwide Coverage
- Unlicensed Equipment (e.g. Contractors Equipment): Automatically includes Replacement Cost as the basis of settlement regardless of age. This can be amended to an Actual Cash Value (ACV) or Valued basis if required (applicable only if the Insured owns the unlicensed equipment).
- Flood and Earthquake coverage are available.

## SUPPLEMENTAL COVERAGE UNDER THE BASE PROPERTY WORDING

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The Base Property Wording automatically includes numerous Supplemental Coverages such as:

- |   |   |
|---|---|
| • Building Bylaws   | • Furs, Jewellery and Ceremonial Regalia  |
| • Building Damage by Theft  | • Inflation Adjustment  |
| • Debris Removal Expense  | • Live Animals, Birds or Fish   |
| • Electronic Computer Systems   | • Newly Acquired Property   |
| • Expediting Expense  | • Professional Fees   |
| • Fire or Police Department Service   | • Property at Unnamed Locations   |
| • First Party Pollution Clean-Up Coverage   | • Property Temporarily Removed including while on Exhibition and during Transit |
| • Fungi (covers the expense for any testing, evaluating or monitoring for fungi or spores required due to loss) | • Recharge of Fire Protective Equipment   |
|   | • Sewer Back Up and Overflow  |

**Note:** The Supplemental Coverage does not increase your Total Sum Insured in most cases.

## PUBLIC ENTITY EXTENSIONS OF COVERAGE ENDORSEMENT

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Each Extension of Coverage has an individual Limit of Insurance and will be shown on the Summary of Coverage/Declarations Page.

The Limit of Insurance for each Extension of Coverage is over and above the Total Sum Insured (unless shown as 'included' on the declarations or otherwise stipulated within the wording).

Limits of Insurance available for each Extension of Coverage will vary based on the individual risk.

- Accounts Receivable
- Bridges and Culverts
- Building Coverage Owned Due to the Non Payment of Municipal Taxes – *Named Perils Coverage applies.*
- Building(s) in the Course of Construction Reporting Extension
- By Laws – Governing Acts
- Consequential Loss caused by Interruption of Services
- Cost to Attract Volunteers Following a Loss
- Docks, Wharves and Piers
- Errors and Omissions
- Exterior Paved Surfaces
- Extra Expense
- Fine Arts at Own Premises and Exhibition Site
- Fundraising Expenses
- Green Extension
- Growing Plants
- Ingress and Egress
- Leasehold Interest
- Master Key
- Peak Season Increase
- Personal Effects
- Property of Others
- Rewards: Arson, Burglary, Robbery and Vandalism
- Signs
- Vacant Properties – *Named Perils Coverage applies on an Actual Cash Value basis.*
- Valuable Papers

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# EQUIPMENT BREAKDOWN TECHADVANTAGE HIGHLIGHTS

## OVERVIEW

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Property policies typically exclude losses that Equipment Breakdown Insurance is designed to cover. Equipment Breakdown Coverage insures against losses (property damage and business interruption) resulting from 'accidents' (as defined in the wording) to various types of equipment such as pressure, mechanical, electrical and pressure equipment (called "objects" in the policy). Coverage also extends to electronic equipment for 'electronic circuitry impairment'. Coverage typically extends to production machinery unless specifically excluded.

## FEATURES

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Coverage is extended to pay for:

**Property Damage:** The cost to repair or replace damaged equipment or other covered property, including computers, due to a covered accident.

**Business Income:** The loss of business income due to an interruption caused by a covered accident from the date of loss until such equipment is repaired or replaced or could have been repaired or replaced plus additional time to allow your business to become fully operational.

**Extra Expense:** Additional costs (e.g., equipment rental) you incur after a covered loss to maintain normal operations.

**Expediting Expenses:** The cost of temporary repairs or to expedite permanent repairs to restore business operations.

**Service Interruption:** Business income and extra expense resulting from a breakdown of equipment owned by a supplier with whom the Insured has a contract to supply a service. If there is no contract, the equipment must be within 1000 metres of the location.

**Data Restoration:** The restoration of data that is lost or damaged due to a covered loss.

**Demolition:** Building demolition and rebuilding required by building laws.

**Ordinance or law:** The additional costs (other than demolition) to comply with building laws or codes.

**Other Coverage:** Spoilage, Hazardous Substances, Ammonia, Water damage, Professional Fees, Errors and Omissions, Newly Acquired Locations, Civil Authority or Denial of Access.

## COVERAGE AUTOMATICALLY INCLUDES:

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**Microelectronics Coverage:** Provides insurance when physical damage is not detectable or when firmware or software failure causes non-physical damage. Triggered when covered equipment suddenly stops functioning as it had been and that equipment or a part containing electronic circuitry must be replaced.

**Cloud Computing – Service Interruption:** Pays for business interruption and extra expense when your cloud computing service provider experiences an outage due to an equipment breakdown.

**Cloud Computing – Data Restoration:** Pays for data restoration for data lost when stored and managed by a cloud computing service provider that experiences an equipment breakdown.

**Off Premises Transportable Objects:** Extends coverage to transportable equipment anywhere in North America.

**Anchor Location:** (when business income coverage is purchased) expands Business Income coverage resulting from a covered accident at an anchor location that attracts customers to an insured location.

**Environmental Efficiency and Green Coverage:** Pays for upgrades to more energy efficient or environmentally friendly equipment.

**Brands and Labels:** Pays for the cost of removing labels or additional cost of stamping salvaged merchandise after a loss.

## OTHER BENEFITS

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**Public Relations Coverage:** (when business income coverage is purchased other than extra expense) pays for public relations assistance to help manage your reputation that may be damaged by business interruption or data loss.

**Contingent Business Interruption:** (when business income coverage is purchased other than extra expense) pays for Business Income resulting from a covered accident to property not owned, operated or controlled by the Insured.

## OPTIONAL COVERAGE

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The coverage is included only if specified limits of insurance are shown on the Schedule of Coverage. A quote may be available (a completed application may be required).

**Data Compromise Coverage:** Up to \$50,000 (Annual Aggregate) for an Insured affected by a data breach. When a data breach occurs involving personal identifying information (information not typically available to the public) coverage includes expenses you incur for:

- Legal Counsel: to determine how you should best respond to the breach.
- Forensic Services: to help assess the nature and extent of the compromise.
- Regulatory Notification: to provide notification to the Office of the Privacy Commissioner of Canada.
- Notification and Services to Affected Individuals: a packet of customer support information, access to a helpline, fraud alert for the affected individuals, identity restoration case management for victims of identity theft caused by the breach.
- Public Relations Services: to assist in restoring your reputation.

**Identity Recovery Coverage:** Up to \$15,000 (Annual Aggregate) for an Insured affected by identity theft. Coverage applies to an Insured that is a sole proprietor, a partner if the Insured is a partnership, a chief executive in a corporation or a senior ministerial employee for religious institutions. Coverage is provided for various additional and unexpected expenses an individual will sustain due to an identity theft such as: costs for credit reports, lost wages, costs for the supervision of children, elderly or infirm dependents.

## ADDITIONAL INFORMATION

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BI&I automatically provide inspection services for boilers and pressure vessels to satisfy the provincial inspection requirements on our behalf.

The information in this notice is intended for informational purposes only. For full details with respect to coverage, exclusions, conditions and limitations refer to the policy wordings. While coverage may be quoted, once a policy is issued coverage is only applicable if shown on Declaration Page or Schedule of Coverage.

# OWNED AUTOMOBILE COVERAGE HIGHLIGHTS

## OVERVIEW

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We can provide mandatory automobile coverage for all licensed vehicles owned and/or leased by the Insured.

## FEATURES

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### Third-Party Liability Coverage:

- Coverage is provided for Third Party Liability (bodily injury and property damage) protecting you if someone else is killed or injured, or their property is damaged. It will pay for claims as a result of lawsuits against you up to the limit of your coverage, and will pay the costs of settling the claims. Coverage is for licensed vehicles you own and/or leased vehicles.

### Standard Statutory Accident Benefits Coverage:

- We automatically provide standard benefits if you are injured in an automobile accident, regardless of who caused the accident. Optional Increased Accident Benefits Coverage is available upon written request.

### Optional Statutory Accident Benefits Coverage - Available upon request

- Including coverage for: Income Replacement; Caregiver, Housekeeping & Home Maintenance; Medical & Rehabilitation; Attendant Care; Enhanced Medical Rehabilitation & Attendant Care; Death & Funeral; Dependent Care; Indexation Benefit (Consumer Price Index) – Ontario

### Direct Compensation Property Damage:

- Covers damage to your vehicle or its contents, and for loss of use of your vehicle or its contents, to the extent that another person was at fault for the accident as per statute.

### Physical Damage Coverage:

- Various basis of settlement including: Replacement Cost, Valued Basis and Actual Cash Value.
  - Replacement Cost – No deduction for depreciation for repairs or replacement.
    - Available for specified vehicles (upto 25 years of age).
    - Total Loss: the Insured has the option of purchasing a new vehicle, or accepting a cash settlement for the amount it would cost to purchase a new vehicle.
    - Partial Loss: repair estimates are calculated by using all new parts to repair damage.
  - Valued Basis:
    - Can be provided on specified vehicles, usually those that are obsolete, would not be replaced, or would be replaced with a used vehicle.
  - Actual Cash Value:
    - Actual Cash Value (ACV) coverage is automatically provided for specified vehicles.

## ADDITIONAL INFORMATION

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### Blanket Fleet Endorsement:

- Coverage is provided on a blanket basis under the 21B – Blanket Fleet Endorsement. Premium adjustment is done on renewal. Adjustment is made on a 50/50 or pro rata basis as specified in the endorsement. Mid-term endorsements are not processed on policies with this blanketcover.

### Single Loss:

- If a single loss involves both the Automobile and Property Insurance policies, the Property policy deductible is waived only on any insured property attached to the automobile.

For a list of vehicles quoted, refer to Exhibit "B".

The information in this notice is intended for informational purposes only. For full details with respect to coverage, exclusions, conditions and limitations refer to the policy wordings. While coverage may be quoted, once a policy is issued coverage is only applicable if shown on Declaration Page or Schedule of Coverage.

# CYBER RISK INSURANCE COVERAGE HIGHLIGHTS

## OVERVIEW

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Cyber, network and data exposures impact all companies and thus this solution is suitable for almost any industry. We offer comprehensive Cyber Risk Insurance Coverage to protect an Insured against the cost of a failure in technology or data breach as well as costs involved in restoring the organization's reputation.

The Privacy Liability coverage section will now automatically extend coverage to a 'Service Provider' and/or under a 'Shared Network Arrangement'. We also offer an optional endorsement which will extend coverage to Crisis Management Costs.

## COVERAGE

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### Media Content Services Liability

- Media exposures such as defamation and breaches of intellectual property rights arising from your online publishing.

### Network Security Liability

- Failure to protect against unauthorized access to; unauthorized use of, or denial of services attack.

### Privacy Liability Coverage

- Consists of various components such as: Privacy Liability, Privacy Notification Costs and Regulatory Proceedings Coverage.
  - Privacy Liability
    - Provides coverage for your liability when you fail to safeguard personal information you have been entrusted with.
  - Privacy Notification Costs
    - Notification costs and credit monitoring after a breach.
  - Regulatory Proceedings Coverage
    - Covers fines and penalties.

### Extortion Threat

- Cover to assist you in dealing with the costs of handling/response to a threat from a hacker to attack your information and electronic assets.

### Crisis Management Expense

- Costs to assist you after a network compromise to your own system (e.g. public relations costs).

### Business Interruption

- Covers the reduction in business income during the period of restoration after compromise to your own system.

## LIMITS AND DEDUCTIBLES

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### Limits

- A range of limits available up to \$5 million (sub limits apply to first party coverage).
- Pays up to the Limit of Insurance for each coverage specified, subject to an Aggregate Limit.

### Deductibles

- A separate deductible may apply to each coverage.

The information in this notice is intended for informational purposes only. For full details with respect to coverage, exclusions, conditions and limitations refer to the policy wordings. While coverage may be quoted, once a policy is issued coverage is only applicable if shown on Declaration Page or Schedule of Coverage.



# INDEMNITY AGREEMENT HIGHLIGHTS

## OVERVIEW

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This policy contains an "Indemnity Agreement" as a part of your Insurance Program. This indemnity agreement relates to the auto policy where deductibles are applied to TPL (Liability) losses and/or Accident Benefits. There is no change to the rating or application of the deductibles in terms of your policy.

- The client shall reimburse, indemnify and hold harmless the Insurer against the amount not exceeding the applicable retention for each amount for each occurrence in respect of which a claim is made under the Policy. The aggregate retention amount not exceeding the specified amount(s) paid by the Insurer under or in connection with respect to described coverage.

The information in this notice is intended for informational purposes only. For full details with respect to coverage, exclusions, conditions and limitations refer to the policy wordings. While coverage may be quoted, once a policy is issued coverage is only applicable if shown on Declaration Page or Schedule of Coverage.

## Program Options – Highlights of Coverage

In addition to "Your Insurance Coverage", enhancements to your coverage are available as outlined under the Program Options page.

Highlights of coverage follow providing a brief description of these options.

The information in this notice is intended for informational purposes only. For full details with respect to coverage, exclusions, conditions and limitations refer to the policy wordings. While coverage may be quoted, once a policy is issued coverage is only applicable if shown on Declaration Page or Schedule of Coverage.

# UNMANNED AERIAL VEHICLE (UAV) COVERAGE HIGHLIGHTS

## OVERVIEW

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Transport Canada is responsible for regulating Unmanned Aerial Vehicles (UAV's) and requires UAV's used for work or research to register with them. Operators must comply with all applicable regulations.

Liability or property policies can now be enhanced with endorsements to cover Unmanned Aerial Vehicles. Coverage is intended to close the gap in liability and property insurance because of aviation exclusions.

## PROPERTY COVERAGE

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Property: (Optional Coverage)

- All Risk Coverage for the UAV (including all permanently attached equipment) and Ground or Operating Equipment (including any detachable equipment such as cameras etc).
- Coverage includes electrical and mechanical breakdown.
- Basis of settlement options include: Replacement Cost, Valued Amount or Actual Cash Value.

**In addition to the standard exclusions within the Property All Risk Wording, the following exclusions also apply:**

- Those used for military purposes, personal or recreational use.
- Those being rented to, leased to or lent to others.
- Mysterious disappearance after commencement of a flight unless UAV remains unrecovered for 30 days.
- If they are not in compliance with the manufacturer's specifications (e.g. the weight payload) is exceeded, when operated in wind at a higher speed than recommended etc.).
- UAV's must not exceed 500 meters in altitude or the range of 1km from the operator.
- Hijacking or unauthorized control of the UAV or Equipment.
- Failure to comply with any statute, permit, rule, regulation or any requirement for qualification to operate the UAV or the equipment.
- Criminal or dishonest acts, infidelity of employees, or theft from an unlocked vehicle.
- Coverage is limited to Canada only.

## LIABILITY COVERAGE

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- While Transport Canada mandates a minimum amount of insurance (\$100,000), coverage will follow the policy limit up to \$15,000,000. Higher limits may be available.
- We will extend liability to UAV's.
- Having a range of up to a maximum of 1km from the operator.
- With an altitude of 500 metres or less.
- Operators meeting all Transport Canada regulations.
- Not being used for military purposes, personal or recreational use.
- Coverage is limited to Canada only.

## IMPORTANT INFORMATION

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While our UAV endorsements are primarily designed to offer coverage for UAV's 25kg or less, we may be able to offer coverage for those falling outside of these parameters through our general aviation market.

The information in this notice is intended for informational purposes only. For full details with respect to coverage, exclusions, conditions and limitations refer to the policy wordings. While coverage may be quoted, once a policy is issued coverage is only applicable if shown on Declaration Page or Schedule of Coverage.

## Claims Exhibit

**IMPORTANT:** This claims report is prepared by Frank Cowan Company for the sole and exclusive use of Frank Cowan Company, the Insured and, where applicable, their broker and may not be relied upon by any other party. By receipt of this information the Insured and their broker acknowledge their responsibility for keeping this information *strictly confidential*. Neither Frank Cowan Company nor its representatives shall be liable, either directly or indirectly, for any loss, damage, injury or costs suffered or incurred by the Insured or any other party arising or alleged to have arisen by the reliance on this report, outside of Frank Cowan Company. Frank Cowan Company is not responsible for any changes or alterations to this report from its original form or content. Please be advised that deductibles indicated for sewer backup claims are on a per claimant basis. Therefore, if there are sewer backup claims in this report, you could be responsible for multiple deductibles for those claims, up to the number of claimants. For further information, please refer to your policy.

**WARNING:** Claim reserves by their nature are estimates only and are subject to change. Casualty claims can be complex and can take many years to reach resolution. Over that time it is not unusual for claims costs to escalate, sometimes dramatically, from current estimates. Further, for many reasons liability claims are often reported after a policy year has ended - sometimes years later. Therefore, this report is likely not a complete or final view of the ultimate incurred claims for this Insured.

Classification of Claim		Year	Number	Incurred Amount *	
1.	Liability				
		2013-2014	8	\$	93,753
		2014-2015	14		391,161
		2016-2017	6		46,234
		2017-2018	8		22,100
		<b>TOTAL</b>	36	\$	553,248
2.	Errors and Omissions				
		2013-2014	0	\$	0
		2014-2015	0		0
		2016-2017	0		0
		2017-2018	1		23,173
		<b>TOTAL</b>	0	\$	0

Classification of Claim		Year	Number	Incurred Amount *	
3.	Automobile				
		2013-2014	1	\$	59
		2014-2015	1		380,461
		2016-2017	0		0
		2017-2018	0		0
		<b>TOTAL</b>	<b>2</b>	<b>\$</b>	<b>380,520</b>
4.	Property Buildings/Contents				
		2013-2014	1	\$	41,329
		2014-2015	1		88,918
		2016-2017	0		0
		2017-2018	0		0
		<b>TOTAL</b>	<b>2</b>	<b>\$</b>	<b>130,247</b>

\* INCURRED AMOUNT - Includes all payments plus outstanding reserves plus expenses, less any deductible applying.

# RENT OR RENTAL VALUE SCHEDULE

Address	(\$) Limit of Insurance	Indemnity Period	Co-Insurance
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EXCLUDING PREMISES AS LISTED UNDER THE GROSS REVENUE ENDORSEMENT	\$ 500,000	12 Months	100%
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**TOTAL** \$ 500,000

POLICY EFF: 30/06/2019

MODIFIED: 27/05/2019

1

RISK NO: 61250

QUOTE: 334033

STATUS: IN PROGRESS

**366**

# GROSS REVENUE SCHEDULE

Address	(\$ Limit of Insurance
3 MARINA DRIVE, PORT COLBORNE	
MARINA	\$ 450,000
550 ELIZABETH STREET, PORT COLBORNE	
VALE WELLNESS CENTRE (YMCA) INCLUDING ALL OTHER ARENA LOCATIONS	750,000

**TOTAL** \$ 1,200,000

POLICY EFF: 30/06/2019

MODIFIED: 27/05/2019

1

RISK NO: 61250

QUOTE: 334033

STATUS: IN PROGRESS

**367**

## CORPORATION OF THE CITY OF PORT COLBORNE

ESTIMATE OF VALUES  
BUILDINGS AND STRUCTURES  
30/06/2019VALUES

1	CITY HALL, 66 CHARLOTTE STREET, PORT COLBORNE, L3K 3C8	6,268,100
6	CITY HALL GENERATOR 130 KW - PARKING LOT, 66 CHARLOTTE STREET, PORT COLBORNE, L3K 3C8	173,700
7	ANIMAL SHELTER, 1080 ELM STREET NORTH, PORT COLBORNE, L3K 4R9	183,500
10	FIRE STATION #1 INCLUDING 160 KW GENERATOR, 1-3 KILLALY STREET WEST, PORT COLBORNE, L3K 6H1	3,536,200
12	FIRE STATION #2 (EAST SIDE) INCLUDING 8 KW GENERATOR, 126 BELL STREET, PORT COLBORNE, L3K 1H8	571,200
17	PUBLIC LIBRARY, 310 KING STREET, PORT COLBORNE, L3K 4H1	4,370,400
20	PLAYGROUND EQUIPMENT, 310 KING STREET, PORT COLBORNE, L3K 4H1	51,500
21	LIBRARY - ILLUMINATED SIGN, 310 KING STREET, PORT COLBORNE, L3K 4H1	18,700
23	GAZEBO INCLUDING BENCHES, 310 KING STREET, PORT COLBORNE, L3K 4H1	42,800
24	SUGARLOAF HARBOUR DOCKS INCLUDING ATTACHMENTS, 3 MARINA DRIVE, PORT COLBORNE, L3K 6C6	7,828,800
25	SUGARLOAF HARBOUR MARINA, 3 MARINA DRIVE, PORT COLBORNE, L3K 6C6	1,736,800
28	SUGARLOAF HARBOUR PEDESTRIAN BRIDGE (APPROXIMATELY 227' LONG X 6' WIDE), 3 MARINA DRIVE, PORT COLBORNE, L3K 6C6	731,800
29	SUGARLOAF HARBOUR LEASED TO THIRD PARTY - BOATHOUSE, STORAGE GARAGE & CONCESSION, 3 MARINA DRIVE, PORT COLBORNE, L3K 6C6	274,600
30	SUGARLOAF HARBOUR GAZEBO, 3 MARINA DRIVE, PORT COLBORNE, L3K 6C6	9,500
31	SUGARLOAF HARBOUR PAVILION & STORAGE, 3 MARINA DRIVE, PORT COLBORNE, L3K 6C6	193,400
32	SUGARLOAF HARBOUR SHED, 3 MARINA DRIVE, PORT COLBORNE, L3K 6C6	2,800
33	SUGARLOAF HARBOUR SMALL SHED, 3 MARINA DRIVE, PORT COLBORNE, L3K 6C6	700

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REF:61250

27/05/2019

1

QUOTE ID: 284033  
**368**



## CORPORATION OF THE CITY OF PORT COLBORNE

ESTIMATE OF VALUES  
BUILDINGS AND STRUCTURES  
30/06/2019

	<u>VALUES</u>
34 SUGARLOAF HARBOUR MARINA SERVICE BUILDING (MARLON), 3 MARINA DRIVE, PORT COLBORNE, L3K 6C6	448,400
35 HARBOUR MASTERS DWELLING, 201 WEST STREET, PORT COLBORNE, L3K 5K8	61,400
37 HARBOUR MASTERS DOCKS, 201 WEST STREET, PORT COLBORNE, L3K 5K8	193,100
39 HERITAGE RESOURCE CENTRE (L.R.WILSON), 286 KING STREET, PORT COLBORNE, L3K 4H2	661,900
41 CAPTAIN A SHARPE HERITAGE RESOSURCE CENTRE, 280 KING STREET, PORT COLBORNE, L3K 4H2	791,600
42 WILLIAMS HOUSE MUSEUM, 280 KING STREET, PORT COLBORNE, L3K 4H2	619,200
45 LOG HOUSE EXHIBIT, 280 KING STREET, PORT COLBORNE, L3K 4H2	98,500
46 LOG BUILDING, 280 KING STREET, PORT COLBORNE, L3K 4H2	53,200
47 THE CARRIAGE HOUSE (GIFT SHOPPE), 280 KING STREET, PORT COLBORNE, L3K 4H2	79,800
48 LOG SCHOOLHOUSE EXHIBIT, 280 KING STREET, PORT COLBORNE, L3K 4H2	64,400
49 YVON DUPRE JR. WHEELHOUSE EXHIBIT, 280 KING STREET, PORT COLBORNE, L3K 4H2	48,800
50 LIGHTHOUSE EXHIBIT, 280 KING STREET, PORT COLBORNE, L3K 4H2	22,200
51 F.W.WOODS BLACKSMITH SHOP EXHIBIT, 280 KING STREET, PORT COLBORNE, L3K 4H2	27,700
52 S.S. HOCHELAGA LIFEBOAT EXHIBIT, 280 KING STREET, PORT COLBORNE, L3K 4H2	21,300
53 BILLY WALTER MEMORIAL PAVILLION, 280 KING STREET, PORT COLBORNE, L3K 4H2	13,300
54 SWING BRIDGE WINCH EXHIBIT, 280 KING STREET, PORT COLBORNE, L3K 4H2	10,700
55 CANAL TRENCHER/SCRAPER EXHIBIT, 280 KING STREET, PORT COLBORNE, L3K 4H2	10,700
56 OUTHOUSE EXHIBIT, 280 KING STREET, PORT COLBORNE, L3K 4H2	2,700

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## CORPORATION OF THE CITY OF PORT COLBORNE

ESTIMATE OF VALUES  
BUILDINGS AND STRUCTURES  
30/06/2019

	<u>VALUES</u>
58 ARABELLAS TEA ROOM, 61 PRINCESS STREET, PORT COLBORNE, L3K 5X8	181,000
59 ARABELLAS TEA ROOM SHED, 61 PRINCESS STREET, PORT COLBORNE, L3K 5X8	8,000
60 VALE WELLNESS CENTRE INCLUDING 200 KW GENERATOR, 550 ELIZABETH STREET, PORT COLBORNE, L3K 5X8	42,224,000
64 VALE GARAGE, 550 ELIZABETH STREET, PORT COLBORNE, L3K 5X8	29,100
65 VALE SHED, 550 ELIZABETH STREET, PORT COLBORNE, L3K 5X8	4,200
66 VALE SOCCER CLUBHOUSE, 550 ELIZABETH STREET, PORT COLBORNE, L3K 5X8	278,600
67 JULIA YAGER COMMUNITY CENTRE (BETHEL), 2703 CHIPPAWA ROAD, PORT COLBORNE, L3K 5V5	1,041,200
68 PLAYGROUND EQUIPMENT, 2703 CHIPPAWA ROAD, PORT COLBORNE, L3K 5V5	5,300
69 SHERKSTON COMMUNITY CENTRE, 4891 SHERKSTON ROAD, SHERKSTON, L0S 1R0	842,500
71 VISITORS CENTRE (FORMER HUMBERSTONE TOWNSHIP HALL, 76 MAIN STREET WEST, PORT COLBORNE, L3K 3V1	634,000
73 TENNIS CLUBHOUSE, 143 HELEN STREET, PORT COLBORNE, L3K 6G3	254,500
74 HH KNOLL LAKEVIEW PARK BANDSHELL, 77 SUGARLOAF STREET, PORT COLBORNE, L3K 2W5	282,900
75 HH KNOLL LAKEVIEW PARK WASHROOMS, 77 SUGARLOAF STREET, PORT COLBORNE, L3K 2W5	113,000
76 HH KNOLL LAKEVIEW PARK BANDSTAND, 77 SUGARLOAF STREET, PORT COLBORNE, L3K 2W5	85,200
77 HH KNOLL LAKEVIEW PARK PAVILION, 77 SUGARLOAF STREET, PORT COLBORNE, L3K 2W5	29,000
78 HH KNOLL LAKEVIEW PARK SPLASH PAD, 77 SUGARLOAF STREET, PORT COLBORNE, L3K 2W5	312,500
79 HH KNOLL LAKEVIEW PARK GAZEBO & 4 ARBOURS, 77 SUGARLOAF STREET, PORT COLBORNE, L3K 2W5	11,300
80 HH KNOLL LAKEVIEW PARK SHELTER, 77 SUGARLOAF STREET, PORT COLBORNE, L3K 2W5	4,800

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## CORPORATION OF THE CITY OF PORT COLBORNE

ESTIMATE OF VALUES  
BUILDINGS AND STRUCTURES

30/06/2019

VALUES

81	LOCK 8 PARK - VIEWING PLATFORM, FOUNTAIN, 133 MELLANBY AVENUE, PORT COLBORNE, L3K 2L6	408,700
82	LOCK 8 PARK - PLAYGROUND EQUIPMENT, 133 MELLANBY AVENUE, PORT COLBORNE, L3K 2L6	53,000
83	LOCK 8 PARK - WASHROOMS, 133 MELLANBY AVENUE, PORT COLBORNE, L3K 2L6	135,800
84	LOCK 8 PARK - PICNIC SHELTER, 133 MELLANBY AVENUE, PORT COLBORNE, L3K 2L6	59,800
85	LOCK 8 PARK - TOURIST INFORMATION LIGHTHOUSE, 133 MELLANBY AVENUE, PORT COLBORNE, L3K 2L6	41,800
88	LOCK 8 PARK - GAZEBO, 133 MELLANBY AVENUE, PORT COLBORNE, L3K 2L6	12,400
89	LOCK 8 PARK - SKATE BOARD PARK, 133 MELLANBY AVENUE, PORT COLBORNE, L3K 2L6	977,600
91	CENTENNIAL PARK WASHROOMS, CEDAR BAY ROAD, PORT COLBORNE	81,800
92	CENTENNIAL PARK PICNIC PAVILION, CEDAR BAY ROAD, PORT COLBORNE	38,600
93	LOCKVIEW PARK WASHROOMS, END OF JOHN STREET, PORT COLBORNE	77,800
94	LOCKVIEW PARK WATER PUMP HOUSE, END OF JOHN STREET, PORT COLBORNE	33,500
95	LIONS FIELD WASHROOM & STORAGE, 157-171 KILLALY STREET WEST, PORT COLBORNE, L3K 3M1	261,400
96	LIONS FIELD EQUIPMENT SHELTER, 157-171 KILLALY STREET WEST, PORT COLBORNE, L3K 3M1	136,300
97	LIONS FIELD CONCESSION, 157-171 KILLALY STREET WEST, PORT COLBORNE, L3K 3M1	163,600
98	KINNEAR PARK PICNIC SHELTER, 552 FIELDEN AVENUE, PORT COLBORNE, L3K 4V2	7,700
99	NICKEL BEACH WASHROOMS, END OF LAKE ROAD, PORT COLBORNE	81,800
100	NICKEL BEACH STORAGE COMPOUND, 69 LAKE ROAD, PORT COLBORNE, L3K 1A2	16,400
101	FLOODLIGHTING EQUIPMENT, ALL PARK LOCATIONS	642,500

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CORPORATION OF THE CITY OF PORT COLBORNE

ESTIMATE OF VALUES  
 BUILDINGS AND STRUCTURES  
 30/06/2019

VALUES

102 RECREATIONAL FENCING, ALL PARK LOCATIONS	403,400
103 PLAYGROUND EQUIPMENT, ALL PARK LOCATIONS	260,500
104 PORTABLE BLEACHERS, ALL PARK LOCATIONS	210,200
107 WORKS DEPOT & MAINTENANCE GARAGE, 11 KING STREET SOUTH, PORT COLBORNE, L3K 4E6	992,100
108 WORKS COMMUNICATIONS TOWER, 11 KING STREET SOUTH, PORT COLBORNE, L3K 4E6	44,300
109 WORKS FUEL CENTRE, 11 KING STREET SOUTH, PORT COLBORNE, L3K 4E6	45,400
110 SALT DOME, 11 KING STREET SOUTH, PORT COLBORNE, L3K 4E6	195,700
111 EQUIPMENT STORAGE SHELTER, 11 KING STREET SOUTH, PORT COLBORNE, L3K 4E6	165,200
112 WORKS WATER PUMPHOUSE / STORAGE, 11 KING STREET SOUTH, PORT COLBORNE, L3K 4E6	34,500
113 FLAMMABLE STORAGE COMPOUND, 11 KING STREET SOUTH, PORT COLBORNE, L3K 4E6	15,900
114 STORAGE WAREHOUSE, 10 KING STREET SOUTH , PORT COLBORNE, L3K 4E7	566,800
115 FLOODGATE, PUMPS & EQUIPMENT (EAGLE MARSH), LAKESHORE ROAD WEST, PORT COLBORNE	899,900
116 FLOODGATE, PUMPS & EQUIPMENT (WIGNAL), LAKESHORE ROAD EAST, PORT COLBORNE	240,900
117 FLOODGATE, PUMPS & EQUIPMENT (BEAVERDAM), W/S WEAVER ROAD, PORT COLBORNE	240,900
118 FLOODGATE, PUMPS & EQUIPMENT (OIL MILL CREEK), CEDAR BAY ROAD, PORT COLBORNE	160,200
119 UNDERGROUND WATER DRAINAGE PUMP, SCHOLFIELD AVENUE, PORT COLBORNE	40,400
122 ROSELAWN COMPLEX, 296 FIELDEN AVENUE, PORT COLBORNE, L3K 4T6	7,394,500
126 OPERATIONS CENTRE INCLUDING GENSET 300 KW GENERATOR , 1-3 KILLALY STREET WEST, PORT COLBORNE, L3K 6H1	8,433,200

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CORPORATION OF THE CITY OF PORT COLBORNE

ESTIMATE OF VALUES  
 BUILDINGS AND STRUCTURES  
 30/06/2019

	<u>VALUES</u>	
128 OPERATIONS CENTRE - VEHICLE WASH, 1-3 KILLALY STREET WEST, PORT COLBORNE, L3K 6H1	837,200	
130 OPERATIONS CENTRE - SAND/SALT DOME, 1-3 KILLALY STREET WEST, PORT COLBORNE, L3K 6H1	439,000	
132 OPERATIONS CENTRE - FUEL CENTRE, 1-3 KILLALY STREET WEST, PORT COLBORNE, L3K 6H1	166,400	
137 GROSS REVENUE - MARINA, 3 MARINA DRIVE, PORT COLBORNE, L3K 6C6	450,000	LIM
138 GROSS REVENUE - VALE WELLNESS CENTRE (YMCA) INCLUDING ALL OTHER ARENA LOCATIONS, 550 ELIZABETH STREET, PORT COLBORNE, L3K 5X8	750,000	LIM
139 RENTAL INCOME - EXCLUDING PREMISES AS LISTED UNDER THE GROSS REVENUE ENDORSEMENT	500,000	LIM
	<hr/>	
	102,281,600	

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CORPORATION OF THE CITY OF PORT COLBORNE

ESTIMATE OF VALUES

OTHER PROPERTY (Excluding Buildings)

30/06/2019

VALUES

2	CONTENTS - CITY HALL, 66 CHARLOTTE STREET, PORT COLBORNE, L3K 3C8	1,113,970
3	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS, 66 CHARLOTTE STREET, PORT COLBORNE, L3K 3C8	575,187
4	LEASED EPSON SURECOLOR T5270 PRINTER, SERIAL NO. 010343915909, 66 CHARLOTTE STREET, PORT COLBORNE, L3K 3C8	9,100
5	CITY HALL - MISCELLANEOUS EQUIPMENT, 66 CHARLOTTE STREET, PORT COLBORNE, L3K 3C8	25,632
8	CONTENTS - ANIMAL SHELTER, 1080 ELM STREET NORTH, PORT COLBORNE, L3K 4R9	30,527
9	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS, 1080 ELM STREET NORTH, PORT COLBORNE, L3K 4R9	983
11	CONTENTS - FIRE STATION #1, 1-3 KILLALY STREET WEST, PORT COLBORNE, L3K 6H1	845,118
13	CONTENTS - FIRE STATION #2 (EAST SIDE), 126 BELL STREET, PORT COLBORNE, L3K 1H8	289,000
14	FIRE STATION CONTENTS & FIRE-FIGHTING EQUIPMENT	579,359
15	FIRE RADIO & COMMUNICATION EQUIPMENT	21,394
16	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS	143,252
18	CONTENTS - LIBRARY, 310 KING STREET, PORT COLBORNE, L3K 4H1	912,116
19	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS, 310 KING STREET, PORT COLBORNE, L3K 4H1	460,965
22	LIBRARY - MISCELLANEOUS TOOLS & EQUIPMENT, 310 KING STREET, PORT COLBORNE, L3K 4H1	1,805
26	CONTENTS - SUGARLOAF HARBOUR MARINA, 3 MARINA DRIVE, PORT COLBORNE, L3K 6C6	342,760
27	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS, 3 MARINA DRIVE, PORT COLBORNE, L3K 6C6	9,720
36	CONTENTS - HARBOUR MASTERS BUILDING, 201 WEST STREET, PORT COLBORNE, L3K 5K8	6,427
38	MARINA - MISCELLANEOUS TOOLS, EQUIPMENT & SUPPLIES	862,790
40	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING	23,781

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REF:61250

27/05/2019

## CORPORATION OF THE CITY OF PORT COLBORNE

## ESTIMATE OF VALUES

## OTHER PROPERTY (Excluding Buildings)

30/06/2019

VALUES

	LAPTOPS, 286 KING STREET, PORT COLBORNE, L3K 4H2	
43	CONTENTS - WILLIAMS HOUSE MUSEUM, 280 KING STREET, PORT COLBORNE, L3K 4H2	249,572
44	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS, 280 KING STREET, PORT COLBORNE, L3K 4H2	87,571
57	MUSEUM - MISCELLANEOUS TOOLS, EQUIPMENT & SUPPLIES, 280 KING STREET, PORT COLBORNE, L3K 4H2	7,880
61	CONTENTS - VALE WELLNESS CENTRE, 550 ELIZABETH STREET, PORT COLBORNE, L3K 5X8	522,500
62	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS, 550 ELIZABETH STREET, PORT COLBORNE, L3K 5X8	87,140
63	VALE WELLNESS CENTRE - MISCELLANEOUS TOOLS, EQUIPMENT & SUPPLIES, 550 ELIZABETH STREET, PORT COLBORNE, L3K 5X8	117,161
70	SMALL EQUIPMENT - SHERKSTON COMMUNITY CENTRE, 4891 SHERKSTON ROAD, SHERKSTON, L0S 1R0	621
72	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS, 76 MAIN STREET WEST, PORT COLBORNE, L3K 3V1	84,025
86	CONTENTS - LOCK 8 PARK TOURIST INFORMATION LIGHTHOUSE, 133 MELLANBY AVENUE, PORT COLBORNE, L3K 2L6	4,338
87	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS, 133 MELLANBY AVENUE, PORT COLBORNE, L3K 2L6	11,162
90	LOCK 8 PARK - SKATE PARK SECURITY CAMERAS, 133 MELLANBY AVENUE, PORT COLBORNE, L3K 2L6	7,427
105	PARKS & REC - MISCELLANEOUS TOOLS, EQUIPMENT & SUPPLIES	451,845
106	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS	6,435
120	MOBILE UNLICENSED EQUIPMENT	2,513,670
121	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS	31,130
123	CONTENTS - ROSELAWN COMPLEX, 296 FIELDEN AVENUE, PORT COLBORNE, L3K 4T6	1,362,605
124	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS, 296 FIELDEN AVENUE, PORT COLBORNE, L3K 4T6	84,157
125	ROSELAWN - MISCELLANEOUS TOOLS & EQUIPMENT, 296 FIELDEN	57,341

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REF:61250

27/05/2019

2

QUOTE ID: 357033

**375**

CORPORATION OF THE CITY OF PORT COLBORNE

ESTIMATE OF VALUES

OTHER PROPERTY (Excluding Buildings)

30/06/2019

VALUES

AVENUE, PORT COLBORNE, L3K 4T6

127	CONTENTS INCLUDING PHONE SYSTEM - OPERATIONS CENTRE INCLUDING GENSET GENERATOR , 1-3 KILLALY STREET WEST, PORT COLBORNE, L3K 6H1	235,000	
129	CONTENTS - VEHICLE WASH, 1-3 KILLALY STREET WEST, PORT COLBORNE, L3K 6H1	205,254	
131	CONTENTS - SAND/SALT DOME, 1-3 KILLALY STREET WEST, PORT COLBORNE, L3K 6H1	68,552	
133	MOBILE LIFTS (6) - OPERATIONS CENTRE, 1-3 KILLALY STREET WEST, PORT COLBORNE, L3K 6H1	70,000	
134	MOBILE UNLICENSED EQUIPMENT, TOOLS AND SUPPLIES, 1-3 KILLALY STREET WEST, PORT COLBORNE, L3K 6H1	500,000	
135	WATER, SEWER & DRAINS - MISCELLANEOUS TOOLS & EQUIPMENT	440,028	
136	ELECTRONIC COMPUTER SYSTEMS - EQUIPMENT INCLUDING LAPTOPS	20,166	
140	ELECTRONIC COMPUTER SYSTEMS - MEDIA	75,000	
141	FINE ARTS FLOATER - NON-OWNED ITEMS ON EXHIBITION	500,000	LIM VAL
142	FINE ARTS FLOATER - CITY HALL , 66 CHARLOTTE STREET, PORT COLBORNE, L3K 3C8	100,000	LIM VAL
143	FINE ARTS FLOATER - MUSEUM, 61 PRINCESS STREET, PORT COLBORNE, L3K 5X8	50,000	LIM VAL
144	FINE ARTS FLOATER- MUSEUM, 280 KING STREET, PORT COLBORNE, L3K 4H2	230,096	LIM VAL
145	FINE ARTS FLOATER - LIBRARY, 310 KING STREET, PORT COLBORNE, L3K 4H1	100,000	LIM VAL
146	FINE ARTS FLOATER - ROSELAWN CENTRE, 296 FIELDEN AVENUE, PORT COLBORNE, L3K 4T6	50,000	LIM VAL
147	FINE ARTS FLOATER - THREE WAR MEMORIAL MONUMENTS, 77 SUGARLOAF STREET, PORT COLBORNE, L3K 2W5	113,539	LIM VAL
148	FINE ARTS FLOATER - LOCK 8 PARK, 133 MELLANBY AVENUE, PORT COLBORNE, L3K 2L6	16,000	LIM VAL
149	FINE ARTS FLOATER - CENTENNIAL PARK, CEDAR BAY ROAD, PORT COLBORNE	14,996	LIM VAL

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27/05/2019



CORPORATION OF THE CITY OF PORT COLBORNE

ESTIMATE OF VALUES  
OTHER PROPERTY (Excluding Buildings)  
30/06/2019

VALUES

150 FINE ARTS FLOATER - HUMBERSTONE, E/S KING STREET AT NEFF  
STREET, PORT COLBORNE, L3K 4H6

23,565 LIM VAL

14,752,662

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REF:61250

27/05/2019

## FINE ARTS SCHEDULE

Location and Item Description	Deductible	(\$)	Limit of Insurance
77 SUGARLOAF STREET, PORT COLBORNE			
1. Three War Memorial Monuments, HH Knoll Lakeview Park	25,000	\$	113,539
133 MELLANBY AVENUE, PORT COLBORNE			
1. Lock 8 Park Anchor Monument	25,000		16,000
E/S KING STREET AT NEFF STREET, PORT COLBORNE			
1. Humberstone memorial Monument	25,000		23,565
CEDAR BAY ROAD, PORT COLBORNE			
1. Centennial Park War Monument and Plaques	25,000		14,996
66 CHARLOTTE STREET, PORT COLBORNE			
1. Fine Arts and Artificats	25,000		100,000
61 PRINCESS STREET, PORT COLBORNE			
1. Fine Arts and Artifacts located in Tea Room	25,000		50,000
310 KING STREET, PORT COLBORNE			
1. Fine Arts and Artifacts located at the Library	25,000		100,000
296 FIELDEN AVENUE, PORT COLBORNE			
1. Fine Arts and Artifacts location at Roselawn Centre	25,000		50,000
280 KING STREET, PORT COLBORNE			
1. Museum Fine Arts and Artifacts	25,000		200,000
2. Raleigh Ship Anchor Exhibit	25,000		30,096
UNSPECIFIED LOCATION			
1. Non-Owned Fine Arts and Artifacts on Exhibition as arranged by the Insured	2,500		500,000
<b>TOTAL</b>		<b>\$</b>	<b>1,198,196</b>

POLICY EFF: 30/06/2019

MODIFIED: 27/05/2019

RISK NO: 61250

QUOTE: 334033

STATUS: IN PROGRESS

## Property Additional Interest(s)

LOSS PAYEE(S):

NATIONAL LEASING

1525 Buffalo Place

Winnipeg MB R3T 1L9

With respect to the following:

- LEASED EPSON SURECOLOR T5270 PRINTER, SERIAL NO. 010343915909 under Agreement No. 2828361

Certificate

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ADMINISTRATION SHOULD CAREFULLY EXAMINE THIS SCHEDULE TO DETERMINE ACCURATE INFORMATION. ANY CHANGES OR DISCREPANCIES SHOULD BE REPORTED TO US.

POLICY EFF: 30/06/2019

MODIFIED: 08/04/2019

RISK NO: 61250

QUOTE: 334033

**379**

## Liability Additional Insured(s)

1. HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, HER MINISTERS, AGENTS, APPOINTEES AND EMPLOYEES, but only with respect to the Public Library Grant with the Named Insured.
2. THE ST. LAWRENCE SEAWAY MANAGEMENT CORPORATION, HER MAJESTY THE QUEEN IN RIGHT OF CANADA AND TRANSPORT CANADA, but only with respect to their agreement with the Named Insured of Item Numbers 66-0251, 66-0272, 66-0464, 66-0558, 66-0562, 66-0863, 66-0864, 66-0949, 66-1071, 66-1079, 66-1115, 66-1162, 66-1199, 66-1272, 66-1278, 66-1304, 66-1305, 66-1308, 66-1351, 66-1450, 66-1466, 66-1471, 66-1487
3. FRANK COWAN COMPANY, but only with respect to their Agreement with the Named Insured for the Simplicity Pilot Deployment Program.
4. LINCOLN & WELLAND REGIMENTAL MUSEUM; NIAGARA HISTORICAL SOCIETY MUSEUM; NIAGARA PARKS COMMISSION RIVERBRINK ART MUSEUM; THE CORPORATION OF THE CITY OF NIAGARA FALLS (NIAGARA FALLS MUSEUMS); THE CORPORATION OF THE CITY OF ST. CATHARINES (ST. CATHARINES MUSEUM); THE CORPORATION OF THE TOWN OF LINCOLN (JORDAN HISTORICAL MUSEUM); WELLAND HISTORICAL MUSEUM, but only with respect to their Agreement with the Named Insured for Members of the Museum of Niagara Association (MONA) Emergency Assistance.
5. HER MAJESTY THE QUEEN IN RIGHT OF CANADA AS REPRESENTED BY THE MINISTRY OF TRANSPORT (TRANSPORT CANADA) AND SLSMC, but only with respect to the Access License Agreement with the Named Insured re: Wharf 16 - Sewer Replacement.
6. HER MAJESTY THE QUEEN IN RIGHT OF CANADA REPRESENTED BY THE MINISTER OF STATE (INFRASTRUCTURE AND COMMUNITIES) AND THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO, but only with respect to their Agreement with the Named Insured for the Transfer of Federal Gas Tax Revenues
7. HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTRY OF TOURISM, CULTURE AND SPORT, but only with respect to the Community Museum Operating Grant (CMOG).
8. HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF AGRICULTURE, FOOD AND RURAL AFFAIRS, but only with respect to the Rural Economic Development Program Agreement with the Named Insured.



Report Number: 2019-95

Date: June 24, 2019

**SUBJECT: Establishment of a Locum Physician Support Program**

**1) PURPOSE**

The purpose of this report is to request approval of a program (recommended for adoption by the Health Services Committee) respecting financial support for locum physician assistance.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

A “locum” refers to a physician who assumes another physician’s practice duties on a temporary basis, due to an absence or when a practice is short staffed.

Locum placements are an important component of a community’s recruitment and retention program and can provide the necessary support for practicing physicians in communities with limited health human resources. As such, they are a valuable component of the physician workforce. Providing locum coverage can offer a newly graduated physician an opportunity to explore a variety of practice settings. It can also be a great opportunity for a physician who is looking to practice part time or transition into retirement.

Locum coverage benefits the City of Port Colborne as it helps to maintain ongoing access to patient care. It also encourages patients to continue to receive their care within a primary care setting rather than accessing emergency services as a default to care. A locum physician can also fill a gap if a physician needs to retire sooner than anticipated. Often, Family Medicine Resident Physicians have not yet graduated; the locum can take on this gap in health human resources.

The Health Services Committee was recently contacted regarding the provision of municipal financial support for locum physicians. At its meeting of March 18, 2019, the Health Services Committee recommended the adoption of a locum physician support program to set out the means by which the City can and will financially support locum opportunities in the City of Port Colborne.

**3) STAFF COMMENTS AND DISCUSSIONS**

In this report, “Locum Physician” refers to a physician who, on a temporary basis, fulfills the duties of a doctor who is absent, or who fills a role required by a hospital or practice that is short-staffed, and “Practice Physician” refers to the host physician that requires locum services.

The payment or costs associated with locum coverage are set out under an agreement between the Practice Physician and the Locum Physician. The Health Services Committee recommends that the City provide financial support for locum costs that fall outside of the agreement between the Locum Physician and the Practice Physician.

The proposed program respecting locum support from the City of Port Colborne is outlined below:

1. Physicians seeking support will be required to submit a written request for locum physician assistance to the Health Services Committee.
2. Locum financial assistance from the City will be funded from the City's Physician Recruitment Reserve account.
3. Total financial support will be at a rate of \$500 per eight-hour workday, with a maximum amount of not more than \$5,000 per calendar year, per physician.
4. The application will be reviewed by the Health Services Committee for approval.
5. Upon the Health Services Committee's approval, the Director of Community and Economic Development will authorize the application for locum physician assistance.
6. Payment shall be issued upon completion of the locum, to the Practice Physician.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

##### **a) Do Nothing**

Council may choose to receive and file this report, effectively denying the request. This option is not recommended, as the Locum Physician Support Program will provide the City with another method by which to promote physician recruitment and retention.

##### **b) Other Options**

Council may provide alternative direction regarding the request. This option is not recommended, as the Health Services Committee has recommended Council support the program, as outlined herein.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

The Locum Physician Support Program will support the City's efforts in achieving enhanced physician recruitment and succession planning in the community. Sourcing innovative ways to bring physicians to the community is a strategic direction of Council.

#### **6) ATTACHMENTS**

None.

#### **7) RECOMMENDATION**

That the Locum Physician Support Program, as outlined in Community and Economic Development Department, Health Services Division Report 2019-95, be approved.

That the City of Port Colborne Locum Physician Support Program include the following provisions:

1. Physicians seeking support are required to submit a written request for locum physician assistance to the Health Services Committee.

2. Locum financial assistance from the City is funded from the City's Physician Recruitment Reserve account.
3. Total financial support is at a rate of \$500 per eight-hour workday, with a maximum amount of not more than \$5,000 per calendar year, per physician.
4. The application shall be reviewed by the Health Services Committee for approval.
5. Upon the Health Services Committee's approval, the Director of Community and Economic Development shall authorize the application for locum physician assistance.
6. Payment shall be issued upon completion of the locum, to the Practice Physician.

**8) SIGNATURES**

Prepared on March 21, 2019 by:



Joanne Ferraccioli  
Health Services Coordinator  
(Temporary)

Reviewed by:



Ashley Grigg  
Director of Community and Economic  
Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

Reviewed by:



Brenda Garrett  
Director of Corporate Services

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Report Number: 2019-96

Date: June 24, 2019

**SUBJECT: One-time Funding Request for Amalgamation Support – Port Colborne Family Health Organization and Mapleview Family Health Organization**

**1) PURPOSE**

The purpose of this report is to request approval for one-time funding in the amount of \$30,000 to support the amalgamation of both Family Health Organizations in Port Colborne, specifically the Port Colborne Family Health Organization, and the Mapleview Family Health Organization.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The Health Services Committee, at its meeting of May 14, 2019, passed a resolution to present this report to Council for consideration and approval.

The City of Port Colborne currently has two Family Health Organizations (herein referred to as “FHO”), the Port Colborne Family Health Organization, and the Mapleview Medical Family Health Organization. With the impending retirement of Dr. Wilkes-Whitehall, and an understanding that two other physicians are approaching retirement age, it is important to establish a succession plan for the physicians and ensure ongoing care for patients is available. Under the current applicable legislative parameters, a FHO must have at least three physicians. Under these provisions, with the retirement of Dr. Wilkes-Whitehall, the Port Colborne FHO is no longer sustainable without amalgamating with the Mapleview FHO.

**3) STAFF COMMENTS AND DISCUSSIONS**

The impending Primary Care overhaul in 2021, as committed by the provincial government, has raised concerns that the Ministry of Health and Long-term Care will require a minimum number of physicians in a FHO to be six. An amalgamation will ensure the City has a robust FHO that can support retirement, and have room to grow.

A FHO is currently the desired model of care and reimbursement for new medical graduates. This model also ensures after hours clinics can be provided. This amalgamation will increase the number of physicians able to provide more after hours clinics and thus an overall better patient experience. The FHO model of care is one that supports inter-professional and ancillary care. Memory clinic, diabetes education and psychotherapy services are delivered within this model. The City has continually sought innovative ways through the FHO model to enhance these services. Bringing in more Nurse Practitioners will enable physicians to increase their roster sizes and provide care to more acutely ill patients. It is also a model that supports teaching; the fee for service model does not. The City needs to support efforts to enhance teaching opportunities as it looks to recruit young physicians who wish to have academic appointments. An amalgamation will ensure the FHO model is maintained in Port Colborne.

Both FHOs are committed to amalgamation and have submitted a one-time funding request to the City for \$30,000 to support the process. The amalgamation will be a partnership between the physicians to support a common Electronic Medical Record system, a dedicated phone system (independent of Boggio's pharmacy), a fibre optic line at the Mapleview FHO, and administrative support throughout the amalgamation process. Staff and the Health Services Committee recommend the City's financial contribution toward the amalgamation be funded from the Physician Recruitment Reserve Fund.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

##### **a) Do Nothing**

Council may choose to receive and file this report, effectively denying the request. This option is not recommended, as a solid physician recruitment, retention and succession planning is critical to overall patient care and access being enhanced and improved in the City of Port Colborne.

##### **b) Other Options**

Council may provide alternative direction regarding the request. This option is not recommended, as the Health Services Committee has recommended Council support the funding request, as outlined herein.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Sourcing innovative ways to bring necessary services to the community is a strategic direction of Council, particularly in light of health care service delivery changes.

#### **6) ATTACHMENTS**

None.

#### **7) RECOMMENDATION**

That the City of Port Colborne financially support the amalgamation of the Port Colborne Family Health Organization and the Mapleview Family Health Organization, at a one-time cost of \$30,000, to be funded from the Physician Recruitment Reserve Fund.

8) **SIGNATURES**

Prepared on April 29, 2019 by:



Joanne Ferraccioli  
Health Services Coordinator  
(Interim)

Reviewed by:



Ashley Grigg  
Director of Community and Economic  
Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

Reviewed by:



Brenda Garrett  
Director of Corporate Services

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Community and Economic Development Department  
Health Services Division

Report Number: 2019-97

Date: June 24, 2019

**SUBJECT: Physician Recruitment Incentive - Dr. Fraelic**

**1) PURPOSE**

The purpose of this report is to request approval of a one-time funding request in the amount of \$35,000 to provide a physician recruitment incentive for the recruitment of Dr. Joe Fraelic.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

**3) STAFF COMMENTS AND DISCUSSIONS**

The City of Port Colborne is located in an area of high physician need as deemed by the Ministry of Health and Long Term Care. In addition, there is currently one local physician retiring in December, and others who are approaching retirement. In order to adequately succession plan for impending retirements, the City requires a robust recruitment strategy. Offering a physician recruitment incentive is an effective tool in which to recruit new physicians to the City.

Council has supported entering into physician recruitment incentive agreements in the past and the Health Services Committee, at its meeting of May 14, 2019, approved this request and passed a motion to present this report to Council for consideration.

Currently, Dr. Joe Fraelic, the Chief Family Medicine Resident, is completing a placement with Dr. Remington. Dr. Fraelic lives in Port Colborne and wishes to join Dr. Remington's practice once he completes his exams in June. The City is fortunate to be able to recruit Dr. Fraelic as he has had many offers to join other practices.

Under the proposed physician recruitment incentive agreement with Dr. Fraelic, the City would enter into a partnership agreement with the Town of Fort Erie, as Niagara South Family Medicine is expanding into Ridgeway. This expansion will ensure the capacity to grow the practice, and to have the combined resources to add ancillary inter-professional services into both communities. Port Colborne's share of the incentive payment, in the amount of \$35,000, is recommended to be paid from the City's Physician Recruitment Reserve Fund. An incentive in the same amount has been requested from the Town of Fort Erie.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

**a) Do Nothing**

Council could decide to receive and file this report, effectively denying the request. Clinical development of Niagara South Family Medicine will ensure the City has a robust strategy for physician recruitment, medical education, and succession planning. This option is not recommended.

**b) Other Options**

Council may provide alternative direction regarding the request. This option is not recommended, as the Health Services Committee has recommended Council support the funding request as outlined herein.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

This incentive will support the City's efforts in achieving enhanced physician recruitment and succession planning in the community. Bringing new physicians to the community is a strategic direction of Council.

**6) ATTACHMENTS**

None.

**7) RECOMMENDATION**

That the City of Port Colborne enter into a partnership with the Town of Fort Erie to offer an incentive contractual agreement to Dr. Joe Fraelic, at a total approved cost of \$35,000 – representing the City's share (one half) of the incentive amount; and

That the City's cost be funded from the Physician Recruitment Reserve Fund; and

That the appropriate by-law be presented for approval.

**8) SIGNATURES**

Prepared on May 1, 2019 by:



Joanne Ferraccioli  
Health Services Coordinator  
(Interim)

Reviewed by:



Ashley Grigg  
Director of Community and Economic  
Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

Reviewed by:



Brenda Garrett  
Director of Corporate Services



**Community and Economic Development Department  
Parks and Recreation Division**

**Report Number: 2019-94**

**Date: June 24, 2019**

**SUBJECT: Fourth Annual Summer Concerts in King George Park**

**1) PURPOSE:**

The purpose of this report is to present a request from Joe Crawford seeking Council's approval to host the fourth annual Summer Concerts in King George Park on August 6, 13, 20, and 27, 2019.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

This report was prepared following a request from Joe Crawford, the organizer of the Summer Concerts in King George Park (the "Event Organizer"). The Summer Concerts in King George Park (the "Event") is an annual summer event. The Event invites members of the community to enjoy family-friendly live music in the Park. The Event Organizer has requested to host the Event at King George Park on August 6, 13, 20, and 27 from 7:00 p.m. to 8:00 p.m. The Event is free, however, spectators are encouraged to make a donation to benefit local charities. In 2018, 335 pounds of non-perishable food was collected for the St. Vincent De Paul food bank, and \$225 was raised for Port Colborne Knights of Columbus charities. The Event consistently attracts over 100 spectators each evening, and has been growing each year. Alcohol will not be served at the Event.

The City's policies and procedures concerning festivals and events outline guidelines for the City to provide assistance to local associations and organizations to host special events in municipally owned facilities and/or property. To manage municipal resources for these events, and ensure public safety (as per the City's User Pay Policy) event organizers may request to borrow certain City-owned equipment and materials. Equipment such as picnic tables, garbage receptacles, snow fencing, barricades, and traffic barriers/pylons may be loaned by the City, provided the event organizer reimburses the City for any additional costs that may be incurred (i.e. through the transportation and delivery of materials, staff overtime, and equipment, etc.). Event organizers are also responsible for any loss and/or damage to municipal facilities/property, including equipment/materials on loan, which are subject to full recovery charges for the actual replacement/repair costs incurred by the City.

In addition to other conditions of approval that may be imposed by the City, the City's festivals and events insurance policy requires event organizers to carry a minimum of \$2 million in general liability insurance (or \$5 million for an event involving alcohol). The organizer is required to file a Certificate of Insurance, naming the City as an additional insured, to the City prior to the Event.

Further, Event Organizers are required to submit an application for a Noise By-law exemption to the By-law Enforcement Division, if they are intending to provide amplified music during the Event.

### 3) STAFF COMMENTS AND DISCUSSIONS

As outlined above, the Event Organizer has requested use of King George Park, including hydro use. Further, the Event Organizer has requested support from the City by requesting Council waive the associated park permit fee, totaling \$80 per event (plus harmonized sales tax), and hydro use. Further, the Event Organizer is required to file an application for a Noise By-law exemption with the By-law Enforcement Division (fee of \$100.00). The event organizer is requesting Council waive the fee for a Noise By-law exemption. Council has waived the park permit and Noise By-law exemption fees for this Event in the past.

In accordance with City policy, the Event Organizer is required to file a certificate of insurance in the amount of \$2 million, naming the City of Port Colborne as additionally insured prior to the first event date.

#### **Staff/Stakeholder Comments:**

This report was circulated to event stakeholders for comment, with input provided as follows:

#### **By-law Enforcement Division:**

The By-law Enforcement Division has no adverse comments regarding this application and will work with the Community and Economic Development Department to facilitate this request.

#### **Building Division:**

No comments received.

#### **Engineering and Operations Department:**

No comments received.

#### **Fire and Emergency Services Department:**

If there is alcohol and therefore a controlled area created, the Department will require a diagram of the area showing dimensions, including exiting. No road closures are indicated in the report, therefore no further concerns.

#### **Communications Officer:**

This event has been included in the Leisure Guide and Visitor Guide. No concerns at this time.

#### **Niagara Regional Police Services:**

No comments received.

### 4) OPTIONS AND FINANCIAL CONSIDERATIONS:

#### a) Do Nothing

Council may choose to receive and file this report, effectively denying the event request. This option is not recommended.



**b) Other Options**

Council may provide alternative direction regarding the Event. Staff have worked with the Event Organizer to determine logistical needs. This option is not recommended.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

This initiative supports the City's strategic goal of developing collaborative partnerships and engaging community groups to host events that benefit the community and local economy.

**6) ATTACHMENTS**

None.

**7) RECOMMENDATION**

That the Summer Concerts in King George Park event, to be held on August 6, 13, 20, and 27, 2019, be supported, as outlined in Community and Economic Development Department, Parks and Recreation Division, Report 2019-94, Subject: Summer Concerts in King George Park;

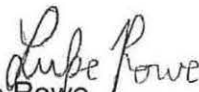
That the fees for the park permit and use of hydro at King George Park, be waived;

That the Noise By-law Exemption application fee, be waived;

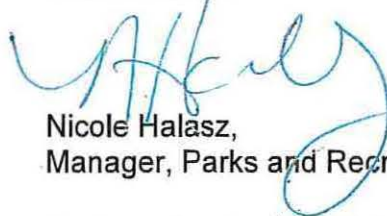
That the Event Organizer be required to file a certificate of Insurance, naming the City as additional insured, in the amount of \$2,000,000, prior to the event.

**8) SIGNATURES**

Prepared June 7, 2019 by:

  
Luke Rowe,  
Event Coordinator

Reviewed by:

  
Nicole Halasz,  
Manager, Parks and Recreation

Reviewed by:

  
Ashley Grigg,  
Director, Community and Economic  
Development

Reviewed and respectfully submitted by:

  
C. Scott Luey,  
Chief Administrative Officer

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6<sup>th</sup> June; 2019  
2493207 Ontraio Inc.  
Office : 7500, Hwy 27, Vaughan ON L4H0J2  
Site Address : 599, Main Street West, Port Colborne L3K5Y7



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



Subject : Relief on Property Taxes/ Interest for the duration of development process

Honourable Members,

For the past 3 years, we have been working on this project and committed on bringing this development to City of Port Colborne. This whole project has taken much more time than anticipated for development process with City & NPCA. Sometimes last year we had got go ahead and all approvals to start the project. Given the timeframe it actually took, topography of Port Colborne and conditions put in Site Plan Agreement, it has been a very tough project for us and economics has changed quite a bit since we started. We had paid all property taxes till 2017 and there are dues pending from 2018 and 2019, for which we had requested some consideration and relief.

We would like to request Honourable Council to consider our long term commitment to growth of City of Port Colborne to bring in more business/ jobs in City and provide us some relief in Property taxes and interest charged thereon. We are in construction process and we would like this to be addressed soonest so that we can continue to work as per plans and deliver this project well in time for long term benefit of all stakeholders.

Many Thanks,

A handwritten signature in black ink, appearing to read "Ritesh Malik".

Ritesh Malik  
+ 1 647 225 8411  
[ritesh@riteshmalik.com](mailto:ritesh@riteshmalik.com)

CC : Mr. William Steele, Mayor , City of Port Colborne  
Mr. Scott Luey, Chief Administrative Officer, City of Port Colborne  
Tax Clerk, City of Port Colborne

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**City of Port Colborne  
Regular Committee of the Whole Meeting 17-19  
Minutes**

**Date:** June 10, 2019

**Time:** 6:30 p.m.

**Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

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

**Staff Present:** D. Aquilina, Director of Planning and Development  
T. Cartwright, Fire Chief  
J. Douglas-Kameka, Economic Development Officer  
B. Garrett, Director of Corporate Services  
N. Giles, EA to Mayor and CAO (minutes)  
A. Grigg, Director of Community and Economic Development  
N. Halasz, Manager of Parks and Recreation  
C. Lee, Director of Engineering and Operations  
S. Luey, Chief Administrative Officer  
C. McIntosh, Deputy Clerk

Also in attendance were interested citizens, members of the news media and WeeStream.

**1. Call to Order:**

Mayor Steele called the meeting to order.

**2. Introduction of Addendum Items:**

**Addition:**

The addition of item 18, Engineering and Operations Department, Engineering Division, Report 2019-81, Subject: Schihl Municipal Drain. This item was circulated via addendum on May 7, 2019.

**3. Confirmation of Agenda:**

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

That the agenda dated June 10, 2019 be confirmed, as circulated or as amended.

CARRIED.

**4. Disclosures of Interest:**

Councillor Beauregard declared a pecuniary interest regarding item 1 as he is employed by Sullivan Mahoney, the solicitor for Rankin companies. Councillor Beauregard left the Council Chambers during discussion about Item 1 and refrained from discussing or voting on this item.

**5. Adoption of Minutes:**

**(a) Regular meeting of the Committee of the Whole 16-19, held on May 27, 2019**

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

- (a) That the minutes of the regular meeting of the Committee of the Whole 16-19, held on May 27, 2019, be approved as presented; and

CARRIED.

**6. Determination of Items Requiring Separate Discussion:**

The following items were identified for separate discussion:

Items 1, 2, 3, 4, 5, 8, 9, and 11.

**7. Approval of Items Not Requiring Separate Discussion:**

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

That items 1 to 18 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

**Items:**

**6. Community and Economic Development Department, Parks and Recreation Division, Report 2019-78, Subject: 2019 Optimist Day in the Park and Canada Day Fireworks**

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Committee of the Whole recommends:

That the 2019 Optimist Day in the Park and Canada Day Fireworks Event, as requested by the Port Colborne Optimist Club, and outlined in Community and Economic Development Department, Parks and Recreation Division Report 2019-78, be approved; and

That the following roads be closed to general vehicular traffic and parking from 9:00 p.m. until 11:00 p.m., Monday, July 1, 2019:

- West Street, from the Southern limit of Charlotte Street to the Southern limit of the former Public Works Yard (11 King Street);
- Intersection of Kent Street at West Street;
- Intersection of Victoria Street at West Street;
- Intersection of Adelaide Street at West Street; and
- Intersection of Sugarloaf Street at West Street.

That City sponsorship of the 2019 Optimist Day in the Park be approved, with sponsorship to be provided as follows:

- a. Waiving of permit fees for the use of H.H. Knoll Lakeview Park;
- b. Waiving of permit fees for the use of the pavilion and the bandshell;
- c. Provision and installation of snow fencing, and waiving of associated fees;
- d. Waiving of the Noise By-law Variance Fee;
- e. Provision of portable washroom facilities and waiving of associated fees;
- f. Waiving of the parking fees in the gravel lot for the duration of the event; and
- g. City assistance with event promotion and marketing across City channels, including social media.

That the Port Colborne Optimist Club be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event; and

That the appropriate by-law be presented for approval.

**7. Memorandum from Luke Rowe, Event Coordinator Re: Canal Days 2019**

Committee of the Whole recommends:

That the Council of The Corporation of the City of Port Colborne hereby deems the annual Canal Days Marine Heritage Festival as a municipally significant event and supports the application to the Alcohol and Gaming Commission of Ontario for a Special Occasion Permit.

**12. Engineering and Operations Department, Engineering Division, Report 2019-83, Subject: Project No.: 2013-09 Annual Asphalt Patching Contract, Revision to Contract Extension Report 2019-22**

Committee of the Whole recommends:

That Asphalt Patching Contract #2013-09 with Circle P. Paving be extended for one year (2019), in accordance with Engineering and Operations Department, Engineering Division Report 2019-83; and

That staff be directed to utilise the bid items as listed within the existing Tender Document in such a manner as to complete all works as may be required for 2019, all as approved in the annual budget by Council; and

That by-law 6653/17/19 be repealed and a contract by-law, whereby the City enters into a Contract Agreement with the contractor be prepared to extend the contract as stated; and

That funding for the asphalt patching extension, be financed under the GL Account numbers for the various utility cuts and road repairs as required.

**13. St. John Bosco Catholic Elementary School Re: Request for Use of Picnic Tables for the Schools Fun Night Event on June 21, 2019**

Committee of the Whole recommends:

That the correspondence received from St. John Bosco Catholic Elementary School requesting the use of City Picnic Tables for the School's Fun Night Event on June 21, 2019, be received; and

That the picnic tables be made available for their use, with arrangements for pick-up and return be the responsibility of St. John Bosco Catholic Elementary School.

**14. Motion from the Port Colborne Public Library Board Re: Resolution in Support of Restoring Funding to Ontario Library Service Agencies SOLS (Southern Ontario Library Service) and OLS-North (Ontario Library Service North)**

Committee of the Whole recommends:

That the resolution received from the Port Colborne Public Library Board Re: Resolution in Support of Restoring Funding in Ontario Library Service Agencies SOLS (Southern Ontario Library Service) and OLS-North (Ontario Library Service North), be supported.

**15. Town of Fort Erie Re: Issuance of Cannabis Licenses in Residentially Zoned Areas**

Committee of the Whole recommends:

That the resolution received from the Town of Fort Erie Re: Issuance of Cannabis Licenses in Residentially Zoned Areas, be received for information.

**16. Town of Fort Erie Re: Ash Trees in the Town of Fort Erie and Region of Niagara**

Committee of the Whole recommends:



That the resolution received from the Town of Fort Erie Re: Ash Trees in the Town of Fort Erie, be received for information.

**17. Bill 108, More Homes, More Choice Act, 2019**

Committee of the Whole recommends:

That the resolutions received from various municipalities in opposition to Bill 108, More Homes, More Choice Act, 2019, be received for information.

**18. Engineering and Operations Department, Engineering Division, Report 2019-81, Subject Schihl Municipal Drains**

Committee of the Whole recommends:

That Engineering and Operations Department, Engineering Division Report 2019-81 with respect to the Schihl Municipal Drain, be received for information.

That staff be directed to advance the Schihl Municipal Drain Engineer's Report to that of the Meeting to Consider, as per Section 41, Chapter D.17 of the *Drainage Act R.S.O. 1990*.

**8. Presentations:**

**(a) Recognition of Peter Senese, Director of Corporate Services on his Retirement from the City of Port Colborne**

Mayor Steele and Chief Administrative Officer Luey presented Mr. Senese with a certificate and token of appreciation on the occasion of his retirement from the City of Port Colborne after 30 years of service. Mr. Senese thanked members of Council and staff.

**9. Delegations:**

**(a) Dan Giancola on behalf of the Refuse to Lose Against PTSD (Post Traumatic Stress Disorder) Organization regarding Treatment of First Responders in the Niagara Region**

Dan Giancola spoke with respect to the various organizations he has raised \$80,000 for over the past three years and his current fundraising effort for Refuse to Lose Against PTSD Organization. Mr. Giancola invited the Mayor, Council and public to attend a Black Tie Gala/Silent Auction at Club Castropignano on Saturday, October 5, 2019.

**(b) Cory McPhee, Vice President, Corporate Affairs, Vale Inco, Re Community-based Risk Assessment (CBRA) Process and the Community Action Plan**

Cory McPhee provided a presentation with respect to the CBRA process and Community Action Plan and addressed inquiries by Councillors about soil

remediation level, record of site condition for change of zoning to a sensitive land use, and health impacts to the community. A copy the presentation is attached.

Kim Groombridge, Niagara District Manager of the Ministry of Environment, Conservation and Parks, advised that the studies conducted over the years have not indicated health impacts to the community.

**10. Mayor's Report:**

A copy of the Mayor's Report is attached.

**11. Regional Councillor's Report:**

Regional Councillor Butters advised that \$41,000 is being allotted to Port Colborne through the Niagara Prosperity Initiative.

**12. Councillors' Items:**

**(a) Truck traffic and speeding on Barrick Road (Bruno)**

In response to a concern expressed by Councillor Bruno with respect to truck traffic and speeding on Barrick Road, Mayor Steele advised that he would relay the concern to Acting Staff Sergeant Gross.

**(b) 70<sup>th</sup> Anniversary - St. John Bosco Catholic Women's League (Kalailieff)**

Councillor Kalailieff advised that on June 2, 2019 she attended the St. John Bosco Catholic Women's League 70<sup>th</sup> Anniversary event.

**(c) Watermain work near Roselawn (Kalailieff)**

Councillor Kalailieff thanked staff for addressing resident's concern with respect to watermain work near Roselawn and for putting a backup plan in place.

**(d) Girl Guides Awards Ceremony (Wells)**

Councillor Wells advised that he attended the June 5, 2019, Girl Guides Awards Ceremony.

**(e) Unpaved roads in Ward Four (Wells)**

In response to a concern expressed by Councillor Wells with respect to deep ruts in unpaved roads in Ward Four, the Director of Engineering and Operations advised that he would ask staff to review.

**(f) Pathstone Mental Health (Desmarais)**

Councillor Desmarais advised that Pathstone Mental Health is now offering services to parents and caregivers Wednesdays from 11:30 a.m. until 7:00 p.m. at Bridges Community Health Centre on Elm Street.

**(g) Association of Committees of Adjustment Conference (Desmarais)**

Councillor Desmarais provided an update with respect to her attendance at the Association of Committees of Adjustment Conference, advising that she attended eight seminars. Councillor Desmarais expressed support for Port Colborne replacing plastics with paper and glass as observed during her tour of the Toronto Harbour.

**(h) Ward Two Community Meeting (Desmarais)**

Councillor Desmarais announced the cancellation of the Ward Two Community meeting that she and Councillor Beauregard had been planning to hold with respect to the proposed land use changes affecting the East Village on June 13, 2019, due to circumstances beyond their control.

**(i) Killaly Street West railway crossing (Bagu)**

In response to an inquiry by Councillor Bagu about the status of the repair of the railway crossing on Killaly Street West, the Director of Engineering and Operations advised that the Region is issuing road closure notices beginning June 17, 2019 and the work is expected to be closed for three days. The Director also advised that work on the railway crossing at Sugarloaf and Elm Streets is scheduled to take place after summer events conclude.

**13. Consideration of Items Requiring Separate Discussion:****1. Motion by Councillor Bodner Re: Request for Outside Professional Assistance in the Site Alteration Permit request by Port Colborne Quarries**

Moved by Councillor R. Bodner  
Seconded by Councillor A. Desmarais

That the Chief Administrative Officer be directed to contract an independent consultant to review the Port Colborne Quarries' site alteration permit application and supporting documents in order to provide a report back to staff to assist with the preparation of Planning staff's report and recommendation to Council.

The following was accepted as a friendly amendment:

That the main motion by striking the words "review the" and adding thereto the following:

"provide a peer review of staff's draft recommendation report on"; and

That the main motion be further amended by striking the word “and” and adding thereto the following:

“including all supporting documents submitted by the applicant, outside agencies, and members of the public”

The vote was then taken on the main motion, as amended, as follows:

That the Chief Administrative Officer be directed to contract an independent consultant to provide a peer review of staff’s draft recommendation report on Port Colborne Quarries’ site alteration permit application including all supporting documents submitted by the applicant, outside agencies, and members of the public in order to provide a report back to staff to assist with the preparation of Planning staff’s report and recommendation to Council.

CARRIED.

**2. Chief Administrative Officer, Economic Development Division, Report 2019-86, Subject: Update on Economic Development Initiatives**

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

That Chief Administrative Officer, Economic Development Division Report 2019-86 be received for information.

CARRIED.

**3. Chief Administrative Officer, Economic Development Division, Report 2019-87, Subject: Cruise Ship Tourism Destination**

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

That the Chief Administrative Officer, Economic Development Division Report 2019-87 and the attached Preliminary Cruise Strategy and Action Plan presentation be received for information; and

That staff be directed to continue to explore the feasibility of the creation of docking infrastructure for cruise ships and to proceed with the next steps as outlined in the preliminary cruise strategy and action plan.

CARRIED.

**4. Community and Economic Development Department, Parks and Recreation Division, Report 2019-72, Subject: Proposed New Event – 2019 Maui Jim Canal Days Walleye Tournament**

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

That the 2019 Maui Jim Canal Days Walleye Tournament be approved, with City sponsorship to be provided as follows:

- a. Waiving of park permit fees (H.H. Knoll Lakeview Park);
- b. Provision and installation of snow fencing, and waiving of associated fees;
- c. Provision of security and waiving of associated fees;
- d. Provision of portable washroom facilities and waiving of associated fees;
- e. City assistance with event promotion and marketing on social media
- f. \$5,000 in financial support; and

That approval of the above noted event and sponsorship is conditional on the Maui Jim Canal Days Walleye Tournament submitting a certificate of liability insurance in the amount of \$5,000,000, naming the City of Port Colborne as an additional insured.

**5. Community and Economic Development Department, Parks and Recreation Division, Report 2019-90, Subject: Proposed Pilot Project at Nickel Beach – Ausmosis Style on Board Water Recreation Programming and Rental Services**

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

That the City of Port Colborne enter into an agreement with Ausmosis Style on Board, on a pilot project basis for the 2019 summer season, respecting the provision of water recreation programs and rental services at Nickel Beach, as outlined in Community and Economic Development, Parks and Recreation Division, Report 2019-90, Subject: Proposed Pilot Project at Nickel Beach – Ausmosis Style on Board Water Recreation Programming and Rental Services; and

That the Director of Community and Economic Development be directed to prepare a report at the conclusion of the pilot project respecting utilization rates, overall success of the program during the 2019 season, and recommended next steps concerning the issuance of a Request for Proposals for the provision of such services in subsequent years.

CARRIED.

**8. Community and Economic Development Department, Parks and Recreation Division, Report 2019-91, Subject: 41<sup>st</sup> Annual Canal Days Festival Request for Road Closures, Parking Restrictions & Patio Extensions**

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

1. That the closure to through traffic and street parking be approved and authorized for the following roads beginning at 5:00 p.m. Thursday, August 1, 2019 and ending at 6:00 a.m. on Tuesday August 6, 2019:

- West Street from the southern limit of Victoria Street to the southern limit of Sugarloaf Street; and
2. That the closure to through traffic and street parking be approved and authorized for the following roads beginning at 4:00 a.m. Friday, August 2, 2019 ending at 6:00 a.m. on Tuesday, August 6, 2019."
- West Street from the northern limit of Princess Street to the southern limit of Sugarloaf Street;
  - Princess Street from the eastern limit of King Street to the eastern limit of West Street;
  - Park Street from the eastern limit of King Street to the eastern limit of West Street;
  - Charlotte Street from the eastern limit of King Street to the eastern limit of West Street;
  - Kent Street from the eastern limit of King Street to the eastern limit of West Street;
  - Victoria Street from the eastern limit of King Street to the eastern limit of West Street;
  - Adelaide Street from the eastern limit of King Street to the eastern limit of West Street;
  - Sugarloaf Street from the eastern limit of King Street to the eastern limit of West Street;
  - Clarence Street from the eastern limit of King Street to the western limit of Welland Street;
  - Municipal Parking Lot located west of King Street, east of Catharine Street and south of Princess Street; and
3. That the following areas be closed to street parking beginning at 4:00 a.m. on Friday, August 2, 2019 and ending at 6:00 p.m. on Monday, August 5, 2019:
- Northside of Kent Street between the western limit of Catharine Street and the eastern limit of Elm Street.
  - The thirteen (13) parking spaces on the west side of King Street from Sugarloaf Street to Charlotte Street;

- The two (2) parking spaces on both east and west sides of King Street, north of the Charlotte Street limit, be closed to parking to allow for the shuttle bus stops; and
4. That the closure to street parking and through traffic be approved and authorized for the following street beginning at 6:00 p.m. on Friday, August 2, 2019 and ending at 5:00 p.m. on Monday, August 5, 2019 for the purpose of hosting the Historical & Marine Museum Canal Days Events.
- Princess Street from the western limit of King Street to the eastern limit of Catharine Street; and
5. That the closure to street parking and through traffic be approved and authorized for following roads beginning at 2:00 p.m. to 12:00 a.m. on Friday, August 2 & Saturday, August 3, 2019 for the purpose of hosting the Canal Days concerts.”
- Steele Street from the southern limit of Steele Street at Sugarloaf Street;
  - Steele Street from the eastern limit at Steele Street at Sugarloaf Street;
  - Isabel Street from the southern limit of Isabel Street at Sugarloaf Street;
  - Fielden Avenue from the northern limit of Fielden Avenue at Sugarloaf Street;
  - Fielden Avenue from the southern limit at Sugarloaf Street;
  - Lighthouse Lane from the southern limit at Sugarloaf Street;
  - Elm Street from the southern limit of Elm Street at Sugarloaf;
  - Elm Street from the western limit of Elm Street at Sugarloaf Street;
  - H.H. Knoll Lakeview Parking lot south of Dawg’s Burgers to Fielden Avenue; and
6. That parking restrictions be approved for certain locations on (3) main arterial roads Elm Street, Fielden Avenue, and Steele Street between Clarence and Sugarloaf street:
- Elm Street will require twenty-four (24) “no parking” signs and twelve (12) posts;

- Fielden Avenue would require thirty-two (32) “no parking signs and sixteen (16) posts;
  - Steele Street would require sixteen (16) “no parking signs and 16 posts; and
7. That the following areas be restricted to street parking beginning at 6:00 a.m. on Friday, August 2, 2019 and ending at 5:00 p.m. on Monday, August 5:
- Lockmaster Laneway, Schooner Laneway, Harbour Laneway, Breakwater Lane, Isabel Street, Lighthouse Lane, and Foghorn Laneway; and
8. That the following areas be closed to street parking beginning at 6:00 a.m. to 11:00 p.m. on Sunday August 4, 2019 for the purposes of the Canal Days Car Show.
- The east side of Elizabeth Street from the southern limit of Main Street to the northern limit of Killaly Street; and
9. That there is no objection by the Corporation of the City of Port Colborne to the application by The Lock Wood Fired Pizza to the AGCO for a Special Occasion Permit / Liquor License Extension; and
10. That there is no objection by the Corporation of the City of Port Colborne to the application by the Port Colborne Legion and the Canadian Corps Association to the AGCO for a Special Occasion Permit/Liquor License Extension; and
11. That the following conditions will apply to The Lock Wood Fired Pizza, on Clarence Street:
- a) That on Friday, August 2, 2019 the selling and serving of alcoholic beverages to the said licensed outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 2, 2019;
  - b) That on Saturday, August 3, 2019 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 3, 2019;
  - c) That on Sunday, August 4, 2019 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 on August 4, 2019;



- d) That on Monday, August 5, 2019 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 5:00 p.m., and the outdoor area shall be cleared of patrons by 5:30 p.m. on August 5, 2019;
  - e) That, notwithstanding clause a, b, c and d above, the occupancy of the said outdoor licensed area shall be open only when Clarence Street is closed in accordance with City by-law;
  - f) That the applicant shall not block or occupy any street with equipment relating to the Canal Days festival & events or patio before 9:00 a.m. on Friday, August 2, 2019 and must have all equipment and supplies related to the patio extension cleared from the streets no later than 7:00 p.m. Monday, August 5, 2019; and
12. That there is no objection by The Corporation of the City of Port Colborne to the application by Canalside Restaurant Inn, Breakwall Brewery, and Walters and Neptunes to the AGCO for a Special Occasion Permit/Liquor License Extension. That Canalside Restaurant, Breakwall Brewery, and Walters and Neptunes be approved to maintain the existing patio for the 2019 Canal Days Marine Heritage Festival; and
13. That the six (6) applicants shall provide a Certificate of Insurance (COI) with no less than \$5,000,000 general liability naming the Corporation of the City of Port Colborne as additional insured, and listing The St. Lawrence Seaway Management Corporation, Her Majesty the Queen in Right of Canada, Transport Canada, as an additional insured in accordance with the City's Festivals & Events Insurance Requirements; and
14. That Council of The Corporation of the City of Port Colborne exempt the participants of and the Canal Days Marine Heritage Festival from the Noise By-law #4588/119/04 and not be required to apply for the variance in accordance with Section 4(3) Schedule 2(2); and
15. That the appropriate by-law be prepared, authorizing the Mayor and City Clerk to execute and sign the Ontario Transfer Payment Agreement for the Celebrate Ontario 2019 Grant on behalf of The Corporation of the City of Port Colborne; and
16. That the Council of The Corporation of the City of Port Colborne hereby deems the annual Canal Days Marine Heritage Festival as a municipally significant event and supports the application to the Alcohol and Gaming Commission of Ontario for a Special Occasion Permit.

CARRIED.

**9. Planning and Development Department, Planning Division, Report 2019-89, Subject: Chippawa Estates Draft Plan of Subdivision Extension**

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

That the rules respecting delegations, as outlined under Section 10 of the Procedural By-law, be suspended in order permit members of the public to speak regarding the Chippawa Estates Draft Plan of Subdivision Extension.

CARRIED.

Gerry Guitar, Hubbard Drive expressed concern with respect to the developer's right of access to his property.

Melissa Bigford-Lofquist, 172 Chippawa Road expressed concern with the extension of the draft plan of subdivision previously granted to the developer when it appeared that the draft plan of subdivision had already lapsed.

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

That the by-law attached as Appendix A to Planning and Development Department, Planning Division Report 2019-89, to amend by-law 6588/43/18 to set an expiration date of June 11, 2021 for the Chippawa Estates Draft Plan of Subdivision, be approved.

CARRIED.

**10. Planning and Development Department, Planning Division, Report 2019-85, Subject: Recommendation Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street**

Moved by Councillor D. Kalailieff  
Seconded by Councillor H. Wells

That the Official Plan Amendment, attached to Planning and Development Department, Planning Division, Report 2019-85 as Appendix A, changing the designation of the property from "Parks and Open Space" to "Industrial Areas", be approved; and

That the Zoning By-law Amendment, attached to Planning and Development Department, Planning Division, Report 2019-85 as Appendix B, rezoning the land from "P-CH" to "LI-51", be approved; and

That Planning staff be directed to prepare the Notice of Passing in accordance with the Planning Act and circulate to all applicable parties.

Moved in deferral by Councillor D. Kalailieff  
Seconded by Councillor H. Wells

That consideration of Planning and Development Department, Planning Division Report 2019-85, Recommendation Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street, be deferred to the June 24, 2019 Committee of the Whole/Council meeting in order for the Director of Planning and Development to report back to Council with respect to the Ministry of Environment's D-6 Guidelines which indicate the separation distance between Class I Industries and residential properties.

CARRIED.

**11. Planning and Development Department, Planning Division, Report 2019-88, Subject: Recommendation Report on Removing 124 West Street from the Municipal Registry of Heritage Properties**

---

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

That Planning and Development staff be directed to remove the lands legally known as Plan Merr Survey Pt Lot 10 PT Road NP987, 988, 989, City of Port Colborne, Regional Municipality of Niagara; municipally known as 124 West Street from the City of Port Colborne's Municipal Registry of Heritage Properties.

CARRIED.

**14. Notice of Motion:**

Nil.

**15. Adjournment:**

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

That the Committee of the Whole meeting be adjourned at approximately 9:53 p.m.

CARRIED.

CM/ng



# Port Colborne Community-based Action Plan (PCCAP)

Port Colborne Council Meeting Presentation  
June 10, 2019



412

# We are what we do

## Mission

To transform natural resources into prosperity and sustainable development.

## Vision

To be the number one global natural resource company in creating long term value, through excellence and passion for people and the planet.

## Values

Life matters most  
Value our people  
Prize our planet  
Do what is right  
Improve together  
Make it happen




# Port Colborne Community-based Action Plan

Today, Vale is proud to launch its Community-Based Action Plan for Port Colborne that addresses the findings of a multi-year Community-Based Risk Assessment (CBRA) examining the impact of 100 years of operations, and specifically historical metal deposition in soil.

The comprehensive Action Plan was developed with the input of the City of Port Colborne, the Ontario Ministry of the Environment, Conservation and Parks (MECP), and Niagara Region Public Health.

# Community-based Risk Assessment

- 
- Process took nearly 20 years (CBRA and Action Planning)
  - One of the most comprehensive studies of its kind ever done in Canada

- Three CBRA studies: Human Health Risk Assessment, Environmental Risk Assessment, Agricultural Risk Assessment
- Process included a Community Health Assessment Project

- Conducted with significant, scientific rigour
- Third-party expert scientists, peer review and input from MECP, Public Health, City of Port Colborne and community members

A large, stylized number '3' is positioned on the left side of the page. It is composed of two overlapping circular shapes: a light blue outer ring and a dark teal inner circle. The background of the entire page is a solid dark teal color.

## CBRA Findings



# Community Health Assessment Project (CHAP)

Supplementary to the three reports, Vale commissioned a Community Health Assessment Project (CHAP) to address community concerns regarding potential human health effects from exposure to metals.

The CHAP study consisted of a community-based survey of health conditions and symptoms, as well as a comparison of hospital discharge patterns that compared Port Colborne to 35 other Ontario communities.

Like the CBRA, the CHAP study provided evidence that health outcomes in Port Colborne are no different than other Ontario communities.

# Action Planning Principles



# Exposure Point Concentrations and Actions

Conc. Band	Exposure Point Concentrations (ppm)			Proposed Actions	Residential Properties Affected
	Clay	Fill Material	Organic Soil		
1	≤ 2,500	≤ 1,800	≤ 1,200	<b>No Action Required</b> but residents in these locations will receive the same communications materials described below.	N/A
2	> 2,500 ≤ 6,500	> 1,800 ≤ 4,600	> 1,200 ≤ 3,000	<b>1.) Communication Plan</b> – Provides residents with simple tips and techniques to reduce potential exposures.	N/A
3	> 6,500 < 8,000 (> 6,500 ≤ 9,600)	> 4,600 ≤ 6,900	> 3,000 ≤ 4,500	<b>1.) Communication Plan and;</b> <b>2.) A re-greening effort</b> to cover bare or exposed soil and reduce re-suspended wind blown dust. Efforts may range from the addition of topsoil and sod to use of engineered surfaces in high traffic areas used by children (e.g. around play structures, swings, etc.).	30
4	NA (> 9,600 ≤ 12,600)	>6,900 <8,000 (>6,900 <9,000)	>4,500 <5,900	<b>1.) Communication Plan and;</b> <b>2.) A limited soil removal program</b> for properties who have concentrations within Concentration Band (4); <b>and</b> <b>3.) Possible removal and cleaning of in-house dust.</b>	6
5	≥8,000	≥8,000	≥5,900	<b>1.) Communication Plan; and</b> <b>2.) Soil removal and replacement program; and</b> <b>3.) Possible removal and cleaning of in-house dust.</b>	1

NA - Not applicable. Calculated RBSC in clay exceeds the 8,000 ppm limit. As such, this concentration band is not applicable to clay material.

# Launch Week Activities

- Launch of the Port Colborne Community-based Action Plan
  - Media Release
  - Launch website: [www.vale.com/cbra](http://www.vale.com/cbra)
  - Activate e-mail address: [PortColborne.Questions@vale.com](mailto:PortColborne.Questions@vale.com)
- Contact relevant property owners
  - Remediation properties – by phone and by mail
- Face-to-face home visits with relevant properties to plan and schedule remediation and answer questions
- Meeting with Public Liaison Committee
- Meeting with business community stakeholders

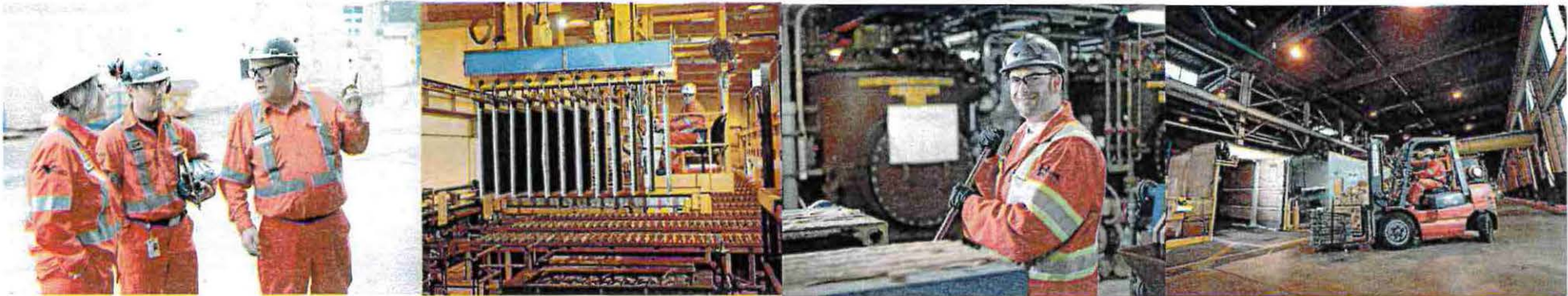
# For More Information

Community Based Action Plan Project Manager: Eric Azzopardi

Contact: [eric.azzopardi@vale.com](mailto:eric.azzopardi@vale.com); 905-835-6379

[Dedicated Website: www.vale.com/cbra](http://www.vale.com/cbra)

[PortColborne.Questions@vale.com](mailto:PortColborne.Questions@vale.com)



# Support for Action Plan Approach

- Public Health has not detected any health impacts in the community from the metal levels in soils in Port Colborne
- Efforts to reduce exposure to metals in soils is a good practice.
- Community needs a resolution to this long-standing issue.
- Community stakeholder engagement is critical for completing the development and finalization of the Action Plan



## MAYOR'S REPORT – JUNE 10, 2019

### **F.C.M. Conference**

Councillors Bruno and Beauregard, myself and CAO Scott Luey attended the Federation of Canadian Municipalities annual conference in Quebec City the last week of May.

This conference gave us an opportunity to meet with fellow politicians, upper levels of government, Ministers and staff, private business as well as attending several plenaries during our four day stay with an emphasis on bringing back best practices and investments opportunities that will benefit the City of Port Colborne.

We will each be bringing a report to council in an upcoming meeting.

### **Great Lakes and St. Lawrence Cities Initiative Conference**

Following the F.C.M. Conference I went on to Sheboygan Wisconsin to attend the Great Lakes and St. Lawrence Cities Initiative Conference with fellow Mayors Sendzik and Redekop.

It was my first time meeting with the group and I discovered the real potential to become active with them.

We signed the Mayors' Declaration to stop Asian Carp.

The risk posed by Asian Carp in Lake Erie would have a significant impact on our sport and commercial fishing industry. Combatting Asian Carp will not only safeguard our Great Lakes ecosystem, but also the billion dollar economic impact the fishing industry provides to our community.

Again, I will provide a full report at an upcoming meeting.

### **NICKEL BEACH FAMILY BONFIRES**

On Friday, June 21<sup>st</sup> our first Nickel Beach Family Bonfire will be happening, starting at 8:30 p.m. with live music by Chris Madronich.

So grab you lawn chair and bring the family down to Nickel Beach for a great evening.

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**City of Port Colborne  
Regular Meeting of Council 17-19  
Monday, June 24, 2019  
following Committee of the Whole Meeting  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

1. **Call to Order:** Mayor William C. Steele
2. **Introduction of Addendum Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
  - (a) Regular meeting of Council 16-19, held on June 10, 2019.
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Consideration of Items Requiring Separate Discussion:**
9. **Proclamations:**

Nil.
10. **Minutes of Boards, Commissions & Committees:**
  - (a) Minutes of the Port Colborne Public Library Board Meeting of May 14, 2019
  - (b) Minutes of the Social Determinants of Health Advisory Committee – Everyone Matters Meeting of February 7, 2019 and April 4, 2019
11. **Consideration of By-laws:**
12. **Council in Closed Session:**
  - (i) Motion to go into Closed Session  
  
That Council do now proceed into closed session in order to address the following matter(s):
    - (a) Minutes of the closed session portion of the following Council meeting:  
June 13, 2019.

- (b) Planning and Development Department, Planning Division outline re: Planning 101, Council training *Municipal Act, 2001*, Subsection 239(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
    - 1. The meeting is held for the purpose of educating or training members.
    - 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
  - (c) Planning and Development Department, Planning Division Report 2019-103, concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.
  - (d) Chief Administrative Officer Report 2019-104 regarding Nyon Energy Lands and the Nyon Tank Farm property, pursuant to *Municipal Act, 2001*, Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
  - (e) Presentation by the Chief Administrative Officer (CAO) regarding the CAO Performance Appraisal - Self assessment, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees, and Subsection 239(2)(d) labour relations or employee negotiations.
- (ii) Disclosures of Interest (closed session agenda):
  - (iii) Consideration of Closed Session Items:
  - (iv) Motion to Rise With Report:

**13. Disclosures of Interest Arising From Closed Session:**

**14. Report/Motions Arising From Closed Session:**

**15. Adjournment:**

## Council Items:

Notes	Item	Description / Recommendation
WCS MB EB RB GB FD AD DK HW	1.	<p><b><u>Fire and Emergency Services Department, Report 2019-93, Subject: Fire Department Fee Schedule</u></b></p> <p>That Fire and Emergency Services Department Report 2019-93, Subject: Fire Department Fees Schedule, be received for information.</p>
WCS MB EB RB GB FD AD DK HW	2.	<p><b><u>Engineering and Operations Department, Operations Division, Report 2019-100, Subject: Energy Conservation and Demand Management Plan 2019-2024</u></b></p> <p>That Engineering and Operations Department, Operations Division Report 2019-100, Subject: Energy Conservation and Demand Management Plan, 2019-2024" be received; and</p> <p>That the Energy Conservation and Demand Management Plan, 2019-2024, be approved; and</p> <p>That staff be directed to publish, make available to the public and implement the City's Energy Conservation and Demand Management Plan, in compliance with Ontario Regulation 397/11; and</p> <p>That Councillor _____ be appointed to sit on the Energy Conservation Committee for the term of Council.</p>
WCS MB EB RB GB FD AD DK HW	3.	<p><b><u>Fire and Emergency Services Department, Report 2019-71, Subject: Emergency Management Program</u></b></p> <p>That the updated Emergency Management Program and updated Emergency Management Plan attached to Fire and Emergency Services Department Report 2019-71 be adopted by by-law; and</p> <p>That By-law No. 6555/10/18 be repealed.</p>

WCS RB AD	MB GB DK	EB FD HW	4.	<p><b><u>Fire and Emergency Services Department, Report 2019-73, Subject: Mutual Assistance Agreement</u></b></p> <p>That the Chief Administrative Officer be directed to sign the Mutual Assistance Agreement Mutual Assistance Agreement with all municipalities within Niagara, as well as the Regional Municipality of Niagara.</p> <p>That the necessary by-law be prepared.</p>
WCS RB AD	MB GB DK	EB FD HW	5.	<p><b><u>Fire and Emergency Services Department, Report 2019-92, Subject: Fire and Emergency Services Information Report</u></b></p> <p>That Fire and Emergency Services Department Report 2019-92, Subject: Fire and Emergency Services Information Report, be received for information.</p>
WCS RB AD	MB GB DK	EB FD HW	6.	<p><b><u>Engineering and Operations Department, Operations Division, Report 2019-82, Subject: Energy Consumption and Greenhouse Gas Emissions Report (2017)</u></b></p> <p>That Engineering and Operations Department, Operations Division Report 2019-82, Subject: Energy Consumption and Greenhouse Gas Emissions Report (2017), be received for information.</p>
WCS RB AD	MB GB DK	EB FD HW	7.	<p><b><u>Planning and Development, By-law Enforcement Division, Report 2019-98, Subject: By-law Appointment of Municipal Law Enforcement Officers and a Building Inspector</u></b></p> <p>That Charlotte Cooper be appointed as a Municipal Law Enforcement Officer; and</p> <p>That Alexandra Campbell be appointed as a Municipal Law Enforcement Officer, Property Standards Officer and a Building Inspector.</p>

<p>WCS MB EB RB GB FD AD DK HW</p>	<p>8.</p>	<p><b><u>Planning and Development Department, Planning Division, Report 2019-85, Subject: Recommendation Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street and Accompanying Memo Re: Ministry of Environment D-6 Guidelines</u></b></p> <p>That the Official Plan Amendment, attached to Planning and Development Department, Planning Division, Report 2019-85 as Appendix A, changing the designation of the property from “Parks and Open Space” to “Industrial Areas”, be approved.</p> <p>That the Zoning By-law Amendment, attached to Planning and Development Department, Planning Division, Report 2019-85 as Appendix B, rezoning the land from “P-CH” to “LI-51”, be approved</p> <p>That Planning staff be directed to prepare the Notice of Passing in accordance with the <i>Planning Act</i> and circulate to all applicable parties.</p> <p><b>Note:</b> At its meeting of June 10, 2019 Council Deferred the above report.</p>	
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>9.</p>	<p><b><u>Planning and Development Department, Planning Division, Report 2019-99, Subject: Recommendation Report for Zoning By-law Amendment D14-02-19, 45-53 West Side Road</u></b></p> <p>That the Zoning By-law Amendment, attached as Appendix A to Planning and Development Department, Planning Division Report 2019-99, be approved, rezoning 45-53 West Side Road from Commercial Plaza to CP-52; and</p> <p>That staff be directed to prepare the Notice of Passing in accordance with the <i>Planning Act</i> and circulate to all applicable parties.</p>	
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>10.</p>	<p><b><u>Planning and Development Department, Planning Division, Report 2019-101, Subject: Creation of an Affordable Housing Strategy for Port Colborne</u></b></p> <p>That Planning and Development Department, Planning Division Report 2019-101, be received for information.</p>	

<p>WCS MB EB RB GB FD AD DK HW</p>	<p>11.</p>	<p><b><u>Corporate Services Department, Finance Division, Report 2019-102, Subject: Property and Liability Insurance Policy Renewal</u></b></p> <p>That coverage with Frank Cowan Company be approved to provide the City's comprehensive property and liability insurance program for the next 18 months to December 31, 2020, as outlined and recommended in this report; and</p> <p>That the addition be approved for Environmental Liability coverage which carries a limit of \$3,000,000 with an aggregate of \$5,000,000 and an estimated premium of \$8,250.</p>	
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>12.</p>	<p><b><u>Community and Economic Development Department, Health Services Division, Report 2019-95, Subject: Establishment of a Locum Physician Support Program</u></b></p> <p>That the Locum Physician Support Program, as outlined in Community and Economic Development Department, Health Services Division Report 2019-95, be approved.</p> <p>That the City of Port Colborne Locum Physician Support Program include the following provisions:</p> <ol style="list-style-type: none"> <li>1. Physicians seeking support are required to submit a written request for locum physician assistance to the Health Services Committee.</li> <li>2. Locum financial assistance from the City is funded from the City's Physician Recruitment Reserve account.</li> <li>3. Total financial support is at a rate of \$500 per eight-hour workday, with a maximum amount of not more than \$5,000 per calendar year, per physician.</li> <li>4. The application shall be reviewed by the Health Services Committee for approval.</li> <li>5. Upon the Health Services Committee's approval, the Director of Community and Economic Development shall authorize the application for locum physician assistance.</li> <li>6. Payment shall be issued upon completion of the locum, to the Practice Physician.</li> </ol>	

<p>WCS MB EB RB GB FD AD DK HW</p>	<p>13.</p>	<p><b><u>Community and Economic Development Department, Health Services Division, Report 2019-96, Subject: One-time Funding Request for Amalgamation Support – Port Colborne Family Health Organization and Mapleview Family Health Organization</u></b></p> <p>That the City of Port Colborne financially support the amalgamation of the Port Colborne Family Health Organization and the Mapleview Family Health Organization, at a one-time cost of \$30,000, to be funded from the Physician Recruitment Reserve Fund.</p>	
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>14.</p>	<p><b><u>Community and Economic Development Department, Health Services Division, Report 2019-97, Subject: Physician Recruitment Incentive – Dr. Fraelic</u></b></p> <p>That the City of Port Colborne enter into a partnership with the Town of Fort Erie to offer an incentive contractual agreement to Dr. Joe Fraelic, at a total approved cost of \$35,000 – representing the City’s share (one half) of the incentive amount; and</p> <p>That the City’s cost be funded from the Physician Recruitment Reserve Fund; and</p> <p>That the appropriate by-law be presented for approval.</p>	
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>15.</p>	<p><b><u>Community and Economic Development Department, Parks and Recreation Division, Report 2019-94, Subject: Fourth Annual Summer Concerts in King George Park</u></b></p> <p>That the Summer Concerts in King George Park event, to be held on August 6, 13, 20, and 27, 2019, be supported, as outlined in Community and Economic Development Department, Parks and Recreation Division, Report 2019-94, Subject: Summer Concerts in King George Park;</p> <p>That the fees for the park permit and use of hydro at King George Park, be waived;</p> <p>That the Noise By-law Exemption application fee, be waived;</p> <p>That the Event Organizer be required to file a certificate of Insurance, naming the City as additional insured, in the amount of \$2,000,000, prior to the event.</p>	

Miscellaneous Correspondence				
WCS	MB	EB	16.	<b>Ritesh Malik of 2493207 Ontario Inc., Re: Request for Relief of Property Taxes/Interest for the duration of Development Process – 599 Main Street, West, Port Colborne</b> <hr/> Council direction required.
RB	GB	FD		
AD	DK	HW		
Outside Resolutions – Requests for Endorsement				
Nil.				
Responses to City of Port Colborne Resolutions				
Nil.				



**Consideration of By-laws  
(Council Agenda Item 11)**

By-law No.	Title
6694/58/19	Being a By-law Establishing an Emergency Management Program for the Protection of Public Safety, Health, The Environment, Critical Infrastructure and Property, and to Promote Economic Stability and Disaster-Resilient Community Repealing By-law No. 6555/10/18
6695/59/19	Being a By-law to Appoint Municipal Law Enforcement Officers, a Property Standards Officer, and a Building Inspector
6696/60/19	Being a By-law to Adopt Amendment No. 6 to the Official Plan for the City of Port Colborne
6697/61/19	Being a By-law to Amend Zoning By-law 6573/30/18 respecting Lands legally Described as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, Municipally known as 170 Welland Street
6698/62/19	Being a By-law to Amend Zoning By-law 6575/30/18 Respecting Lands legally Described as Block A on Plan 69/NP828, in the City of Port Colborne, Regional Municipality of Niagara, Municipally known as 45-53 West Side Road
6699/63/19	Being a By-law to Authorize 6695/59/19 Entering into a Physician Recruitment Incentive Contractual Agreement with Dr. Joe Fraelic in Partnership with the Town of Fort Erie
6700/64/19	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 June 24, 2019

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The Corporation of the City of Port Colborne

By-law no. 6694/58/19

Being a by-law establishing an emergency management program for the protection of public safety, health, the environment, critical infrastructure and property, and to promote economic stability and a disaster-resilient community

Repealing by-law no. 6555/10/18

Whereas Section 2.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended, (the "Act"), requires that every municipality shall develop and implement an emergency management program and the Council of the municipality shall by by-law, adopt the emergency management program; and

Whereas Section 3(1) of the Act requires that every municipality shall formulate an emergency plan governing the provision of necessary services during an emergency, and the procedures under and the manner in which employees of the municipality and other persons will respond to the emergency, and the Council of the municipality shall by by-law adopt the emergency plan; and

Whereas this Act requires the emergency management program to conform to standards promulgated by Emergency Management Ontario in accordance with international best practices, including the four core components of emergency management, namely: mitigation/prevention, preparedness, response and recovery; and also makes provision for the municipality and Council to develop and implement an emergency management program to protect public safety, public health, the environment, critical infrastructure and property, and to promote economic stability and a disaster-resilient community; and

Whereas O. Reg. 380/04, Section 11(1) requires that every municipality shall have an emergency management program committee; and

Whereas O. Reg. 380/04, Section 11(2) requires that the committee shall be composed of the emergency management program coordinator (CEMC), a senior municipal official, such members of Council as may be appointed by Council, and municipal employees who are responsible for emergency management functions, and may include other persons representing organizations and industry; and

Whereas O. Reg. 380/04, Section 11(4) requires that the Council appoint one of the members of the program committee to be the chair of the committee; and

Whereas the Act makes provision for the Head of Council to declare that an emergency exists in the community, or in any part thereof, and also provides the Head of Council with authority to take such action or make such orders as he/she considers necessary and not contrary to law, to implement the emergency response plan and respond to an emergency; and

Whereas Section 13(3) of the Act provides that the Council of a municipality may make an agreement with the Council of any other municipality or with any persons for the provision of any personnel, service, equipment or material during an emergency; and

Whereas the Act provides for the designation of one or more members of Council who may exercise the powers and perform the duties of the Head of Council during his/her absence or his/her inability to act; and

Whereas the Act authorizes employees of a community to respond to an emergency in accordance with the emergency response plan where an emergency exists but has not yet been declared to exist; and

Whereas the emergency management program and emergency response plan have been substantially revised and amended;

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

1. That an emergency management program be developed and implemented in accordance with the standards published by Emergency Management Ontario, in accordance with international best practices.
2. That the Head of Council or designated alternates (two members of Council), as provided in the emergency response plan, be empowered to declare an emergency and implement the emergency response plan.
3. That certain appointed officials or their designated alternates, as provided in the approved emergency response plan, are empowered to cause an emergency notification to be issued to members of the municipal emergency control group, and to respond to an emergency in accordance with the emergency response plan where an emergency exists but has not yet been declared to exist.
4. That the City of Port Colborne's Emergency Management Program (Appendix "A"), be approved.
5. That the City of Port Colborne's Emergency Management Program Committee be established.
6. That the Manager of Legislative Services, City Clerk be designated as the City of Port Colborne's Emergency Management Program Coordinator.
7. That the Manager of Legislative Services, City Clerk be designated Emergency Management Co-ordinator, C.E.M.C. (effective January 1, 2020).
8. That the Manager of Parks and Recreation be appointed as alternate C.E.M.C.
9. That the Emergency Management Program Coordinator is approved as the chair of the City of Port Colborne's Emergency Management Program Committee. In conjunction with the Emergency Management Program Committee, the Emergency Management Program Coordinator will be able to edit the Emergency Management Program and Emergency Management Plan on an as needed basis.
10. That the City of Port Colborne's Corporate Communications Officer is designated as the Public Information Officer.
11. That the City of Port Colborne's Emergency Response Plan (Appendix "B"), which includes the members of the Municipal Emergency Control Group and the Emergency Management Program Committee, be approved.
12. That By-law No. 6555/10/18 be hereby repealed in its entirety.
13. This by-law shall come into force and effect on the day it is passed.

Enacted and passed this 24th day of June, 2019.

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William Steele  
Mayor

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Amber LaPointe  
City Clerk

The Corporation of the City of Port Colborne

By-law No. 6695/59/19

Being a by-law to appoint Municipal Law Enforcement Officers,  
a Property Standards Officer, and a Building Inspector

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

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

Whereas Section 3(2) of *The Building Code Act, 1992, S.O. 1992, c.23* (the Act) provides that the council of each municipality shall appoint a Chief Building Official and such inspectors as are necessary for the enforcement of the Act in the areas in which the municipality has jurisdiction; and

Whereas at its meeting of June 24th, 2019 the Council of The Corporation of the City of Port Colborne approved the recommendations of Planning and Development Department, By-law Enforcement Division Report 2019-98 Subject: By-law Appointment of Municipal Law Enforcement Officers and a Building Inspector; and

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

1. That Charlotte Cooper be and is hereby appointed as a Municipal Law Enforcement Officer for the City of Port Colborne; and
2. That Alexandra Campbell be and is hereby appointed as a Municipal Law Enforcement Officer for the City of Port Colborne; and
3. That Alexandra Campbell be and is hereby appointed as a Property Standards Officer for the City of Port Colborne; and
4. That Alexandra Campbell be and is hereby appointed as a Building Inspector for the City of Port Colborne; and
5. This by-law shall come into force and take effect on the date of passing.

Enacted and passed this 24th day of June, 2019.

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

\_\_\_\_\_  
Amber LaPointe  
City Clerk

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The Corporation of the City of Port Colborne

By-law no. 6696/60/19

Being a by-law to adopt amendment no. 6 to the  
Official Plan for the City of Port Colborne

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

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

1. That Official Plan Amendment No. 6 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this by-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this 24th day of June, 2019.

---

William C. Steele  
Mayor

---

Amber LaPointe  
City Clerk

**AMENDMENT NO. 6  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

**PREPARED BY:  
CITY OF PORT COLBORNE  
DEPARTMENT OF PLANNING & DEVELOPMENT**

**June 10, 2019**



AMENDMENT NO. 6  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA

**AMENDMENT NO. 6  
TO THE OFFICIAL PLAN  
FOR THE  
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 6 to the Official Plan for the City of Port Colborne.

Date: June 24, 2019

**AMENDMENT NO. 6 TO THE OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

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1. Minutes of the Public Meeting

2. Department of Planning and Development Report

## **STATEMENT OF COMPONENTS**

### **PART A**

The Preamble does not constitute part of this Amendment.

### **PART B**

The Amendment, consisting of the following map, constitutes Amendment No. 6 to the Official Plan for the Port Colborne Planning Area.

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

### **PART A - THE PREAMBLE**

#### **Purpose**

The purpose of Official Plan Amendment No. 6 is to change the designation for the subject lands, shown on the attached Schedule, from Parks and Open Space to Industrial Areas.

#### **Location**

The lands affected by this amendment are located in legally described as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known at 170 Welland Street.

#### **Basis**

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

It is intended to concurrently approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing "P-CH" zone to "LI-51" that will permit industrial uses on the subject lands.

Planning staff has evaluated the proposed amendment in light of Official Plan policies, the public information process and general planning principles and have recommended approval of this Official Plan Amendment through Department of Planning and Development Report No. 2019-85 which is attached as Appendix II in Part C.

### **PART B - THE AMENDMENT**

All of this part of the document entitled **PART "B"** – "The Amendment" consisting of the following text and map designated Schedule "A" constitutes Amendment No. 6 to the Official Plan for the City of Port Colborne. The Official Plan of the City of Port Colborne is hereby amended as follows:

Lands shown on Schedule A are redesignated from Parks and Open Space to Industrial Areas.

## **IMPLEMENTATION AND INTERPRETATION**

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

### **PART C – THE APPENDICES**

The following appendices do not constitute part of Amendment No. 5 but are included as information to support the Amendment.

APPENDIX I – Minutes of the Public Meeting

APPENDIX II – Department of Planning & Development Report



THIS IS SCHEDULE "A" TO BY-LAW NO 6696/60/19


PASSED THE 24TH DAY OF JUNE 2019

\_\_\_\_\_

MAYOR

\_\_\_\_\_

CLERK

 Lands to be redesignated from  
Parks and Open Space to Industrial  
Areas

MAY 2019

FILE: D09-01-19

DRAWN BY: CITY OF PORT COLBORNE  
PLANNING DIVISION

NOT TO SCALE



**Planning and Development Department  
Planning Division**

**Report Number: 2019-85**

**Date: June 10, 2019**

**SUBJECT: Recommendation Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street**

**1) PURPOSE:**

The purpose of the report is to provide Council with a recommendation regarding a proposed Official Plan and Zoning By-law Amendment initiated by the City of Port Colborne for the property legally known as Part of Lot 27 Concession 1, former Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 170 Welland Street.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

At its January 28, 2019 meeting Council provided the following direction to staff:

“That Planning and Development staff be directed to bring forward applications under the Planning Act to propose changes in land use for certain properties within the East Waterfront Secondary Plan Area that are federally and privately owned from Parks and Open Space to Industrial/Employment purposes.”

The application for Official Plan Amendment proposes to change the designation of 170 Welland Street in the East Waterfront Secondary Plan from “Parks and Open Space” to “Industrial Areas”.

The application for Zoning By-law Amendment proposes to change at the zoning at 170 Welland Street from “P-CH” (Public and Park with Conversion Holding) to “LI-51”, a special provision in the Light Industrial Zone prohibiting the uses of Medical Marijuana Production Facility and Adult Oriented Entertainment Establishment.

As presented in Public Meeting Report 2019-64 for this application, other lands were also under consideration for zoning change. This included Transport Canada Lands along Welland Street and the “slag spit” as well as City of Port Colborne lands on the south side of Lake Road. These lands have been removed from this application and will be subject of a new application to be brought forward by staff in the near future. A new public meeting will be called at a later date to consider that application.

**3) STAFF COMMENTS AND DISCUSSIONS**

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on April 23, 2019. Public notice signs were posted on the properties on April 23rd, 2019. A public notice was also posted on the City’s website on April 23rd, 2019. A public notice appeared in The Port Colborne Leader on April 25, 2019.

Staff hosted a public open house on April 29, 2019. The open house was attended by a number of residents and property owners from the East Village.

The Public Meeting was held on May 13, 2019 and was well attended by concerned citizens. The minutes of the public meeting are attached to this report as Appendix D.

## **PUBLIC COMMENTS**

At the time of writing this report, staff has received the following written comments from members of the public (attached in full as Appendix C):

### Larry Rosnuk, 62 Fraser Street

- Application should be delayed for additional input.
- Would like to see heavy industrial changed to light industrial with bird sanctuary at the southern end of the “slag spit” protected with public access along Lake Erie shoreline.

### Debbie Gravelle, 177 Welland Street

- Lives directly across from 170 Welland Street.
- Concerned about drop in property value resulting from re-zoning.
- Concerned about potential businesses using 170 Welland Street and impact on her property.

### Tina Whitwell, 83 Welland Street

- Concerned about decline in property values and ability to sell property if applications approved.
- Concern about noise, traffic and pollution from sites diminishing enjoyment of property.

### Loretta Vanderhoeck, 117 Fares Street

- Uses on property unsightly - view from West Street is not slightly for tourists.
- Concerns about dust and health issues with wind blowing material stored on site into East Village.
- Concern about ability to sell home if applications approved.

### Glenn Hamilton, 217 Welland Street

- Concerns about pollution, noise, odour, traffic and other impacts on residents

### Michael Tenszen, 2-576 Fielden Avenue

- Great opportunity for the City to create a large lake and canal-side park with bird sanctuary at this property.
- Opposed to establishment of heavy industrial park on this site due to concerns of impact on natural environment.
- There are other options for locating an industrial park in Port Colborne.

### David Henderson, no address given

- Concerns about intake source for municipal water system and impact industry may have.
- Notes that the intake protection zone is the most vulnerable in Niagara.



Tracy Pybus, 187 Oakwood Street

- Opposed to change to industrial uses. Would like to see more greenspace.

Tina Gifford, no address given

- Legacy of industrial contamination in Port Colborne
- Would prefer to see greenspace, residential and parks.

Linda and Harry Talving, no address

- Would like to see protection for bird habitats at the southern end of the “slag spit” as it is an important nesting area for gulls.
- Would prefer to see remaining land rezoned to light industrial.

Ines Mundt, 35 Canal Bank Road

- Moved to Port Colborne for environment and lifestyle.
- See great potential for tourism. Wondering why city is taking step back converting park land to industrial land.
- Concerns about pollution and contamination.

H Stengel, 192 Fares Street

- Opposed to rezoning.
- Neighbourhood is impacted by other industries in area. Does not want to see expansion.
- Concerned about bird nesting area.

Leo Talving, no address given

- Prefer to see light industrial instead of heavy industrial.
- Southern portion of slag spit is important bird area that would be protected.

Barbie Horton, no address given

- Opposed to application.
- Concern about water contamination, air quality, dust and noise.

Irene Sinko, 196 Fares Street,

- Opposed to application. Would prefer to see something that will improve the east side.

Catharine Parry, no address given

- Prefers original vision stated in East Waterfront Community Improvement Plan. Feels proposed application will take city in opposite direction.
- Opposed to application.

Mitch Carriere, 173 Welland Street

- Has owned property across the street for over twenty years. Pollution, noise and dust from existing industries is an on-going problem. Adding more industrial uses will make problem worse.
- Concern about impact on property value.
- Concern about impact on West Street, Canal Days and tourism.
- Application will negatively impact quality of life in East Village.
- Opposed to application.

Robert Szabari, 131 Welland Street

- Opposed to application.

- Lives across street and will be directly impacted.
- Light and heavy industrial is not correct fit for neighbourhood.
- Priority should be environment and residents.
- Concern about property value, water and air quality.

### **DIVISION/AGENCY COMMENTS**

At the time of writing this report, staff has received the following written comments from City divisions and external review agencies (attached in full as Appendix B):

#### **Drainage Superintendent**

- “No Concern.”

#### **Regional Municipality of Niagara**

- Notes some support for application from Regional Official Plan recommending industrial uses be located along Welland Canal.
- Notes some support for parks and public open space along Welland Canal Cultural Heritage Landscape.
- Notes that the City is not the owner of the land and is not currently in a position to create a park on this land.
- Notes concerns about Ministry of Environment, Conservation and Parks D-6 Guidelines (Compatibility between Industrial Facilities). Suggests that uses that do not meet D-6 setback requirements be removed from permitted uses on the property.

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

- “170 Welland Street is not impacted by any NPCA Regulated Features and as such the NPCA has no concerns with the proposed change.”

### **PLANNING DIVISION**

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

According to Schedule F: East Waterfront Secondary Plan, the City of Port Colborne’s Official Plan designates the properties as **Parks and Open Space**. Land uses in the Parks and Open Space designation include public landscaped open space, playgrounds and sports fields not administered by a school board; cultural and recreational facilities such as arenas; museums, halls, swimming pools, docks and publicly operated golf courses; linear parks and public open spaces such as multi-use trails and pathways and on-road bicycle routes.

The application for Official Plan Amendment proposes to change the Official Plan designation to **Industrial Areas**. Land uses in the Industrial Areas designation include manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; offices as an accessory or secondary use; commercial activities that provide amenities to employees during the workday, as an

accessory use, medical marihuana production facilities; industrial activities related and proximate to the canal and harbour such as ship dockage and repair; and accessory uses such as parking garages.

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

The subject properties are zoned **P-CH (Public and Park with Conversion Holding)**. The Public and Park zone permits Cemetery; Community Garden; Conservation Use; Cultural Facility; Food Vehicle; Park; Public Use; Recreation Use; and Uses, structures and buildings accessory thereto. The Conversion Holding symbols requires a Record of Site Condition to be filed with the Ontario Ministry of the Environment before Public and Park zone uses can be established on the property.

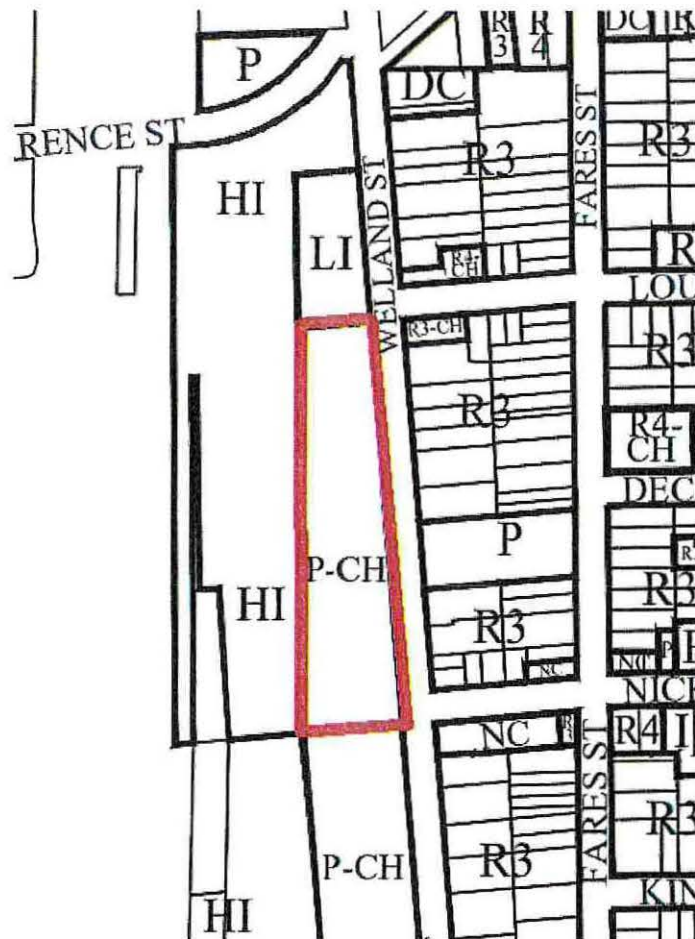
The zoning is proposed to change to **LI-51**, a special provision of the **Light Industrial zone**. The LI-51 zone will permit Car wash; Contractor's Yard; Crematorium; Education Facility; Industry, Light; Motor Vehicle Repair Garage; Public Use; Research Facility; Transportation Depot; and Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades.

The "Industry, Light" use is defined in Section 38 of the Zoning By-law as: "premises used for: a) The manufacture, processing, assembly, disassembly or packaging of finished parts or products from previously prepared materials; b) The repair or servicing of products; c) Building supply storage and wholesale; and d) Warehouse and storage."

It is important to keep in mind that this property has an active salvage yard license from the Niagara Region (formerly Niagara Regional Police Service) and this can continue as a legal non-conforming use irrespective of the zoning of the property.

### Adjacent Zoning and Land Use

As shown in the diagram below, the zoning around the subject property is mixed. To the immediate north of the property is an office/yard for a construction company with Light Industrial zoning. To the east is residential lands with some commercial zoning as well as a park. To the south are lands currently zoned P-CH (Public and Park with Conversion Holding), which will be subject to a future City-initiated zoning by-law amendment application as discussed above. To the west is a harbour facility zoned Heavy Industrial. The land to the south and west is owned by Transport Canada and operated by the St Lawrence Seaway Management Corporation (Seaway). The Seaway has stated its intention of maintaining ownership of land along the Welland Canal for continued operation of the canal and marine-related industries.



### Comment and Discussion

The current official plan designation and zoning of the subject property came about in 2012. At that time, the City adopted the East Waterfront Secondary Plan, which changed the designation of the property from Industrial Light to Parks and Open Space. When the City adopted zoning by-law 6575/30/18, the zoning was changed from Light Industrial to P-CH to match the Parks and Open Space official plan designation. According to aerial imagery, this property has had industrial uses since at least 1921. Although the property has been dormant in recent times, staff understand that the owner has maintained a Salvage Yard licence on the property giving this use legal non-conforming status. Given the long history of industrial use on this site and neighbouring properties, including its most recent use as salvage yard, it is safe to conclude there is a high level of contamination on the subject property. Remediation of the contamination would be required before park and public uses could be established, as required by the conversion holding provision and the Ontario Building Code.

After the official plan designation and zoning was changed for this property, Council has not expressed interest in acquiring the property for cleaning and conversion to parkland. Therefore, the property is currently in a state of paradox where the zoning only permits public and park uses, but the City is not prepared to purchase the property and create a park. The current owner would like to sell it, but without industrial zoning, the property is unsellable.

That said, staff is aware of the concern of many of the individuals who provided comments and feedback throughout the public participation process. These concerns stem from a desire to see this land converted to a park. With continued industrial use on this site, concern arises from noise, dust, run-off, emissions and other forms of pollution along with traffic. Finally, there have been several comments about impact continued industrial use will have on residential property values in the area.

Staff will address these concerns below. Regarding impact on property value, staff notes that the land has not actually been converted to a park. Industrial zoning will only result in resumed industrial operations on the site. Given this situation, staff is not aware of any evidence suggesting a decline in property values.

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

Concerns about noise, dust, emissions and vibrations can be addressed through the application of the Ministry of Environment, Conservation and Parks D-6 Guidelines. These guidelines specifically address land use compatibility between industrial properties and more sensitive land uses, including residential. As suggested by Council and the Region, staff have reviewed uses permitted in the light industrial zone with the industrial categorization criteria used in the D-6 Guidelines. Staff is of the opinion that uses permitted in the light industrial zone can only be classified as Class I industries because “obnoxious, dangerous and offensive trades” are not permitted.

The D-6 Guidelines suggest a 20 metre separation between Class I industries and residential properties. This measurement is taken between property lines. The Welland Street road allowance is 20.11 metres in width, meaning that the suggested separation distance is met.

The one deviation between the Light Industrial zone and the Class I industry category is outside storage. The D-6 guidelines do not permit outside storage for Class I industries, whereas the City’s light industrial zone does, however only in the side and rear yards. Therefore, staff recommend a condition being placed on the LI-51 zone that outside storage will only be permitted after a 2.6 metre privacy fence is built to shield the storage area from Welland Street. This should serve to mitigate noise and dust associated with the exterior storage.

#### Source Water Protection

Concerns about proximity of the subject property to the water inlet for the Port Colborne Water Treatment Plant on King Street have been raised. The City, Region and NPCA have previously reviewed the area around the water inlet and have identified two areas, or Intake Protection Zones, where land-uses should be restricted to prevent contamination of the water supply. Schedule A9 of Zoning By-law 6575/30/18 identifies the subject property as being within the IPZ-2 area. Prohibited uses in the IPZ-2 area are waste disposal site, stormwater management facility and agricultural uses, including the storage or application of agricultural source material. Both waste disposal and agricultural uses are not permitted within the Light Industrial zoning. Staff recommend adding stormwater management facility as a prohibited use to the LI-51 zone. Doing so will

ensure that the subject property will comply with source water protection policies and regulations.

### Traffic

Welland Street is a designated trucking route for large commercial vehicles travelling to the Vale facility at the end of Nickel Street. Schedule D of the City of Port Colborne's Official Plan identifies Welland Street between Clarence and Rodney streets as a "local commercial or industrial" road. Section 9.1.2 of the Official Plan defines this road type as "roads that provide access to commercial or industrial areas." Therefore, the subject property is located on the correct street type for light industrial uses.

### Site Plan Control

The property is not currently under site plan control. Any expansion of the existing 570 square metre building on the property will require a site plan agreement for the whole property. The site plan agreement will address fencing, lighting, landscaping, parking and other elements.

### Conclusion

Staff believes that changing the Official Plan designation from Parks and Open Space to Industrial Areas and the zoning from P-CH to LI-51 for 170 Welland Street complies with City, Regional and Provincial policies. These changes will not result in the loss of any actual parks or open space. Rather, it will recognize the existing and long-standing uses of the subject property, effectively reverting to the pre-2012 designation and zoning. The special provisions of the LI-51 zone will prohibit Medical Marihuana Production Facility, Adult Oriented Entertainment Establishment, and Stormwater Management Facility as uses on the subject property to comply with direction from Council and the IPZ-2 requirements. A condition will also be placed requiring a 2.6 metre fence to shield outside storage from Welland Street. Staff recommends approval of this official plan and zoning by-law amendment.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

##### **a) Do nothing**

Not an option as Council is statutorily obligated to make a decision on the proposed applications.

##### **b) Other Options**

Though not recommended, Council could deny the application.

Council could request additional information or further changes from staff.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

N/A

## 6) ATTACHMENTS

Appendix A: Official Plan Amendment  
Appendix B: Zoning By-law Amendment  
Appendix C: Public & Agency Comments  
Appendix D: Draft Minutes of Public Meeting

## 7) RECOMMENDATION

That the Official Plan Amendment, attached to Planning and Development Department, Planning Division, Report 2019-85 as Appendix A, changing the designation of the property from "Parks and Open Space" to "Industrial Areas", be approved.

That the Zoning By-law Amendment, attached to Planning and Development Department, Planning Division, Report 2019-85 as Appendix B, rezoning the land from "P-CH" to "LI-51", be approved

That Planning staff be directed to prepare the Notice of Passing in accordance with the *Planning Act* and circulate to all applicable parties.

## 8) SIGNATURES

Prepared on May 31, 2019 by:



Evan Acs, MA, MSC  
Planner

Reviewed by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

The Corporation of the City of Port Colborne

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

Being a by-law to adopt amendment no. 6 to the  
Official Plan for the City of Port Colborne

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

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

1. That Official Plan Amendment No. 6 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

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

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

\_\_\_\_\_  
Amber LaPointe  
Clerk



**AMENDMENT NO. 6  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

**PREPARED BY:  
CITY OF PORT COLBORNE  
DEPARTMENT OF PLANNING & DEVELOPMENT**

**June 10, 2019**

**AMENDMENT NO. 6  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

**AMENDMENT NO. 6  
TO THE OFFICIAL PLAN  
FOR THE  
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 6 to the Official Plan for the City of Port Colborne.

Date: \_\_\_\_\_

**AMENDMENT NO. 6 TO THE OFFICIAL PLAN**

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1. Minutes of the Public Meeting

2. Department of Planning and Development Report

## **STATEMENT OF COMPONENTS**

### **PART A**

The Preamble does not constitute part of this Amendment.

### **PART B**

The Amendment, consisting of the following map, constitutes Amendment No. 6 to the Official Plan for the Port Colborne Planning Area.

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

### **PART A - THE PREAMBLE**

#### **Purpose**

The purpose of Official Plan Amendment No. 6 is to change the designation for the subject lands, shown on the attached Schedule, from Parks and Open Space to Industrial Areas.

#### **Location**

The lands affected by this amendment are located in legally described as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known at 170 Welland Street.

#### **Basis**

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

It is intended to concurrently approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing "P-CH" zone to "LI-51" that will permit industrial uses on the subject lands.

Planning staff has evaluated the proposed amendment in light of Official Plan policies, the public information process and general planning principles and have recommended approval of this Official Plan Amendment through Department of Planning and Development Report No. 2019-85 which is attached as Appendix II in Part C.

### **PART B - THE AMENDMENT**

All of this part of the document entitled **PART "B"** – "The Amendment" consisting of the following text and map designated Schedule "A" constitutes Amendment No. 6 to the Official Plan for the City of Port Colborne. The Official Plan of the City of Port Colborne hereby amended as follows:

The following appendices do not constitute part of Amendment No. 5 but are included as information to support the Amendment.

APPENDIX I – Minutes of the Public Meeting

APPENDIX II – Department of Planning & Development Report

Clarence Street

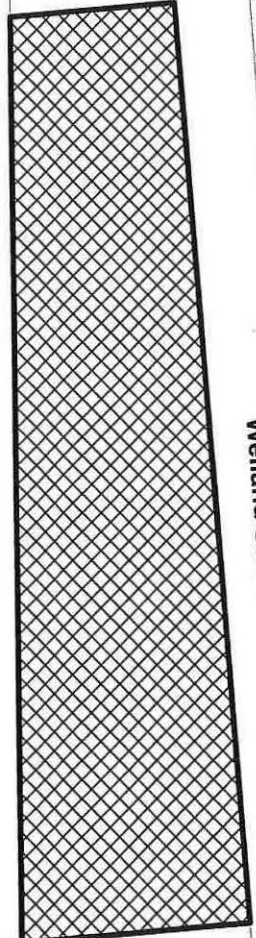
Ramp

N



Fares Street

Louis Street



Welland Street

Decew Street

Nickel Street

Kinnear Street

463

The Corporation of the City of Port Colborne

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

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known at 170 Welland Street.

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

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

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

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A6" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from P-CH to LI-51.
3. That Section 37 entitled SPECIAL EXCEPTIONS AND PROVISIONS of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

LI-51

Notwithstanding the provisions of the Light Industrial zone, the following uses are prohibited: Medical Marihuana Production Facility; Adult Oriented Entertainment Establishment; and Stormwater Management Facility. Outside storage is subjected to the following condition: A 2.6m privacy fence is built to shield view of outside storage from Welland Street.

4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

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



Clarence Street

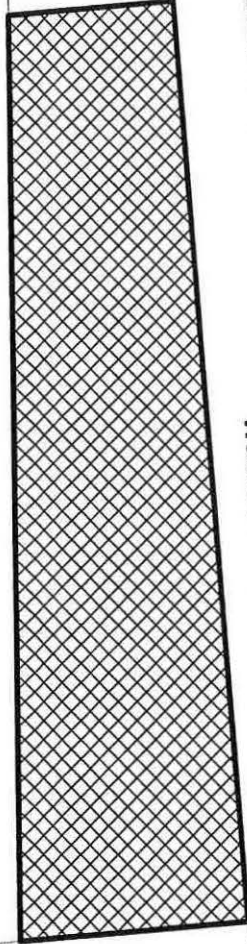
Ramp

N



Fares Street

Louis Street



Welland Street

Decew Street

Nickel Street

Kinnear Street

465

## PUBLIC OPEN HOUSE COMMENT SHEET

File: D09-01-19 and D14-03-19

Address: 170 Welland Street, City Land on Lake Road and Transport  
Canada Lands on the East Side of the Welland Canal

Open House Date: April 29 2019

Comments:

KEEP; MORE PUBLIC INPUT  
SHOULD BE POLICED  
SO THAT MULTI USE - LIGHT INDUSTRIAL  
& BIRD SANCTUARY AND ACCESS TO  
THE PUBLIC TO ALL OF THE EAST  
WELLAND SHORE LAND

- CHANNEL SOME TO LIGHT INDUSTRIAL.

Name: HARRY ROSNICK

Address: 62 FRASER ST. P.C

Email: 

**NAME AND ADDRESS MUST BE COMPLETE FOR COMMENT TO ENTER PUBLIC RECORD**

# PUBLIC OPEN HOUSE COMMENT SHEET

File: D09-01-19 and D14-03-19

Address: 170 Welland Street, City Land on Lake Road and Transport  
Canada Lands on the East Side of the Welland Canal

Open House Date: April 29 2019

Comments:

I live right across from <sup>Jeff.</sup> Dewars.  
I am really scared about 1- property  
value dropping drastically. 2- that  
if his property is changed to L.I.  
that leaves the transport comp owned  
by ~~the~~ to purchase his land and  
expand his business. It could happen and I  
am very worried. Thx.

Name: Debbie Gravelle

Address: 177 Welland St  
P.C

Email: 

**NAME AND ADDRESS MUST BE COMPLETE FOR COMMENT TO ENTER PUBLIC RECORD**

# PUBLIC OPEN HOUSE COMMENT SHEET

File: D09-01-19 and D14-03-19

Address: 170 Welland Street, City Land on Lake Road and Transport  
Canada Lands on the East Side of the Welland Canal

Open House Date: April 29 2019

Comments:

- how will the heavy industrial area affect our property value, will we ever be able to sell our homes when these changes happen.
- how will these proposed ~~chang~~ changes affect the opportunity to sell \$ our homes.
- are we going to be pushed out of our houses due to the changes, noise, traffic, construction, machinery, more ~~activity~~ activity, pollution,

Name: TINA WHITWELL

Address: 83 WELAND ST.

PORT COLBORNE ON L3K 1V1

Email: 

**NAME AND ADDRESS MUST BE COMPLETE FOR COMMENT TO ENTER PUBLIC RECORD**

## PUBLIC OPEN HOUSE COMMENT SHEET

File: D09-01-19 and D14-03-19

Address: 170 Welland Street, City Land on Lake Road and Transport  
Canada Lands on the East Side of the Welland Canal

Open House Date: April 29 2019

Comments:

- eye sore to look at. West St is #1 street in  
Port. Visitors from all over come to Port to visit  
to shop - CANAL DAYS. They don't want to see  
heavy equipment, noise, High piles of who  
know what.
- HEALTH Issues - On a windy day comes from  
the west the East side gets all that stuff  
on our homes Breathing unhealthy air -  
I have COPD & I don't want to have to  
stay inside my house come the summer  
- won't be able to sell our home now

Name: LORETTA VANDERHOEK

Address: 117 FARES ST

Email: 

NAME AND ADDRESS MUST BE COMPLETE FOR COMMENT TO ENTER PUBLIC RECORD

April 26, 2019

Amber LaPointe

City Clerk,

Port Colborne City Hall,

66 Charlotte Street,

Port Colborne, ON.

L3K 3C8

City of Port Colborne  
**RECEIVED**  
APR 26 2019  
CORPORATE SERVICES  
DEPARTMENT

Dear, Port Colborne, City Clerk, Amber LaPointe and or City of Port Colborne, Ontario, Canada.

Re: Letter I received April 25th, 2019, dated April 23<sup>rd</sup>, 2019. Addressing: Files; D09-01-19 & D14-03-19, Proposed Official Plan & Zoning By-law Amendment for 170 Welland Street, City Land on Lake Road and Transport Canada Lands.

As per the Legal Notice section of your letter, referring to ( Section 22 and 34 of the Planning Act), please accept this written submission from me, a resident and property owner (217 Welland St., Port Colborne), with respect to these major zoning change proposals, and their numerous, potentially negative effects, of industrialization, on this east side/Nickel Beach community, Lake Erie, the Downtown core and the City as a whole. These effects, ranging from all forms of pollution; air, water, noise, smell, visual, contaminants, traffic and others, degrade, nature and wildlife, the life style and living conditions of all inhabitants of this great Lake Erie, coastal City. I submit this letter now, in response, to reserve my right or option, to appeal this proposed Amendment change before a Local Planning Appeal Tribunal, moving forward. I submit this letter now, prior to a decision by the City of Port Colborne Council, on this proposed matter, ( the Official Plan and Zoning By-law Amendments), as referenced above.

I would also appreciate the personal notice offered in your letter, with respect to Council's decision about this matter, (time is of the essence) if an appeal is warranted. I look forward to hearing more about this matter.

Thank you.

Kindest regards,

Glenn Hamilton



Heavy Industry means heavy smoke, stink, noise, traffic.

## PUBLIC OPEN HOUSE COMMENT SHEET

File: D09-01-19 and D14-03-19


Address: 170 Welland Street, City Land on Lake Road and Transport  
Canada Lands on the East Side of the Welland Canal

Open House Date: April 29 2019



Comments:

The elected politicians of Port Colborne have one of the greatest opportunities in the city's history to "Do The Right Thing" by creating a large lake and canal-side park for its citizens. It would be a terrible shame if our city council "sells out" to vested industrial interests and allows a smokey, smelly, noisy conglomeration of heavy industries to be foul and essentially destroy a natural area. There are countless areas of the city and surrounding environs to locate an industrial park. This area is not the place for heavy industry. Please Do the Right Thing. A beautiful lake and canal-side park, and bird sanctuary for generations of thank full Port citizens.

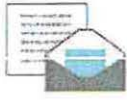
Name: Michael Tenszen 

Address: 2-576 Fielden Avenue

Port Colborne, Ont. L3K 4U1

Email: off line, please contact me. Thank you.

**NAME AND ADDRESS MUST BE COMPLETE FOR COMMENT TO ENTER PUBLIC RECORD**



**Fw: Re Zoning Appliavction May 13th**  
**Dan Aquilina** to: Evan Acs, Heather Mahon

05/09/2019 10:01 AM

Dan Aquilina, MCIP, RPP, CPT  
 Director of Planning and Development  
 905-835-2901 Ext. 203  
 Fax: 905-835-2939  
 www.portcolborne.ca

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----- Forwarded by Dan Aquilina/Port\_Notes on 2019-05-09 10:00 AM -----

From: "David Henderson" [REDACTED]  
 To: mayor@portcolborne.ca, "Ron Bodner" <ronbodner@portcolborne.ca>, angiedesmarais@portcolborne.ca, markbagu@portcolborne.ca, garybruno@portcolborne.ca, frankdanch@portcolborne.ca, ericbeauregard@portcolborne.ca, harrywells@portcolborne.ca, danaquilina@portcolborne.ca  
 Date: 2019-05-09 09:03 AM  
 Subject: Fwd: Re Zoning Appliavction May13th

I am writing to ask you to vote against the rezoning of the lands on the east side of canal south of Clarence Str. to heavy industrial use.

This are is where Port Colborne takes water for its municipal water supply.

Port Colborne's water intake has the highest potential for contamination of any municipality inin Niagara, as shown Table 1.1 and link to Niagara Source Water protection.

<http://www.sourceprotection-niagara.ca/wp-content/uploads/2015/12/1.0-SPP-text-MOE-Approved-131216R.pdf>

Approving this zoning change would be an egregious abuse of your municipal responsibilities, a betrayal of you responsibility to the citizens of Port Colborne and the Canada Water Act.

David Henderson



Table 1.1 Water Treatment Plants and Intake Protection Zones in Niagara

Water Treatment Plant	Intake Protection Zone (IPZ)	Vulnerability Score
Grimsby	<ul style="list-style-type: none"> <li>Grimsby IPZ-1</li> <li>Grimsby IPZ-2</li> </ul>	5.0 4.0



DeCew Falls (which has 3 intakes: Main, Highway 406, and Lake Gibson Alternate) -	<ul style="list-style-type: none"> <li>• Main IPZ-1</li> <li>• Main IPZ-2</li> </ul>	8.0 6.2
	<ul style="list-style-type: none"> <li>• Highway 406 IPZ-1</li> <li>• Highway 406 IPZ-2</li> </ul>	8.0 5.6
	<ul style="list-style-type: none"> <li>• Alternate IPZ-1</li> <li>• Alternate IPZ-2</li> </ul>	8.0 6.4
Welland *	<ul style="list-style-type: none"> <li>• Welland IPZ-1</li> </ul>	7.0
Port Colborne -	<ul style="list-style-type: none"> <li>• Port Colborne IPZ-1</li> <li>• Port Colborne IPZ-2</li> </ul>	9.0 8.1 -
Rosehill (Fort Erie)	<ul style="list-style-type: none"> <li>• Rosehill IPZ-1</li> <li>• Rosehill IPZ-2</li> </ul>	7.0 5.6
Niagara Falls	<ul style="list-style-type: none"> <li>• Niagara Falls IPZ-1</li> <li>• Niagara Falls IPZ-2</li> </ul>	8.0 6.4

\*Table Note: There is no Welland IPZ-2 since it is located wholly within the IPZ-1.



**Fw: No expansion for industry at East Side Waterfront**  
**Dan Aquilina** to: Evan Acs, Heather Mahon

05/09/2019 01:24 PM

Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development  
905-835-2901 Ext. 203  
Fax: 905-835-2939  
www.portcolborne.ca

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----- Forwarded by Dan Aquilina/Port\_Notes on 2019-05-09 01:24 PM -----

From: [REDACTED]  
To: "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>, "danaquilina@portcolborne.ca" <danaquilina@portcolborne.ca>  
Date: 2019-05-09 01:20 PM  
Subject: Fwd: No expansion for industry at East Side Waterfront

---

I am opposed to the proposed changes that would see industry take over. Why can't we not do something else like turn it into green space, in line with other cities, especially at this time in history, when green space is needed, and not more pollution and contaminants.

Tracy Pybus

[187 Oakwood Street](#)

[Port Colborne](#)

Zoning Check  
Site Plan Comments  
Read Receipts  
Fwd: waterway industrial changes  
Dan Aquilina  
to:  
Evan Acs, Heather Mahon  
05/10/2019 08:07 AM  
Hide Details  
From: Dan Aquilina/Port\_Notes  
To: Evan Acs/Port\_Notes@Port\_Notes, Heather Mahon/Port\_Notes@Port\_Notes

Dan Aquilina, MCIP, RPP, CPT  
Director of Planning & Development

Begin forwarded message:

**From:** "tina gifford" [REDACTED]  
**Date:** May 10, 2019 at 12:47:07 AM EDT  
**To:** "[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)" <[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)>  
**Subject:** waterway industrial changes

What in the world is going on?

This is a ridiculous idea. The city of Port Colborne has seen years of industry fallout. Now its planning another creation of the industrial messes from the past.

The canal way is a perfect site to create greenspace, living areas and parks. Isn't it time to try to clean it up not create more of a dismal view of such a beautiful land. Come on!!

Tina Gifford - Iron Spirit Services



Site Plan Comments

Read Receipts

Zoning Check

City Hall Council Meeting of Monday, May 13th/19. ITEM #5, East Canal Lands

L. Louise Hawkins

to:

planner

05/10/2019 11:27 AM

Hide Details

From: "L. Louise Hawkins" [REDACTED]

To: planner@portcolborne.ca

First of all the City Hall website would not allow us and some others to email to anyone within City Hall staff. But I was given this link and my message should be considered for the meeting as it has not yet taken place: especially after the difficulty is sending any message other than a phone call.

We wish to give our input in regards to the rezoning of the said lands.

Our primary concern is of the most southerly section of the proposed rezoning, because that area is one of the few nesting areas along the north shore of Lake Erie for Seagulls and possibly Terns. There are many hundreds of nesting Gulls there as the Cormorants have invaded most of their spaces. They have historically used that area anyways, but the fact that what used to be termed "Gull Island", is mostly Cormorants now.

This area in our opinion should be designated to a PROTECTED bird sanctuary.

The nearest place for major nesting for the Gulls is Mohawk Island. The water levels would deplete a lot of that area for them. And actually Cormorants have largely taken Mohawk Island over. From early May to sometime in July when the fledglings are grown and gone from the nests people should not be allowed to go there and disturb them.

It truly is one of the few major Seagull nesting areas along the North shoreline!

Please take this seriously.

This is our main concern. Of course I would prefer Light Industry in the rest of the proposed rezoning area. We understand the canals were built for shipping.

Parks and an East St. would be lovely and 100% more pleasant but it is not reality for apparent needs. Seeing the Hamilton Spectator article I wonder what use specifically the land would hold and I remain very sceptical, yet our main concern is the Seagull nesting zone. Please consider this concern and bring this to the meeting this coming Monday. Thank you. Yours truly; Linda and Harry Talving.



**Fw: zoning amendment to Part Lot 27 Conc 1 - 170 Welland**  
**Amber LaPointe** to: Heather Mahon  
Cc: Evan Acs

05/13/2019 01:34 PM

FYI

**Amber LaPointe**  
**Manager of Legislative Services /City Clerk**  
Corporate Services Department, City of Port Colborne  
66 Charlotte Street, Port Colborne, ON L3K 3C8  
905-835-2900 x106 Fax: 905-835-2969  
cityclerk@portcolborne.ca

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----- Forwarded by Amber LaPointe/Port\_Notes on 2019-05-13 01:32 PM -----

From: "Ines Mundt" [REDACTED]  
To: cityclerk@portcolborne.ca  
Date: 2019-05-13 11:43 AM  
Subject: zoning amendment to Part Lot 27 Conc 1 - 170 Welland

---

Last Friday a notice was dropped off in my mail box notifying me of a council meeting this evening wherein a proposal to amend zoning from park to heavy industry is proposed for the above address. It is my intention to be at the council meeting this evening to listen to the proposal and show my apposition to this amendment.

I moved to Port Colborne last summer as the community had so much to offer as a healthy environment, active town and one that I felt had much to offer in the way of tourism. What a tremendous shock to be made aware of this proposal to reclaim park area for the purpose of heavy industry. Why is council taking a step back instead of one into the future? Hard to believe that you would make this move. Surely there is enough land available for industry that would not cause the damage to the water, environment and affect the quality of life for the residents of the town. I am very opposed to this change.

***Tax Season Notice: Office is open for personal tax April 1 to April 30, 2019; corporate tax in June, 2019***

PLEASE NOTE NEW ADDRESS

Ines Cohrs Mundt, RHU  
IM Financial - Insurance, Investments, Living Benefits  
35 Canal Bank Rd., Port Colborne, ON L3K 2M6  
Tel: [REDACTED]  
skype: [REDACTED]  
11 rue du Moulin de Piot, 23220 Cheniers, France  
Telephone in France [REDACTED]

Zoning Check  
Site Plan Comments  
Read Receipts  
Fwd: East Side Land Rezoning  
Dan Aquilina  
to:  
Evan Acs, Heather Mahon  
05/10/2019 05:25 PM  
Hide Details  
From: Dan Aquilina/Port\_Notes  
To: Evan Acs/Port\_Notes@Port\_Notes, Heather Mahon/Port\_Notes@Port\_Notes

Dan Aquilina, MCIP, RPP, CPT  
Director of Planning & Development

Begin forwarded message:

**From:** "Dan Aquilina" <[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)>  
**Date:** May 10, 2019 at 5:23:50 PM EDT  
**To:** [REDACTED] "Heather Mahon" <[heathermahon@portcolborne.ca](mailto:heathermahon@portcolborne.ca)>  
**Subject:** Fwd: East Side Land Rezoning

Dan Aquilina, MCIP, RPP, CPT  
Director of Planning & Development

Begin forwarded message:


**From:** "Ha St" [REDACTED]  
**Date:** May 10, 2019 at 4:10:35 PM EDT  
**To:** [danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca), [cityclerk@portcolborne.ca](mailto:cityclerk@portcolborne.ca)  
**Subject:** East Side Land Rezoning

As a resident of the East side, living a block away from the canal, I strongly disagree with any rezoning of the subject lands to Heavy Industrial. As it is we residents have seen our property values degraded by Inco pollution, we put up with 24 hour a day noise and dust from Snider dock services and now Marine Recycling Corp has taken over the entire south end for their business. Where once people could walk to the break wall to fish, now the land looks like a junkyard. Is the Ministry of the environment monitoring their activities? Directly adjacent to Nickel Beach?  
The Fowlers toad has all but been eradicated, are you willing to do the same to habitat nearby that has Bald Eagles nesting?

My vote is NO to rezoning.

H.Stengel  
192 Fares St.  
Port Colborne.  
[REDACTED]



**Re: Proposed official plan and zoning by-law amendment**   
**Amber LaPointe** to: leo talving  
 Cc: Heather Mahon, Evan Acs, Brenda Heidebrecht

05/10/2019 06:41 PM

Hi Leo,

Thank you for your comments.  
 They will be circulated to Planning staff, Council and included in the public record.

**Amber LaPointe**  
**Manager of Legislative Services /City Clerk**  
 Corporate Services Department, City of Port Colborne  
 66 Charlotte Street, Port Colborne, ON L3K 3C8  
 905-835-2900 x106 Fax: 905-835-2969  
 cityclerk@portcolborne.ca


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"leo talving"

Dear city council, I oppose the changes as they...


2019-05-09 06:38:29 PM

From: "leo talving"   
 To: "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>  
 Date: 2019-05-09 06:38 PM  
 Subject: Proposed official plan and zoning by-law amendment

---

Dear city council, I oppose the changes as they stand and would like to offer some proposals for amendments. I object to the heavy industry zoning as I consider it a step in the wrong direction for the town's development. Light industry would fit in better with future development in the town center. Port Colborne is in a unique position having both a working and public waterfront. Let's keep that balance. Secondly, private property in this area should be returned to its original designation ie light industry so that owners could manage their property without hindrance and not be saddled with a designation which would make it difficult to sell their property. Third, the south part of the land under consideration forms a point or isthmus into Lake Erie which ought to be kept in a preserved state. It is the only herring gull nesting ground between the Grand River and the Niagara River. It is a wild place in the center of town and could be a treasure in the future as open free access to lakefront disappears. Again, it is in balance with development. Leo Talving



Re:   
**Amber LaPointe** to: Barbie Horton  
Cc: Heather Mahon, Evan Acs, Brenda Heidebrecht

05/10/2019 06:42 PM

Hi Barbie,


Thank you for your comments.  
They will be circulated to Planning staff, Council and included in the public record.

**Amber LaPointe**  
**Manager of Legislative Services /City Clerk**  
Corporate Services Department, City of Port Colborne  
66 Charlotte Street, Port Colborne, ON L3K 3C8  
905-835-2900 x106 Fax: 905-835-2969  
cityclerk@portcolborne.ca

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"Barbie Horton" In regards to the application for official plan and... 2019-05-09 04:42:57 PM

From: "Barbie Horton"   
To: cityclerk@portcolborne.ca  
Date: 2019-05-09 04:42 PM  
Subject: Re:

---

In regards to the application for official plan and zoning by-law known as Part lot 27 concession 1 formerly in the township of Humberstone. I oppose of this Industry taking place in this location,,, I feel the water will be contaminated, air quality, dust and increase of noise , wildlife ,will all be compromised,, this will be a tragedy for the sake of money.

Thank you  
Best regards  
Barbie Horton

Sent from my iPad



Attention: Amber Lapointe City Clerk

Subject: Proposed Official Plan and Bylaw Amendment 170 West Street City Land on Lake Road and Transport Canada Lands

File #D09-01-19 D14-03-14

I am writing to express my concerns regarding the protection of our East Side Canal Lands.

I have recently become familiar with the **East Waterfront Community Improvement Plan** of 2012.

I found it to be a forward thinking and exciting C.I.P.

In it are listed 9 Community goals that were established. (Page 24)

1. Repair and renovate existing houses and other buildings.
2. Protect, restore and re-use architecturally and historically significant buildings.
3. Improve the quality of streetscapes in the neighbourhood
4. Reduce the environmental and visual impact of industrial uses
5. Attract new investment and development to vacant properties
6. Create new open spaces and recreational opportunities
7. Improve pedestrian cycling connections to Nickel Beach and the lake generally
8. Establish more attractions at Nickel Beach
9. Protect and enhance the significant natural features of the lakefront

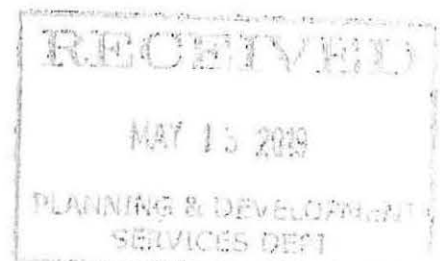
These goals clearly express a LONG TERM VISION for our community and represent a huge opportunity to move in the right direction.

I am appalled that the Proposed Official Plan and Bylaw Amendment will take us in exactly the opposite direction.

I am respectfully asking you to support the people of Port Colborne and

**Vote Against the Official Plan Bylaw Amendment.**

Catharine Parry



To: Amber Lapointe,  
City Clerk  
Evan Acs, Planner  
City of Port Colborne  
66 Charlotte St.  
Port Colborne, ON

May 13, 2019

**RE: 170 Welland Street, City land on Lake Road and Transport Canada Lands. Proposed Official Plan and Zoning By-law Amendment**

My name is Mitch Carriere, I am an owner of a rental property on Welland Street (173 Welland St) directly in front of 170 Welland Street, the property in discussion for zoning changes. Myself and my tenants, would like to present this written submission as our formal opposition to the recent proposed zoning changes on Welland Street. Namely, I am against the following:

I/we are strongly oppose the applications for Official Plan and Zoning By-law amendment for the lands known as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known at 170 Welland Street, s/s Lake Road and all lands under federal government ownership on the east side of the Welland Canal.

I/we are strongly oppose the application for Official Plan Amendment proposes to change the East Waterfront Secondary Plan designation for these properties from Parks and Open Space to Industrial Area. I we are against the application for Zoning By-law Amendment of 170 Welland proposes to change the zoning from P-CH (Park with Conversion Holding) to Light Industrial.

I/we are strongly oppose or City-owned lands on Lake Road and federal lands the Zoning By-law Amendment proposes to change the zoning from Light Industrial and P-CH (Park with Conversion Holding) to Heavy Industrial.

I have owned this property for over twenty years. Further, the same tenants have resided at this location for this duration. Not only do I have vested interest in this proposed change but my tenants clearly do as well. The property in question, 170 Welland Street, is directly in front of my property therefore any changes taken would impact my property value, as well as affect my tenants' quality of living. The East Village has had to endure the unsightliness of industry, as well as all the westerly polluted winds flowing directly from industry to households since Port was established. This proposal would no doubt add to these already grim circumstances.

It seems totally illogical to me to go from Park land to industrial land. After all the efforts that were made from previous councils, the East Village takes another step backwards. There is plenty of potential Industrial land. The HW 140 corridor and north end Port Colborne. Further, this would no doubt affect West St residents and business owners. West Street is our post card during Canal Days. Which is on full display for only one weekend out of 52 weeks. Instead, like a Niagara-On-The-Lake, It could be on full display every day, a tourist go to ... a jewel in South Niagara. A proposal such as the one

outlined above would only further the unsightliness of the East side docks directly in front of West Street and add to an already poor quality of life in the East Village.

It is short sighted to think that a proposal like this could benefit anybody but a handful of scrap dealers from outside of Port Colborne. Is it not time for Port Colborne to clean up its waterfront and look towards other forms of economic activity. There are so many better and cleaner options. Ask Elliott Lake!

Thanks for your time.

Sincerely,

Mitch Carriere

[REDACTED]

[REDACTED]



Site Plan Comments  
Read Receipts  
Zoning Check  
170 Welland Street  
M C

to:

cityclerk@portcolborne.ca, planner@portcolborne.ca, angiedesmarais@portcolborne.ca,  
billsteele@portcolborne.ca

05/22/2019 12:26 PM

Hide Details

From: "M C" [REDACTED]

To: "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>, "planner@portcolborne.ca"  
<planner@portcolborne.ca>, "angiedesmarais@portcolborne.ca"  
<angiedesmarais@portcolborne.ca>, "billsteele@portcolborne.ca"  
<billsteele@portcolborne.ca>

May 22, 2019

To: Bill Steele

Mayor

Amber Lapointe,

City Clerk

Evan Acs, Planner

City of Port Colborne

66 Charlotte St.

Port Colborne, ON

**RE: 170 Welland Street, City land on Lake Road and Transport Canada Lands. Proposed Official Plan and Zoning By-law Amendment**

Further to my submission sent to the City of Port Colborne May 13, 2019, I would like to add the following:

I did not have the opportunity to attend the Port Colborne City Hall meeting of May 13/2019 since I was at work, however, I had the pleasure of listening to the meeting on social media. Aside from my opposition to the proposal as outlined in my previous submission, I found it odd to learn that this entire proposal for re-zoning classification appears to have been put forward based on one man's word. Mr. Shalom DWOR said to our Mayor that his property was re-zoned without his consent and that he wasn't notified about the changes therefore, without further due, the property should be converted to its original zoning.

I find it odd that an intelligent business man like Mr. DWOR would not be aware of his properties standing and zoning changes since 2012. Myself and most of the immediate residents on Welland St and the East Village were aware of the propose land changes of 170 Welland St. from Industrial land to Park Land in 2012. We received notification by mail to attend meetings as well as I recall browsing the City of Port Colborne web site to view the outlined changes to Park Land. I personally was ecstatic, of the positive changes.

I will give DWOR the benefit of the doubt. I would be upset if my property would be rezoned without my knowing. Then the argument over this whole proposal changes and the legal question becomes:


Did the City of Port Colborne neglect to notify DWOR properly about his property zoning changes back in 2012. I would hope that a "registered" legal document was sent to DWOR and that there would be a record of this communication reflecting zoning changes. If this is not the case, than the City of Port Colborne is clearly negligent and should rectify this matter. The question is, who is going to pay for this negligence. Assuming its stays Park Land, DWOR's property is no doubt less attractive to any buyers. If the property is re-zoned to Light Industrial, then the residents of Welland Street and the East Village lose; Property Values to the residents would clearly be affected even greater than DWOR's limited gain.

Great efforts were made to convert this land to Park Land. If DWOR was not legally notified than he should be compensated by the City of Port Colborne for damages but not at the cost of Welland St. and East Village Residents.

Sincerely  
Mitch Carriere





**Re: Opposed**   
**Amber LaPointe** to: Bob Szabari  
Cc: Heather Mahon, Evan Acs, Brenda Heidebrecht

05/13/2019 02:22 PM

Hi Bob,

Thank you for your comments.  
They will be circulated to Planning staff, Council and included in the public record.

**Amber LaPointe**  
**Manager of Legislative Services /City Clerk**  
Corporate Services Department, City of Port Colborne  
66 Charlotte Street, Port Colborne, ON L3K 3C8  
905-835-2900 x106 Fax: 905-835-2969  
cityclerk@portcolborne.ca

"Serving You to Create an Even Better Community"

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"Bob Szabari"      Hello my name is Robert Szabari....I moved bac...      2019-05-10 09:43:30 PM

From: "Bob Szabari"   
To: cityclerk@portcolborne.ca  
Date: 2019-05-10 09:43 PM  
Subject: Opposed

Hello my name is Robert Szabari....I moved back to Port Colborne in July/2018 which is my hometown. I am very concerned about the proposed change to Part Lot 27 Concession 1...my wife and I moved here in July 2018....coming home to be with family. This proposed amendment is totally unacceptable...we bought a home on Welland St...131 to be exact and feel that any changes to do with light or heavy industrial is not the right thing for our neighborhood. With us buying a home in the neighborhood at this time I think the environment and self preserving of our neighbors both young and old is at a priority. Councilors and Mayor, please hear us in the neighborhood.....stop this and the loss of value of our property, good water....great air quality.

I brought my wife here.... away from her family in BC to a healthier cleaner life....please keep it that way.

Thank you,  
Robert Szabari  
131 Welland St  
Port Colborne, Ontario  
L3K 1V2

Reply to. this email...thank you

Site Plan Comments  
Read Receipts  
Zoning Check  
Re: Notices of Public Meeting  
Alana Vander Veen  
to:  
Evan Acs  
04/22/2019 08:28 AM  
Cc:  
Brian Kostuk  
Hide Details  
From: Alana Vander Veen/Port\_Notes  
To: Evan Acs/Port\_Notes@Port\_Notes  
Cc: Brian Kostuk/Port\_Notes@Port\_Notes  
Hello Evan

There are no concerns with respect to municipal drains for either property.

Alana

Sent from my iPhone

On Apr 18, 2019, at 5:13 PM, Evan Acs <[planner@portcolborne.ca](mailto:planner@portcolborne.ca)> wrote:

Greetings,

Please find attached the corrected notice for D09-01-19 & D14-03-19.

Regards,

Evan Acs, MA, MSc  
Planner  
Planning & Development Department

City of Port Colborne  
66 Charlotte Street  
Port Colborne ON L3K 3C8  
Office: 905-835-2900 ext 202  
Fax: 905-835-2939

***Working smoke and carbon monoxide alarms save lives.***

*(See attached file: D09-01-19 & D14-03-19 Notice of Public Meeting.pdf)*

Evan Acs---04/18/2019 04:05:13 PM---Greetings, Attached are two notices of public meeting. The first is for a zoning by-law amendment f

From: Evan Acs/Port\_Notes  
To: Brian Kostuk/Port\_Notes@Port\_Notes, Steve Shypowskyj/Port\_Notes@Port\_Notes, Alana Vander Veen/Port\_Notes@Port\_Notes, Sherry Hanson/Port\_Notes@Port\_Notes, Todd Rogers/Port\_Notes@Port\_Notes, Charles Turpin/Port\_Notes@Port\_Notes, Julian Douglas-Kameka/Port\_Notes@Port\_Notes  
Cc: "Alderman, Aimee" <[Aimee.Alderman@niagararegion.ca](mailto:Aimee.Alderman@niagararegion.ca)>, [clampman@npca.ca](mailto:clampman@npca.ca), [MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com).  
Date: 04/18/2019 04:05 PM  
Subject: Notices of Public Meeting

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**VIA EMAIL ONLY**

May 17, 2019

Files: D.10.07.OPA-19-013  
D.18.07.ZA-19-049

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

Dear Mr. Acs:

**Re: Regional and Provincial Review Comments  
City-Initiated Official Plan and Zoning By-law Amendments  
City File Nos.: D09-01-19 & D14-03-19  
170 Welland Street  
City of Port Colborne**

---

Regional Planning and Development Services staff has reviewed the information circulated for the above-noted Official Plan and Zoning By-law Amendment applications, which propose the following:

- To amend the Official Plan (East Waterfront Secondary Plan) designation for these properties from Parks and Open Space to Industrial Area; and
- To change the existing zoning on 170 Welland Street from Park with Conversion Holding (P-CH) to Light Industrial.

The proposed amendments are City-initiated, and were not discussed or considered through a Pre-Consultation Meeting. Based on correspondence with City staff, Regional staff understands that the subject lands have continued to be used for industrial purposes although the lands were intended for park/open space uses since being redesignated through the adoption of the East Waterfront Secondary Plan (March 12, 2012) and rezoned through the City's Comprehensive Zoning By-law 6575/30/18 (May 2018). The proposed Official Plan and Zoning By-law Amendments were not accompanied by justification to support the change in land use; it is noted that, at the January 28, 2019 City Council meeting, Council provided direction to City Planning and Development staff to initiate the change in land use on the subject properties. The following Provincial and Regional comments are provided to assist the City in considering the applications.



## Background

### East Waterfront Secondary Plan

The City's Waterfront Revitalization Strategy, initiated in 2003, informed the East Waterfront Projects (East Waterfront Secondary Plan and East Waterfront Community Improvement Plan). The Strategy confirmed that there was imperative need and significant opportunities for revitalization on the east side of the Welland Canal. The subject lands are within the City's East Waterfront Secondary Plan, which incorporates green streets and open spaces to create the setting for neighbourhood renewal, intent to significantly revitalize the east side of the canal, infill development and a variety of lakefront experiences. The intent of the Secondary Plan, among other things, is to reduce the environmental and visual impact of industrial uses; create new open spaces and recreational opportunities; and to protect and enhance the significant natural features of the lakefront. The creation of the East Waterfront Secondary Plan was accompanied by the East Waterfront Community Improvement Plan (CIP).

At the time of the Region's review (dated February 24, 2012) of the Secondary Plan and CIP for this area, the following comments were provided that are relevant to the proposed Amendments:

- The East Waterfront revitalization includes a major focus on enhancing the pedestrian and cycling environment and the provision of a variety of public parks/open spaces and facilities that will provide a range of recreational opportunities to the neighbourhood and broader community, including enhancing opportunities for public access to the shoreline. These improvements are consistent with Provincial and Regional policies and, as such, the Region is supportive of the City's efforts in this regard.
- The redesignation of vacant industrial lands close to the existing residential neighbourhood for open space and residential development is appropriate as this will eliminate the potential for further land use conflicts from additional future industrial development/activities.

Further to the above, to support the land conversion from industrial to parks and open space, Urban Strategies undertook a comprehensive review of the vacant and industrial lands, and concluded that the conversion of the lands was appropriate. Specifically, the Secondary Plan states (on page 23; Section 3.4) that: "there was a need for the conversion; allocated employment forecasts for the municipality will be met; the conversion will not adversely affect the overall viability of the employment area; there is existing infrastructure to accommodate the conversion; and the lands are not required over the long term for the employment purposes for which they were designated."

The Secondary Plan and CIP also recognize that the subject lands have confirmed site contamination as a result of the Inco refinery operation and previous/existing industrial uses. In order for the subject lands to be utilized for parks and open space uses,

considerable assessments and remediation will be required. The Secondary Plan stated that it was the City's intent to acquire the subject lands for parks and open space; Regional staff note that the subject lands are not owned by the City. Staff also recognize that it may not be financially feasible for the City to acquire and remediate the subject lands to permit the parks and open space use, as intended by the Secondary Plan.

### **Provincial and Regional Policies**

The subject lands are within a Settlement Area under the Provincial Policy Statement (PPS), and within the Delineated Built-up Area under the Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS directs growth to settlement areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan encourages intensification in Delineated Built-up Areas, and prioritizes planning and investment in infrastructure that will support intensification and the achievement of complete communities.

The property is located within the Urban Area Boundaries for the City of Port Colborne and are designated as within the Built-up Area according to the Regional Official Plan (ROP). These areas are to be planned as compact, complete communities, which support intensification and accommodate a range of land uses including residential, commercial, institutional, employment and other land uses; all development within urban areas should be accommodated on full municipal services.

The subject property is within Intake Protection Zone (IPZ) 2; these lands are areas that surrounding a municipal surface water intake, and where it is desirable to regulate or monitor drinking water threats. Regional staff note that future uses on the subject property will be carefully considered alongside ROP IPZ policies through a Site Plan process.

### **Proposed Official Plan Amendment**

The Official Plan designation on the subject property is proposed to be changed from Parks and Open Space to Industrial Area. The subject property is within the Gateway Economic Centre as per the ROP. The ROP policies regarding the intent and vision of the Gateway Economic Centres across the Region support the general development of employment uses. Further, ROP policies regarding the Welland Canal note that employment land development adjacent to the Welland Canal within designated areas is the priority for capitalizing on the goods movement function of the Canal. To that end, an Industrial designation on the lands is supported by the ROP.

ROP Policy 9.H.4.1 speaks to the Region's role as a formal liaison with the St. Lawrence Seaway Authority and other Federal and Provincial agencies, to identify mutual interests and act on behalf of the local municipalities. Through this role, Regional Economic Development staff offers the following background:

In a recent interim report by the House of Commons standing committee on Transport, Infrastructure and Communities identified the Niagara-Hamilton area for potential economic growth as part of an expanded National Trade Corridor. One of the key findings was the regular congestion on the Queen Elizabeth highway meaning that an alternative must be found for transporting freight. One of the recommendations was to encourage use of the St. Lawrence Seaway for transporting freight. If the Federal Government cooperates with stakeholders such as the St. Lawrence Seaway Management Corporation and the Hamilton Port Authority this could result directly in new investment with Niagara.

There is currently a significant demand for multimodal service industrial lands. For example, the Hamilton Port Authority currently has a list of 60 businesses waiting for property in the area. There is a possibility that many of these companies would locate in Niagara along the Welland Canal if the land was available. Therefore there is an opportunity for lands in Niagara Region to meet that demand, support increased seaway traffic, trade, and grow the local economy.

Conversely, the ROP also encourages and promotes the shared use of parks and public open space along the Welland Canal Cultural Heritage Landscape. The current designation of the property aligns with the intent of the Creative Niagara policies (Chapter 10 of the ROP). To that end, a decision to develop the land as parks and open space would also be consistent with the ROP. However, it is understood that the City is not the owner of the lands and does not intend to purchase the lands for parks purposes at this time.

#### Land Use Compatibility

The City's Official Plan states that the predominant use for lands designated industrial shall include, but not be limited to, manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; and commercial activities. All development within the Industrial Area is subject to the provisions of Site Plan Control, and all new industrial development is required to demonstrate compliance with the Ministry of Environment, Conservation and Parks D-6 Guidelines (Compatibility between Industrial Facilities). Regional staff recommend that the D-6 Guidelines, and the associated recommended minimum separation distances and potential influence areas, be considered when determining appropriate uses on the subject property. An analysis of the proposed permitted uses on the subject property in comparison to the D-6 Guidelines can be found below, in the Proposed Zoning By-law Amendment section.

#### Proposed Zoning By-law Amendment

The Zoning on the subject property is proposed to be changed from Park with Conversion Holding (P-CH) to Light Industrial. Based on a review of the City's Zoning

By-law, permitted uses within the Light Industrial zone include a car wash, contractor's yard, education facility, industry (light), medical marihuana production facility, motor vehicle repair garage, public uses, and transportation depot. Regional staff has some concerns with the industrial uses proposed and the proximity of the lands to existing residential uses.

Based on the permissions in the Zoning By-law for the Light Industrial zone, it appears that the uses include Class I and II Industrial Facilities, which are subjected to the Ministry of Environment, Conservation and Parks D-6 Guidelines (Compatibility between Industrial Facilities). The D-6 Guidelines provide for Potential Influence Area and Recommended Minimum Separation Distances from industrial uses to more sensitive uses, as noted below:

<b>Industrial Facility Class</b>	<b>Recommended Minimum Separation Distance</b>	<b>Potential Influence Area</b>
Class I	20 metres	70 metres
Class II	70 metres	300 metres
Class III	300 metres	1,000 metres

The recommended minimum separation distances do not permit for incompatible development within the outlined parameters (except for redevelopment, infill and mixed use), even if additional mitigation to address adverse effects are implemented; the potential influence areas are those in which adverse effects may be experienced. Regional Staff have concern with permitting all of the uses within the Light Industrial Zone (in line with Class I and II Industrial Facilities) with respect to land use compatibility and alignment with the D-6 Guidelines, as previously mentioned. As such, Regional staff recommend that City Staff conduct a review of the permitted uses of the Light Industrial Zone and only permit those which are in line with Class I Industrial Facilities, to address land use compatibility concerns with surrounding existing residential uses.

### **Servicing**

Staff note that, as part of any future planning applications to facilitate new development on these lands, the Region will require that Functional Servicing Reports be completed and submitted for review and approval in order to address any impacts the future developments may have on the existing sewer infrastructure and Regional Sewage Pumping Stations.

### **Conclusion**

The above comments have been provided by Regional Planning and Development Services staff to assist the City in considering the Official Plan and Zoning By-law Amendment Applications. As previously mentioned, staff has concerns with some of the proposed permitted uses in the Industrial Zone, with respect to compatibility with

May 17, 2019

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surrounding existing residential uses. It is recommended that the City review the list of permitted uses against the Ministry of Environment, Conservation and Parks D-6 Guidelines, and provide rationale to support the proposed uses. A refinement to the list of permitted uses on the subject lands will ensure that there are no negative impacts on the surrounding residential uses. Please send a copy of the draft Zoning By-law along with supporting rationale to the Region for review prior to approval.

The comments provided are subject to the satisfaction of any local requirements. Regional staff request circulation of any future Site Plan applications for the subject properties.

In accordance with the current Memorandum of Understanding, the Official Plan Amendment is exempt from Regional Council approval.

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352, or Aaron Butler, MCIP, RPP, Senior Development Planner, at extension 3264.

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

Sincerely,



Aimee Alderman  
Development Planner

cc: Mr. R. Alguire, Development Approvals Technician, Niagara Region  
Mr. K. Scholtens, Manager, Business Development & Expedited Services, Niagara Region



Site Plan Comments  
Zoning Check  
Read Receipts  
170 Welland Street  
Cara Lampman

to:

Evan Acs

05/31/2019 10:33 AM

Hide Details

From: "Cara Lampman" <clampman@npca.ca>

To: "Evan Acs" <evanacs@portcolborne.ca>

History: This message has been replied to.

Good morning Evan,

As discussed, 170 Welland Street is not impacted by any NPCA Regulated Features and as such the NPCA has no concerns with the proposed change.

The NPCA does regulate the lands to the south and any future application considering those lands should be circulated to the NPCA for review and approval.

**Cara Lampman**

**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

Tel: 905-788-3135 | extension 272

[clampman@npca.ca](mailto:clampman@npca.ca)

[www.npca.ca](http://www.npca.ca)

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**City of Port Colborne  
Special Council Meeting 13-19  
Minutes**

- Date:** May 13, 2019
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor  
G. Bruno, Councillor  
R. Bodner, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor
- Staff Present:** E. Acs, Planner  
D. Aquilina, Director of Planning & Development  
T. Cartwright, Fire Chief  
A. Grigg, Director of Community and Economic Development  
A. LaPointe, Manager of Legislative Services/City Clerk  
C. Lee, Director of Engineering & Operations  
S. Luey, Chief Administrative Officer  
H. Mahon, Planning Technician/Clerk (minutes)  
C. McIntosh, Deputy Clerk  
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and WeeStream.

**1. Call to Order:**

Mayor Steele called the meeting to order.

**2. National Anthem:**

Those in attendance stood for O Canada.

**3. Confirmation of Agenda:**

**No.** Moved by Councillor H Wells  
Seconded by Councillor G Bruno

That the agenda dated May 13, 2019 be confirmed, as circulated or as amended.  
CARRIED.

**4. Disclosures of Interest:**

Nil.

**5. Public Hearing Under the Planning Act:**

Official Plan Amendment and Application for Zoning By-law Amendment

Planning and Development Department, Planning Division, Report No. 2019-64, Public Meeting Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street, City Lands on Lake Road and Transport Canada Lands on the East Side of the Welland Canal

(i) Purpose of Meeting:

Evan Acs advised that the purpose of this meeting, pursuant to Sections 22 and 34 of the Planning Act, is to consider an application initiated by the City of Port Colborne for the properties known as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known at 170 Welland Street, s/s Lake Road and all lands under federal government ownership on the east side of the Welland Canal.

The application for Official Plan Amendment proposes to change the designation of these lands in the East Waterfront Secondary Plan from “Parks and Open Space” to “Industrial Areas”.

The application for Zoning By-law Amendment proposes to change the zoning at 170 Welland Street from “P-CH” (Public and Park with Conversion Holding) to “Light Industrial”. The zoning for Transport Canada lands will change from “P-CH” to “Heavy Industrial”. The zoning for the City-owned land on Lake Road will change from “Light Industrial” to “Heavy Industrial”.

(ii) METHOD OF NOTICE

Notice of the Public Meeting was administered in accordance with Sections 22 and Sections 34 of the Planning Act, as amended, and Section 3 of Ontario Regulation 543/06 and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on April 23rd, 2019. Public notice signs were posted on the properties on April 23rd, 2019. A public notice was also posted



on the City's website on April 23rd, 2019. A public notice appeared in The Port Colborne Leader on April 25th, 2019.

Staff hosted a public open house on April 29th 2019. The open house was attended by a number of residents and property owners from the East Village.

(iii) EXPLANATION OF PROCEDURE TO BE FOLLOWED

Mr Acs advised that the procedure to be followed this evening will be to present DEPARTMENT OF PLANNING & DEVELOPMENT REPORT 2019-64, to receive questions of clarification from Council to Planning Staff, to open the meeting to the public for comments and questions, to announce the requirements under the Planning Act for written notice of passage of the proposed zoning by-law amendment, and to provide a brief explanation of future meetings regarding the application.

(iv) PRESENTATION OF APPLICATION FOR ZONING BY-LAW AMENDMENT

At this time, Mr. Acs presented Planning and Development Public Hearing Report 2019-64 accompanied by a Power Point presentation.

The subject properties are located on the west side of Welland Street and the south side of Lake Road. The properties are currently vacant, except for an industrial facility at 170 Welland Street. The properties are located in the "East Village" neighbourhood of Port Colborne and are predominately surrounded by residential uses, with some commercial uses on the east side of Welland Street and the north side of Lake Road. To the west of the subject properties is the Welland Canal with industrial uses along its edge.

The City of Port Colborne's Official Plan designates the properties Parks and Open Space. Land uses in the Parks and Open Space designation include public landscaped open space, playgrounds and sports fields not administered by a school board; cultural and recreational facilities such as arenas; museums, halls, swimming pools, docks and publicly operated golf courses; linear parks and public open spaces such as multi-use trails and pathways and on-road bicycle routes.

The application for Official Plan Amendment proposes to change the Official Plan designation to Industrial Areas. Land uses in the Industrial Areas designation include manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; offices as an accessory or secondary use; commercial activities that provide amenities to employees during the workday, as an accessory use, medical marijuana production facilities; industrial activities related and proximate to the canal and harbour such as ship dockage and repair; and accessory uses such as parking garages.

Most of the subject properties are zoned P-CH (Public and Park with Conversion Holding). The Public and Park zone permits Cemetery; Community Garden; Conservation Use; Cultural Facility; Food Vehicle; Park; Public Use; Recreation Use; and Uses, structures and buildings accessory thereto. The Conversion Holding symbols requires a Record of Site Condition to be filed with the Ontario Ministry of the Environment before Public and Park zone uses can be established on the property.

The City-owned land on Lake Street is zoned Light Industrial. The Light Industrial zone permits Adult Oriented Entertainment Establishment; Car wash; Contractor's Yard; Crematorium; Education Facility; Industry, Light; Medical Marihuana Production Facility; Motor Vehicle Repair Garage; Public Use; Research Facility; Transportation Depot; and Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades.

The zoning for property at 170 Welland Street is proposed to change to Light Industrial. The zoning of the other properties subject to this application are proposed to change to Heavy Industrial. The Heavy Industrial zone permits Adult Entertainment Establishment; Bulk Fuel Depot; Car Wash; Contractor's Yard; Crematorium; Education Facility; Heavy Equipment Sales and Service; Industry, Heavy; Industry, Light; Medical Marihuana Production Facility; Motor Vehicle Repair Garage; Public Uses; Research Facility; Transportation Depot; and Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades.

Mr. Acs advised that at its January 28th, 2019 meeting Council provided the following direction to staff: "That Planning and Development staff be directed to bring forward applications under the Planning Act to propose changes in land use for certain properties within the East Waterfront Secondary Plan Area that are federally and privately owned from Parks and Open Space to Industrial/Employment purposes."

The application for Official Plan Amendment proposes to change the designation of these lands in the East Waterfront Secondary Plan from "Parks and Open Space" to "Industrial Areas".

The application for Zoning By-law Amendment proposes to change at the zoning at 170 Welland Street from "P-CH" (Public and Park with Conversion Holding) to "Light Industrial". The zoning for Transport Canada lands will change from "P-CH" to "Heavy Industrial". The zoning for the City-owned land on Lake Road will change from "Light Industrial" to "Heavy Industrial".

Mr. Acs advised that comments in full have been circulated to Mayor, Councillors and Clerk and provided a summary of submitted written comments:

Larry Rosnuk, 62 Fraser Street

- Application should be delayed for additional input.
- Would like to see heavy industrial changed to light industrial with bird sanctuary at the southern end of the “slag spit” protected with public access along Lake Erie shoreline.

Debbie Gravelle, 177 Welland Street

- Lives directly across from 170 Welland Street.
- Concerned about drop in property value resulting from re-zoning.
- Concerned about potential businesses using 170 Welland Street and impact on her property.

Tina Whitwell, 83 Welland Street

- Concerned about decline in property values and ability to sell property if applications approved.
- Concern about noise, traffic and pollution from sites diminishing enjoyment of property.

Loretta Vanderhoeck, 117 Fares Street

- Uses on property unsightly - view from west street is not slightly for tourists.
- Concerns about dust and health issues with wind blowing material stored on site into East Village.
- Concern about ability to sell home if applications approved.

Glenn Hamilton, 217 Welland Street

- Concerns about pollution, noise, odour, traffic and other impacts on residents

Michael Tenzsen, 2-576 Fielden Avenue

- Great opportunity for the City to create a large lake and canal-side park with bird sanctuary at this property.
- Opposed to establishment of heavy industrial park on this site due to concerns of impact on natural environment.
- There are other options for locating an industrial park in Port Colborne.

David Henderson, no address given

- Concerns about intake source for municipal water system and impact industry may have.
- Notes that the intake protection zone is the most vulnerable in Niagara.

Tracy Pybus, 187 Oakwood Street

- Opposed to change to industrial uses. Would like to see more greenspace.

Tina Gifford, no address given

- Legacy of industrial contamination in Port Colborne
- Would prefer to see greenspace, residential and parks.

Linda and Harry Talving, no address

- Would like to see protection for bird habitats at the southern end of the “slag spit” as it is an important nesting area for gulls.
- Would prefer to see remaining land rezoned to light industrial.

Ines Mundt, 35 Canal Bank Road

- Moved to Port Colborne for environment and lifestyle.

- See great potential for tourism. Wondering why city is taking step back converting park land to industrial land.
- Concerns about pollution and contamination.  
H Stengel, 192 Fares Street
- Opposed to rezoning.
- Neighbourhood is impacted by other industries in area. Does not want to see expansion.
- Concerned about bird nesting area.  
Leo Talving, no address given
- Prefer to see light industrial instead of heavy industrial.
- Southern portion of slag spit is important bird area that would be protected.  
Barbie Horton, no address given
- Opposed to application.
- Concern about water contamination, air quality, dust and noise.  
Rene Sinko, 196 Fares Street,
- Opposed to application. Would prefer to see something that will improve the east side.  
Catharine Parry, no address given
- Prefers original vision stated in East Waterfront Community Improvement Plan. Feels proposed application will take city in opposite direction.
- Opposed to application.  
Mitch Carriere, 173 Welland Street
- Has owned property across the street for over twenty years. Pollution, noise and dust from existing industries is an on-going problem. Adding more industrial uses will make problem worse.
- Concern about impact on property value.
- Concern about impact on West Street, Canal Days and tourism.
- Application will negatively impact quality of life in East Village.
- Opposed to application.  
Rober Szabari, 131 Welland Street
- Opposed to application.
- Lives across street and will be directly impacted.
- Light and heavy industrial is not correct fit for neighbourhood.
- Priority should be environment and residents.
- Concern about property value, water and air quality.

#### City and Agency Comments

##### Drainage Superintendent

- No Concern.

##### Regional Municipality of Niagara

- Requested extension for submitting comments.

#### (v) QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT

At this time, Mr. Acs asked if there are any questions of clarification by Council.

Councillor Bruno asked for clarification of zoning for Allied Marine. Mr. Acs identified the Allied Marine property as being Light Industrial as well as the City owned property to the south east of Allied Marine. The rationale for rezoning lands fronting Welland Street from P-CH to Light and Heavy Industrial was also discussed. Mr. Acs noted that exemptions could be made to prohibit uses such as Medical Marihuana facilities.

Councillor Desmarais noted that she has received a substantial number of emails and personal phone calls regarding the proposed re-zoning. She questioned whether the Dwor property could be discussed separately from the remaining parcels. Mr. Acs advised that this could be done under the direction of Council. Councillor Desmarais also requested that the medical marihuana and adult entertainment uses be removed from the permitted uses.

Councillor Wells questioned Mr. Acs on the Provincial Policy statement regarding having Heavy and Light Industrial uses permitted within a certain distance from sensitive land uses. Discussion commenced and Mr. Acs noted that as no specific type of industry has been proposed yet it is difficult to ascertain. Preference would be for Site Plan control. Councillor Wells asked that the Ministry's guidelines be considered when finalizing the zoning. Councillor Bodner asked that they be provided a schedule which visually identifies the distance between the sensitive land uses and industrial uses. Mr. Acs concurred that this could be done.

Councillor Kalailieff questioned why the lands which had been originally designated as industrial were rezoned to Park and are now being changed back to Industrial. Mr. Acs advised that the direction to rezone had been received from Council. Councillor Bagu questioned whether the City was acting as an agent for Transport Canada. Mr. Acs responded that the Federal level does not have regard for the zoning bylaw at the municipal level.

Before opening the meeting to the public Mr. Acs read the following cautionary statements:

"If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body is not entitled to appeal the decision of the City of Port Colborne Council to Local Planning Appeal Tribunal. " and;

"If a person or public body does not make oral submissions at a public meeting, or make written submission to the City of Port Colborne before a decision on the proposed Zoning By-law Amendments is passed by Council, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable

grounds to do so.”

Mr. Acs advised that for any interested members of the public there is a sign-in sheet located at the back of the room, to request future notices regarding this application.

(vi) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC

At this time Mr. Acs invited any members of the public who wish to speak to the applications to do so.

Larry Rosnuk of 62 Fraser Street addressed Council. Mr. Rosnuk advised that he had submitted a report to Council on the proposed rezoning. He would prefer to see Heavy Industrial changed to Light Industrial. He noted that the Hazard lands along the shoreline cannot be developed anyway and would like to see it left alone and protected as a bird sanctuary. He noted that it is currently the 2<sup>nd</sup> largest nesting ground for sea gulls in Ontario. He is in favour of having the lands rezoned for Light Industrial use and noted that operations like Allied Marine are a clean Industrial use. He also asked that the decision be delayed until further input could be provided and would like to hear the comments from the NPCA.

Janet Henderson of 2199 Babion Road addressed Council. She questioned who was responsible for the rezoning proposal. Mayor Steele responded that he was responsible. He explained that the owner of Dwor Metals had requested that it be changed back to Light Industrial. Until recently the property has always been Light Industrial and in reality it can never be used for Parkland. Transport Canada will continue to keep it for marine use only.

Janet Henderson questioned whether Council is aware of the water intake risks by making it Industrial. There was some discussion about comments to be received from the NPCA. Mr. Acs advised that the NPCA is a commenting agency not an approval authority. Ms. Henderson wanted it to be noted on record that there could be possible contamination to the water supply if Heavy Industrial were to be located next to the water intake.

Lori Vanderende of 5489 Sherkston Road addressed Council. Ms. Vanderende recalled locations such as Chippawa, N-O-T-L, and Port Weller who have gone through revitalization and now benefit from having cleaned up their waterways and developing their tourism industry. She is a water advocate and warned about the Walkerton experience. She noted how Cleveland now has a beautiful conservation area. She questioned why it is only Port Colborne that has an Industrial problem. She is opposed to rezoning the land to industrial and is in favour of tourism and conservation efforts.

Keith Barre of 201 Mitchell Street addressed Council and advised that he was just there as an observer.

Art Stead of 5 Maple Street addressed Council. Mr. Stead was Director of Parks and Recreation for 26 years. He is opposed to changing the property back to any kind of Industrial use and would like to keep it as Parks and Open Space. He believes there is always room for improvement and also has concerns about the drinking water and its proximity to the water intake. He is concerned about the dust problem which has existed since 1969. He asked that Council postpone their decision and would like to see proper testing on the drinking water.

Councillor Desmarais asked that the following motion be brought forward at this time.

No.                    Moved by Councillor A. Desmarais  
                              Seconded by Councillor G. Bruno

That the application to rezone the property located at 170 Welland Street be separated from the Transport Canada lands and City-owned lands on Lake Road, and;

That the application to rezone the Transport Canada lands and City-owned lands on Lake Road be postponed for 3 to 4 months so that further public and agency comments can be received, and;

That the uses of a Medical Marihuana Production Facility and Adult Oriented Entertainment Establishment in the Industrial zones be removed from this application.

Glen Hamilton of 217 Welland Street addressed Council. Mr. Hamilton is opposed to rezoning the Dwor property to Light Industrial. Scott Luey provided some background information on the Dwor property and explained that a decision will not be made this evening. Mr. Hamilton acknowledged Mr. Dwor's situation but still did not want the land rezoned as Industrial. He wants to keep it as Parkland and have it as a buffer between the canal and residential lands. He would like to have the area known as the Nickel Beach community.

Councillor Bruno and Mr. Acs then had a brief discussion on the extent of the Transport Canada lands and Mr. Dwor's property.

(vii) ANNOUNCEMENT RESPECTING WRITTEN NOTICE OF  
PASSAGE OF THE ZONING BY-LAW AMENDMENT

Mr. Acs then advised that if anyone wishes "to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice."

(viii) EXPLANATION OF FUTURE MEETINGS

Mr. Acs advised that this concludes the PUBLIC HEARING UNDER THE PLANNING ACT. The proposed Zoning By-law Amendment will be placed on Council's agenda at a future meeting.

No. Moved by Councillor A. Desmarais  
Seconded by Councillor M. Bagu

**6. Public Hearing Under the Planning Act:**

Application for Zoning By-law Amendment

Planning and Development Department, Planning Division, Report No. 2019-66 Subject: Public Meeting Report for Zoning By-law Amendment, D14-02-19, 45-53 West Side Road

(i) Purpose of Meeting:

Mr. Acs advised that the purpose of this meeting, pursuant to Sections 34 of the Planning Act, is to consider an application initiated by agent John Redekop for owner Terry St Amand for the property legally known as Block A on Plan 69/NP828, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 45-53 West Side Road.

The application for Zoning By-law Amendment proposes to change the zoning from Commercial Plaza to CP-50, a special provision adding a motor vehicle gas station and a car wash as permitted uses to the property.

(ii) METHOD OF NOTICE

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

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on April 18th, 2019. Public notice signs were posted on the properties by April 23rd, 2019. A public notice was also posted on the City's website on April 18th, 2019.

Staff hosted a public open house on April 30th 2019. No members of the public



attended the meeting.

(iii) EXPLANATION OF PROCEDURE TO BE FOLLOWED

Mr. Acs advised that the procedure to be followed this evening will be to present DEPARTMENT OF PLANNING & DEVELOPMENT REPORT 2019-66, hear any comments from the applicant, receive questions of clarification from Council to the applicant or Planning Staff, open the meeting to the public for comments and questions, announce the requirements under the Planning Act for written notice of passage of the proposed zoning by-law amendment, and to provide a brief explanation of future meetings regarding the application.

(iv) PRESENTATION OF APPLICATION FOR ZONING BY-LAW AMENDMENT

At this time, Mr. Acs presented Planning and Development Public Hearing Report 2019-66.

The subject property is located at the south-west corner of West Side Road and Main Street West and is presently occupied by a commercial plaza. Surrounding landuses include commercial, across Main Street West, institutional and park, across West Side Road, and park and residential to the south and southwest.

The City of Port Colborne's Official Plan designates the property as Commercial Plaza. Land uses in the Commercial Plaza designation include retail stores; offices; restaurants; service businesses; movie theatres; and places of amusement or recreation.

The subject property is zoned Commercial Plaza. The Commercial Plaza zone permits Animal Care Establishment; Day Care; Drive-Thru Facility; Existing Motor Vehicle Gas Station; Existing Motor Vehicle Repair Garage; Medical Clinic; Office; Personal Service Business; Place of Worship; Public Use; Recreation Facility; Restaurant, Fast Food; Restaurant, Full-Service; Restaurant, Take-Out; Retail Store; Service Commercial; Studio; Veterinary Clinic; and Uses, structures and buildings accessory thereto.

The applicant is seeking to add a motor vehicle gas station and car wash to the permitted uses on the property. The zone only allows existing motor vehicle gas stations, meaning establishing a new existing motor vehicle gas station requires a zoning by-law amendment.

The application for Zoning By-law Amendment proposes to change the zoning from Commercial Plaza to CP-50, a special provision adding a motor vehicle gas station and a car wash as permitted uses to the property. Special provisions are also being sought to reduce the corner side yard setback, parking requirements and minimum

landscape area. These changes are being sought to build a motor vehicle gas station, car wash and two new commercial structures on this property.

The applicant would like to add a motor vehicle gas station, car wash and additional commercial units to the property, which requires the zoning change to add uses, reduce setbacks and parking requirements.

Mr. Acs then provided a summary of the submitted written comments:

Ritesh Malik, 599 Main Street West

- Concerns about lower growth rate in Port Colborne and ability to absorb new commercial uses.
- Concerns about potential competition from new gas station across the street from a gas station currently being built. Expensive construction costs have reduced profitability.
- Competing businesses in close proximity will make further commercial developments at 599 Main Street West difficult.
- Strongly opposed to zoning by-law amendment.

City and Agency Comments

Drainage Superintendent

- No Concern.

Regional Municipality of Niagara

- Not opposed.

(v) COMMENTS OF APPLICANT

At this time, Mr. Acs invited the applicant to comment.

Michael Allen of ACK Architects addressed Council. Mr. Allen provided some background information pertaining to the development. The site is currently underutilized and this development will improve and provide additional commercial services to the site. The side yard setback is not extensive and the addition of landscape coverage will improve the look of the property. Port Colborne's current parking requirements are more restrictive than St. Catharines and Niagara Falls. Instead of a large asphalt parking lot the added business and landscaping will be an improvement.

(vi) QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT

At this time, Mr. Acs asked if there any questions of clarification for myself.

As there was no further discussion Mr. Acs then read the following cautionary

statements into the record:

“If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body is not entitled to appeal the decision of the City of Port Colborne Council to Local Planning Appeal Tribunal.” And;

“If a person or public body does not make oral submissions at a public meeting, or make written submission to the City of Port Colborne before a decision on the proposed Zoning By-law Amendments is passed by Council, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.”

Mr. Acs also advised that for any interested members of the public there is a sign-in sheet located at the back of the room to request future notices regarding this application.

(vii) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC

Nil.

(viii) ANNOUNCEMENT RESPECTING WRITTEN NOTICE OF  
PASSAGE OF THE ZONING BY-LAW AMENDMENT

Mr. Acs then advised if anyone wishes “to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.”

(ix) EXPLANATION OF FUTURE MEETINGS

Mr. Acs advised that this concludes the PUBLIC HEARING UNDER THE PLANNING ACT. The proposed Zoning By-law Amendment will be placed on Council’s agenda at a future meeting.

7. Adjournment

**No.** Moved by Councillor H. Wells  
Seconded by Councillor G. Bruno

That the Council meeting be adjourned at approximately 8:10 p.m.  
CARRIED.

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William C. Steele  
Mayor

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Amber LaPointe  
City Clerk

Minutes prepared by the Department of Planning and Development.

/hm

The Corporation of the City of Port Colborne

By-law no. 6697/61/19

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 170 Welland Street.

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

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

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

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A6" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from P-CH to LI-51.
3. That Section 37 entitled SPECIAL EXCEPTIONS AND PROVISIONS of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

LI-51

Notwithstanding the provisions of the Light Industrial zone, the following uses are prohibited: Medical Marihuana Production Facility; Adult Oriented Entertainment Establishment; and Stormwater Management Facility. Outside storage is subjected to the following condition: A 2.6m privacy fence is built to shield view of outside storage from Welland Street.

4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

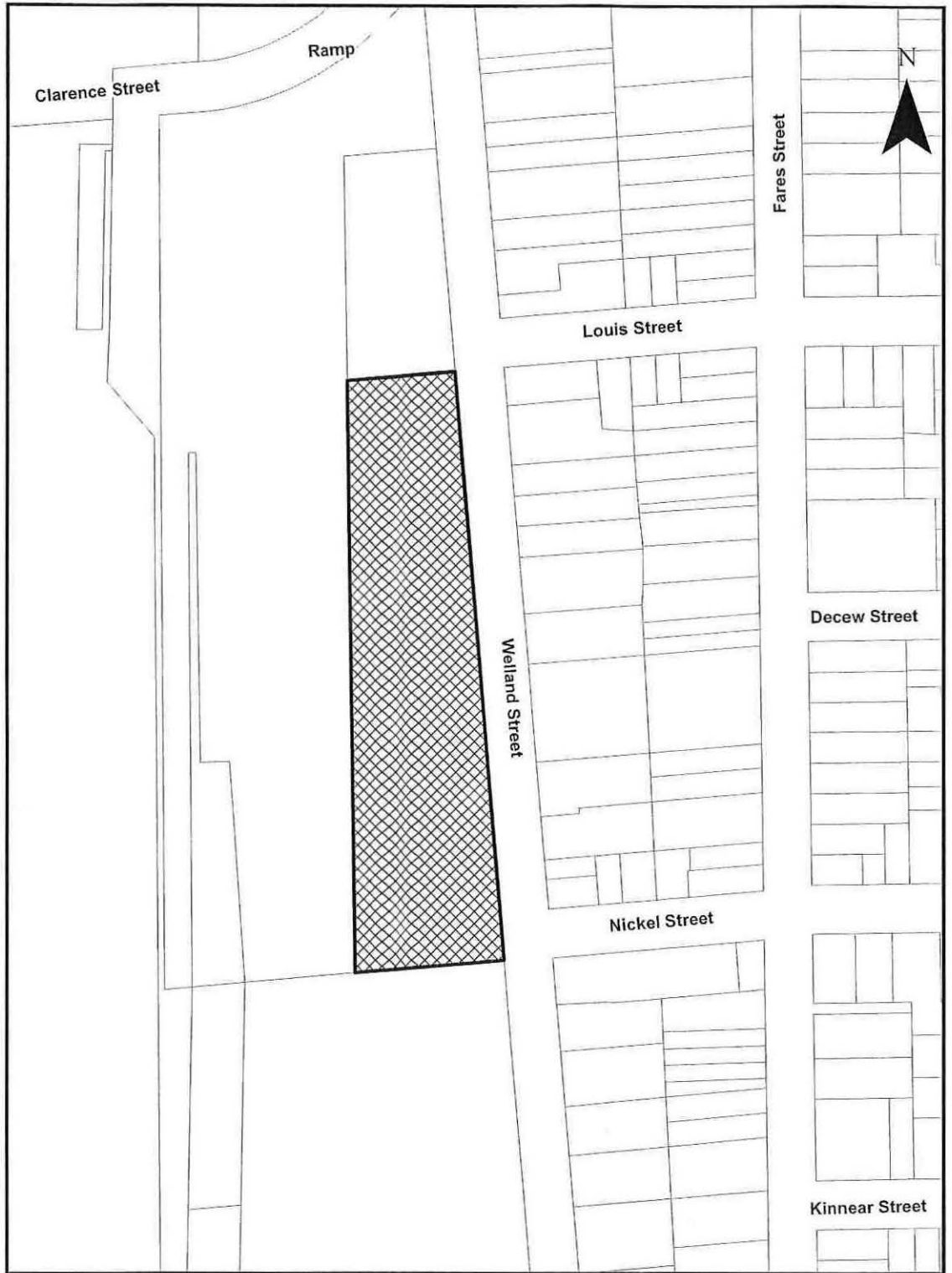
Enacted and passed this 10th day of June, 2019.

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William C. Steele  
Mayor

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Carrie McIntosh  
Deputy Clerk



THIS IS SCHEDULE "A" TO BY-LAW NO 6697/61/19


PASSED THE 24TH DAY OF JUNE, 2019

\_\_\_\_\_

MAYOR

\_\_\_\_\_

CLERK

 Lands to be rezoned from P-CH to LI-51

MAY 2019

FILE: D14-03-19

DRAWN BY: CITY OF PORT COLBORNE  
PLANNING DIVISION

NOT TO SCALE

**510**

The Corporation of the City of Port Colborne

By-law no. 6698/62/19

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Block A on Plan 69/NP828, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 45-53 West Side Road.

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

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

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

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A7" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Commercial Plaza to CP-50.
3. That Section 37 entitled SPECIAL EXCEPTIONS AND PROVISIONS of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

CP-52

In addition to the uses permitted in the Commercial Plaza zone, this land may also be used for a motor vehicle gas station and car wash, and the following regulations shall apply:

- |                                     |      |
|-------------------------------------|------|
| a) Minimum Eastern Corner Side Yard | 8.3m |
| b) Minimum Landscaped Area          | 8.6% |
| c) Minimum Required Parking Spaces  | 307  |

4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

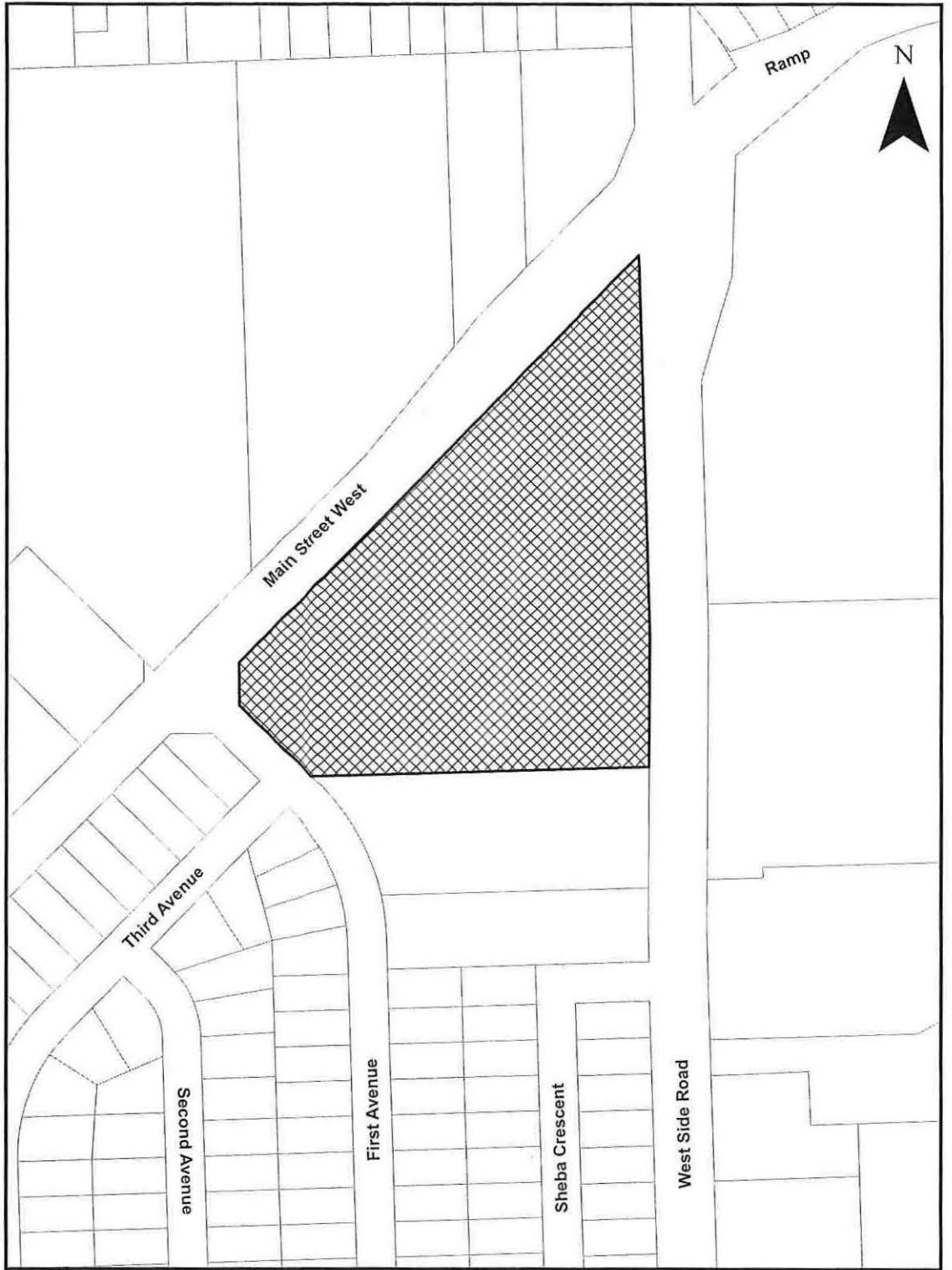
Enacted and passed this 24th day of June, 2019.

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William C Steele  
Mayor

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Amber LaPointe  
Clerk



THIS IS SCHEDULE "A" TO BY-LAW NO 6698/62/19


PASSED THE 24TH DAY OF JUNE 2019

\_\_\_\_\_

MAYOR

\_\_\_\_\_

CLERK

 Lands to be Rezoned from Commercial Plaza to CP-52

JUNE 2019

FILE NO D14-02-19

DRAWN BY: CITY OF PORT COLBORNE  
PLANNING DIVISION

NOT TO SCALE

**512**



The Corporation of the City of Port Colborne

By-law No. 6699/63/19

Being a by-law to authorize entering into a physician recruitment incentive contractual agreement with Dr. Joe Fraelic in partnership with the Town of Fort Erie

Whereas the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendation of Community and Economic Development Department, Health Services Division, Report 2019-97, Subject: Physician Recruitment Incentive - Dr. Fraelic; and

Whereas Council is desirous of entering into a partnership with the Town of Fort Erie to offer an incentive contractual agreement to Dr. Joe Fraelic, at a total approved cost of \$35,000 – representing the City's share (one half) of the incentive amount; and

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

1. That The Corporation of the City of Port Colborne enter into an agreement with Dr. Joe Fraelic for the above noted purpose.
2. That the City's cost be funded from the Physician Recruitment Reserve Fund.
3. That the Mayor and Clerk be and hereby authorized and directed to sign the said agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.
4. That this by-law come into force and effect on the day of passing.

Enacted and passed this 24th day of June, 2019.

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

\_\_\_\_\_  
Amber LaPointe  
City Clerk

The Corporation of the City of Port Colborne

By-Law no. 6700/64/19

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 June 24, 2019

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 June 24, 2019 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 24th day of June, 2019.

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William C. Steele  
Mayor

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Amber LaPointe  
City Clerk

**City of Port Colborne  
Regular Meeting of Council 16-19  
Minutes**

- Date:** June 10, 2019
- Time:** 9:53 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor  
R. Bodner, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor
- Staff Present:** D. Aquilina, Director of Planning and Development  
B. Garrett, Director of Corporate Services  
N. Giles, EA to Mayor and CAO (minutes)  
A. Grigg, Director of Community and Economic Development  
N. Halasz, Manager of Parks and Recreation  
C. Lee, Director of Engineering and Operations  
S. Luey, Chief Administrative Officer  
C. McIntosh, Deputy Clerk

Also in attendance were interested citizens, members of the news media and WeeStream.

**1. Call to Order:**

Mayor Steele called the meeting to order.

**2. Introduction of Addendum Items:**

**Addition:**

The addition of item 18, Engineering and Operations Department, Engineering Division, Report 2019-81, Subject: Schihl Municipal Drain. This item was circulated via addendum on May 7, 2019.

**Withdrawal:**

By-law 6693/57/19, Being a by-law to Amend Zoning By-law 6575/30/18 respecting Lands Legally Described as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, Municipally known as 170 Welland Street, was withdrawn due to the deferral of the associated report during the Committee of the Whole meeting.

By-law 6692/56/19 Being a by-law to Adopt Amendment No. 6 to the Official Plan for the City of Port Colborne was withdrawn due to the deferral of the associated report during the Committee of the Whole meeting.

The remainder of the by-laws were renumbered to suit.

**3. Confirmation of Agenda:**

**No. 99** Moved by Councillor M. Bagu  
Seconded by Councillor R. Bodner

That the agenda dated June 10, 2019 be confirmed, as circulated or as amended.

CARRIED.

**4. Disclosures of Interest:**

Councillor Beauregard declared a pecuniary interest regarding item 1 as he is employed by Sullivan Mahoney, the solicitor for Rankin companies. Councillor Beauregard left the Council Chambers during discussion about Item 1 and refrained from discussing or voting on this item.

**5. Adoption of Minutes:**

**No. 100** Moved by Councillor R. Bodner  
Seconded by Councillor H. Wells

(a) That the minutes of the regular meeting of Council 15-19, June 10, 2019, be approved as presented.

CARRIED.

**6. Determination of Items Requiring Separate Discussion:**

Item 1.

**7. Approval of Items Not Requiring Separate Discussion:**

**No. 101** Moved by Councillor H. Wells  
Seconded by Councillor M. Bagu

That items 1 to 18 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

**Items:**

**2. Chief Administrative Officer, Economic Development Division, Report 2019-86, Subject: Update on Economic Development Initiatives**

Council resolved:

That Chief Administrative Officer, Economic Development Division Report 2019-86 be received for information.

**3. Chief Administrative Officer, Economic Development Division, Report 2019-87, Subject: Cruise Ship Tourism Destination**

Council resolved:

That the Chief Administrative Officer, Economic Development Division Report 2019-87 and the attached Preliminary Cruise Strategy and Action Plan presentation be received for information; and

That staff be directed to continue to explore the feasibility of the creation of docking infrastructure for cruise ships and to proceed with the next steps as outlined in the preliminary cruise strategy and action plan.

**4. Community and Economic Development Department, Parks and Recreation Division, Report 2019-72, Subject: Proposed New Event – 2019 Maui Jim Canal Days Walleye Tournament**

Council resolved:

That the 2019 Maui Jim Canal Days Walleye Tournament be approved, with City sponsorship to be provided as follows:

- a. Waiving of park permit fees (H.H. Knoll Lakeview Park);
- b. Provision and installation of snow fencing, and waiving of associated fees;
- c. Provision of security and waiving of associated fees;
- d. Provision of portable washroom facilities and waiving of associated fees;
- e. City assistance with event promotion and marketing on social media
- f. \$5,000 in financial support; and

That approval of the above noted event and sponsorship is conditional on the Maui Jim Canal Days Walleye Tournament submitting a certificate of liability insurance in the amount of \$5,000,000, naming the City of Port Colborne as an additional insured.

**5. Community and Economic Development Department, Parks and Recreation Division, Report 2019-90, Subject: Proposed Pilot Project at Nickel Beach – Ausmosis Style on Board Water Recreation Programming and Rental Services**

Council resolved:

That the City of Port Colborne enter into an agreement with Ausmosis Style on Board, on a pilot project basis for the 2019 summer season, respecting the provision of water recreation programs and rental services at Nickel Beach, as outlined in Community and Economic Development, Parks and Recreation Division, Report 2019-90, Subject: Proposed Pilot

Project at Nickel Beach – Ausmosis Style on Board Water Recreation Programming and Rental Services; and

That the Director of Community and Economic Development be directed to prepare a report at the conclusion of the pilot project respecting utilization rates, overall success of the program during the 2019 season, and recommended next steps concerning the issuance of a Request for Proposals for the provision of such services in subsequent years.

**6. Community and Economic Development Department, Parks and Recreation Division, Report 2019-78, Subject: 2019 Optimist Day in the Park and Canada Day Fireworks**

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Council resolved:

That the 2019 Optimist Day in the Park and Canada Day Fireworks Event, as requested by the Port Colborne Optimist Club, and outlined in Community and Economic Development Department, Parks and Recreation Division Report 2019-78, be approved; and

That the following roads be closed to general vehicular traffic and parking from 9:00 p.m. until 11:00 p.m., Monday, July 1, 2019:

- West Street, from the Southern limit of Charlotte Street to the Southern limit of the former Public Works Yard (11 King Street);
- Intersection of Kent Street at West Street;
- Intersection of Victoria Street at West Street;
- Intersection of Adelaide Street at West Street; and
- Intersection of Sugarloaf Street at West Street.

That City sponsorship of the 2019 Optimist Day in the Park be approved, with sponsorship to be provided as follows:

- a. Waiving of permit fees for the use of H.H. Knoll Lakeview Park;
- b. Waiving of permit fees for the use of the pavilion and the bandshell;
- c. Provision and installation of snow fencing, and waiving of associated fees;
- d. Waiving of the Noise By-law Variance Fee;
- e. Provision of portable washroom facilities and waiving of associated fees;
- f. Waiving of the parking fees in the gravel lot for the duration of the event; and
- g. City assistance with event promotion and marketing across City channels, including social media.

That the Port Colborne Optimist Club be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event; and

That the appropriate by-law be presented for approval.

7. **Memorandum from Luke Rowe, Event Coordinator Re: Canal Days 2019**

Council resolved:

That the Council of The Corporation of the City of Port Colborne hereby deems the annual Canal Days Marine Heritage Festival as a municipally significant event and supports the application to the Alcohol and Gaming Commission of Ontario for a Special Occasion Permit.

8. **Community and Economic Development Department, Parks and Recreation Division, Report 2019-91, Subject: 41<sup>st</sup> Annual Canal Days Festival Request for Road Closures, Parking Restrictions & Patio Extensions**

Council resolved:

1. That the closure to through traffic and street parking be approved and authorized for the following roads beginning at 5:00 p.m. Thursday, August 1, 2019 and ending at 6:00 a.m. on Tuesday, August 6, 2019:
  - West Street from the southern limit of Victoria Street to the southern limit of Sugarloaf Street; and
2. That the closure to through traffic and street parking be approved and authorized for the following roads beginning at 4:00 a.m. Friday, August 2, 2019 ending at 6:00 a.m. on Tuesday, August 6, 2019."
  - West Street from the northern limit of Princess Street to the southern limit of Sugarloaf Street;
  - Princess Street from the eastern limit of King Street to the eastern limit of West Street;
  - Park Street from the eastern limit of King Street to the eastern limit of West Street;
  - Charlotte Street from the eastern limit of King Street to the eastern limit of West Street;
  - Kent Street from the eastern limit of King Street to the eastern limit of West Street;
  - Victoria Street from the eastern limit of King Street to the eastern limit of West Street;
  - Adelaide Street from the eastern limit of King Street to the eastern limit of West Street;

- Sugarloaf Street from the eastern limit of King Street to the eastern limit of West Street;
  - Clarence Street from the eastern limit of King Street to the western limit of Welland Street;
  - Municipal Parking Lot located west of King Street, east of Catharine Street and south of Princess Street; and
3. That the following areas be closed to street parking beginning at 4:00 a.m. on Friday, August 2, 2019 and ending at 6:00 p.m. on Monday, August 5, 2019:
- Northside of Kent Street between the western limit of Catharine Street and the eastern limit of Elm Street.
  - The thirteen (13) parking spaces on the west side of King Street from Sugarloaf Street to Charlotte Street;
  - The two (2) parking spaces on both east and west sides of King Street, north of the Charlotte Street limit, be closed to parking to allow for the shuttle bus stops; and
4. That the closure to street parking and through traffic be approved and authorized for the following street beginning at 6:00 p.m. on Friday, August 2, 2019 and ending at 5:00 p.m. on Monday, August 5, 2019 for the purpose of hosting the Historical & Marine Museum Canal Days Events.
- Princess Street from the western limit of King Street to the eastern limit of Catharine Street; and
5. That the closure to street parking and through traffic be approved and authorized for following roads beginning at 2:00 p.m. to 12:00 a.m. on Friday, August 2 & Saturday, August 3, 2019 for the purpose of hosting the Canal Days concerts.”
- Steele Street from the southern limit of Steele Street at Sugarloaf Street;
  - Steele Street from the eastern limit at Steele Street at Sugarloaf Street;
  - Isabel Street from the southern limit of Isabel Street at Sugarloaf Street;
  - Fielden Avenue from the northern limit of Fielden Avenue at Sugarloaf Street;
  - Fielden Avenue from the southern limit at Sugarloaf Street;



- Lighthouse Lane from the southern limit at Sugarloaf Street;
  - Elm Street from the southern limit of Elm Street at Sugarloaf;
  - Elm Street from the western limit of Elm Street at Sugarloaf Street;
  - H.H. Knoll Lakeview Parking lot south of Dawg's Burgers to Fielden Avenue; and
6. That parking restrictions be approved for certain locations on (3) main arterial roads Elm Street, Fielden Avenue, and Steele Street between Clarence and Sugarloaf street:
- Elm Street will require twenty-four (24) "no parking" signs and twelve (12) posts;
  - Fielden Avenue would require thirty-two (32) "no parking signs and sixteen (16) posts;
  - Steele Street would require sixteen (16) "no parking signs and 16 posts; and
7. That the following areas be restricted to street parking beginning at 6:00 a.m. on Friday, August 2, 2019 and ending at 5:00 p.m. on Monday, August 5:
- Lockmaster Laneway, Schooner Laneway, Harbour Laneway, Breakwater Lane, Isabel Street, Lighthouse Lane, and Foghorn Laneway; and
8. That the following areas be closed to street parking beginning at 6:00 a.m. to 11:00 p.m. on Sunday August 4, 2019 for the purposes of the Canal Days Car Show.
- The east side of Elizabeth Street from the southern limit of Main Street to the northern limit of Killaly Street; and
9. That there is no objection by the Corporation of the City of Port Colborne to the application by The Lock Wood Fired Pizza to the AGCO for a Special Occasion Permit / Liquor License Extension; and
10. That there is no objection by the Corporation of the City of Port Colborne to the application by the Port Colborne Legion and the Canadian Corps Association to the AGCO for a Special Occasion Permit/Liquor License Extension; and
11. That the following conditions will apply to The Lock Wood Fired Pizza, on Clarence Street:

- a) That on Friday, August 2, 2019 the selling and serving of alcoholic beverages to the said licensed outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 2, 2019;
  - b) That on Saturday, August 3, 2019 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 3, 2019;
  - c) That on Sunday, August 4, 2019 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 4, 2019;
  - d) That on Monday, August 5, 2019 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 5:00 p.m., and the outdoor area shall be cleared of patrons by 5:30 p.m. on August 5, 2019;
  - e) That, notwithstanding clause a, b, c and d above, the occupancy of the said outdoor licensed area shall be open only when Clarence Street is closed in accordance with City by-law;
  - f) That the applicant shall not block or occupy any street with equipment relating to the Canal Days festival & events or patio before 9:00 a.m. on Friday, August 2, 2019 and must have all equipment and supplies related to the patio extension cleared from the streets no later than 7:00 p.m. Monday, August 5, 2019; and
12. That there is no objection by The Corporation of the City of Port Colborne to the application by Canalside Restaurant Inn, Breakwall Brewery, and Walters and Neptunes to the AGCO for a Special Occasion Permit/Liquor License Extension. That Canalside Restaurant, Breakwall Brewery, and Walters and Neptunes be approved to maintain the existing patio for the 2019 Canal Days Marine Heritage Festival; and
  13. That the six (6) applicants shall provide a Certificate of Insurance (COI) with no less than \$5,000,000 general liability naming the Corporation of the City of Port Colborne as additional insured, and listing The St. Lawrence Seaway Management Corporation, Her Majesty the Queen in Right of Canada, Transport Canada, as an additional insured in accordance with the City's Festivals & Events Insurance Requirements; and

14. That Council of The Corporation of the City of Port Colborne exempt the participants of and the Canal Days Marine Heritage Festival from the Noise By-law #4588/119/04 and not be required to apply for the variance in accordance with Section 4(3) Schedule 2(2); and
15. That the appropriate by-law be prepared, authorizing the Mayor and City Clerk to execute and sign the Ontario Transfer Payment Agreement for the Celebrate Ontario 2019 Grant on behalf of The Corporation of the City of Port Colborne; and
16. That the Council of The Corporation of the City of Port Colborne hereby deems the annual Canal Days Marine Heritage Festival as a municipally significant event and supports the application to the Alcohol and Gaming Commission of Ontario for a Special Occasion Permit.

**9. Planning and Development Department, Planning Division, Report 2019-89, Subject: Chippawa Estates Draft Plan of Subdivision Extension**

Council resolved:

That the by-law attached as Appendix A to Planning and Development Department, Planning Division Report 2019-89, to amend by-law 6588/43/18 to set an expiration date of June 11, 2021 for the Chippawa Estates Draft Plan of Subdivision, be approved.

**10. Planning and Development Department, Planning Division, Report 2019-85, Subject: Recommendation Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street**

Council resolved:

That consideration of Planning and Development Department, Planning Division Report 2019-85, Recommendation Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street, be deferred to the June 24, 2019 Committee of the Whole/Council meeting in order for the Director of Planning and Development to report back to Council with respect to the Ministry of Environment's D-6 Guidelines which indicate the separation distance between Class I Industries and residential properties.

**11. Planning and Development Department, Planning Division, Report 2019-88, Subject: Recommendation Report on Removing 124 West Street from the Municipal Registry of Heritage Properties**

Council resolved:

That Planning and Development staff be directed to remove the lands legally known as Plan Merr Survey Pt Lot 10 PT Road NP987, 988, 989, City of Port Colborne, Regional Municipality of Niagara; municipally

known as 124 West Street from the City of Port Colborne's Municipal Registry of Heritage Properties.

**12. Engineering and Operations Department, Engineering Division, Report 2019-83, Subject: Project No.: 2013-09 Annual Asphalt Patching Contract, Revision to Contract Extension Report 2019-22**

Council resolved:

That Asphalt Patching Contract #2013-09 with Circle P. Paving be extended for one year (2019), in accordance with Engineering and Operations Department, Engineering Division Report 2019-83; and

That staff be directed to utilise the bid items as listed within the existing Tender Document in such a manner as to complete all works as may be required for 2019, all as approved in the annual budget by Council; and

That by-law 6653/17/19 be repealed and a contract by-law, whereby the City enters into a Contract Agreement with the contractor be prepared to extend the contract as stated; and

That funding for the asphalt patching extension, be financed under the GL Account numbers for the various utility cuts and road repairs as required.

**13. St. John Bosco Catholic Elementary School Re: Request for Use of Picnic Tables for the Schools Fun Night Event on June 21, 2019**

Council resolved:

That the correspondence received from St. John Bosco Catholic Elementary School requesting the use of City Picnic Tables for the School's Fun Night Event on June 21, 2019, be received; and

That the picnic tables be made available for their use, with arrangements for pick-up and return be the responsibility of St. John Bosco Catholic Elementary School.

**14. Motion from the Port Colborne Public Library Board Re: Resolution in Support of Restoring Funding to Ontario Library Service Agencies SOLS (Southern Ontario Library Service) and OLS-North (Ontario Library Service North)**

Council resolved:

That the resolution received from the Port Colborne Public Library Board Re: Resolution in Support of Restoring Funding in Ontario Library Service Agencies SOLS (Southern Ontario Library Service) and OLS-North (Ontario Library Service North), be supported.

**15. Town of Fort Erie Re: Issuance of Cannabis Licenses in Residentially Zoned Areas**

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Council resolved:

That the resolution received from the Town of Fort Erie Re: Issuance of Cannabis Licenses in Residentially Zoned Areas, be received for information.

**16. Town of Fort Erie Re: Ash Trees in the Town of Fort Erie and Region of Niagara**

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Council resolved:

That the resolution received from the Town of Fort Erie Re: Ash Trees in the Town of Fort Erie, be received for information.

**17. Bill 108, More Homes, More Choice Act, 2019**

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Council resolved:

That the resolutions received from various municipalities in opposition to Bill 108, More Homes, More Choice Act, 2019, be received for information.

**18. Engineering and Operations Department, Engineering Division, Report 2019-81, Subject Schihl Municipal Drains**

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Council resolved:

That Engineering and Operations Department, Engineering Division Report 2019-81 with respect to the Schihl Municipal Drain, be received for information.

That staff be directed to advance the Schihl Municipal Drain Engineer's Report to that of the Meeting to Consider, as per Section 41, Chapter D.17 of the *Drainage Act R.S.O. 1990*.

CARRIED.

**8. Consideration of Items Requiring Separate Discussion:**

**1. Motion by Councillor Bodner Re: Request for Outside Professional Assistance in the Site Alteration Permit request by Port Colborne Quarries**

**No. 102** Moved by Councillor H. Wells  
Seconded by Councillor A. Desmarais

Council resolved:

That the Chief Administrative Officer be directed to contract an independent consultant to provide a peer review of staffs

draft recommendation report on Port Colborne Quarries' site alteration permit application including all supporting documents submitted by the applicant, outside agencies, and members of the public in order to provide a report back to staff to assist with the preparation of Planning staff's report and recommendation to Council.

CARRIED.

9. **Proclamations:**

Nil.

10. **Minutes of Boards, Commissions & Committees:**

**No. 103** Moved by Councillor E. Beauregard  
Seconded by Councillor F. Danch

- (a) That the minutes of the Senior Advisory Council meeting of April 18, 2019, be received.
- (b) That the minutes of the Port Colborne Historical and Marine Museum Board of Management meeting of May 22, 2019, be received.

CARRIED.

11. **Consideration of By-laws:**

**No. 104** Moved by Councillor A. Desmarais  
Seconded by Councillor M. Bagu

That the following by-laws be enacted and passed:

- 6689/53/19 Being a By-law to Temporarily Close sections of Various Streets to Vehicular Traffic for the Purpose of the Canada Day Fireworks
- 6690/54/19 Being a By-law to Temporarily Close Sections of Various Streets to Vehicular Traffic for the Purpose of the 41st Annual Canal Days Festival
- 6691/55/19 Being a By-law to Amend By-law 6588/43/18, Being a By-law to Approve a Draft Plan of Subdivision extension, known as Chippawa Estates
- 6692/56/19 Being a By-law to Authorize Entering Into a Contract Agreement with Circle P. Paving Re Tender 2013-09, Annual Asphalt Patching Contract, revision to Contract Extension Report 2019-22
- 6693/57/19 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 June 10, 2019

CARRIED.

**12. Council in Closed Session:****Motion to go into Closed Session: 9:57 p.m.****No. 105** Moved by Councillor H. Wells  
Seconded by Councillor G. Bruno

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Minutes of the closed session portion of the following Council meeting: April 23, 2019.
- (b) Planning and Development Department, Planning Division Report 2019-80, concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.
- (c) Community and Economic Development Department, Parks and Recreation Division Report 2019-79, concerning matters related to Roselawn Centre, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees.

CARRIED.

**Motion to rise with report:****No. 106** Moved by Councillor A. Desmarais  
Seconded by Councillor H. Wells

That Council do now rise from closed session with report at approximately 10:25 p.m.

**13. Disclosures of Interest Arising from Closed Session:**

Nil.

**14. Reports/Motions Arising from Closed Session:**

- (b) **Planning and Development Department, Planning Division Report 2019-80, concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.**

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

- (c) **Community and Economic Development Department, Parks and Recreation Division Report 2019-79, concerning matters related to Roselawn Centre, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees.**

The Deputy Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

**15. Adjournment:**

**No. 107** Moved by Councillor F. Danch  
Seconded by Councillor E. Beauregard

That the Council meeting be adjourned at approximately 10:27 p.m.  
CARRIED.

\_\_\_\_\_  
William W. Steele  
Mayor

\_\_\_\_\_  
Carrie McIntosh  
Deputy Clerk

CM/ng



**MINUTES of the 5<sup>th</sup> Regular Board Meeting of 2019**

Tuesday, May 14, 2019, 6:15 p.m.  
Port Colborne Public Library, Auditorium  
310 King St., Port Colborne, ON

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**Present:** Michael Cooper (Chair), Bryan Ingram (Vice-Chair), Brian Beck, Valerie Catton, Harmony Cooper, Jeanette Frenette, Ann Kennerly, Cheryl MacMillan  
**Staff:** Susan Therrien (Director of Library Services/Board Secretary), Rachel Tkachuk (Librarian)  
**Regrets:** Councilor Mark Bagu, Scott Luey (CEO), Peter Senese (Treasurer)

**1. Call to Order:**

The Chair called the meeting to order at 6:15 p.m.

**2. Chair's Remarks:**

Mr. Cooper welcomed the Board.

**3. Declaration of Conflict of Interest:**

Nil.

**4. Adoption of the Agenda:**

Moved by B. Ingram  
Seconded by C. MacMillan  
19:030 That the agenda be adopted with one minor correction.  
CARRIED.

**5. Approval of the Minutes of the Previous Meeting of April 2, 2019:**

Moved by J. Frenette  
Seconded by C. MacMillan  
19:031 That the minutes of the April 2, 2019 meeting be adopted as circulated.  
CARRIED.



6. Business Arising from the Minutes:

Nil.

7. Delegations and Presentations:

Nil.

8. Consent Items:

- 8.1. Circulation Report
- 8.2. Financial Statement
- 8.3. Strategic Plan Implementation Report
- 8.4. Capital Projects Report
- 8.5. Public Relations Report
- 8.6. Newsletter and Media Items

Moved by B. Beck

Seconded by H. Cooper

19:032 That Consent Items 8.1 to 8.6 be received for information purposes.  
CARRIED.

9. Discussion Items:

**9.1. OPL Guidelines Accreditation Audit**

The Board will meet in the fall for a working session. In the interim, the Director will complete the audit checklist.

**9.2. Report to Council, May 27, 2019**

The Chair and Director will present the library's 2018 Annual Report, a report on fees and charges, and information on upcoming events in 2019 to Council on May 27, 2019.

**9.3. Director's Report**

9.3.1. Partnership with the Vale Health and Wellness Centre

Partnership with the Vale Health and Wellness Centre will begin in June to coincide with Parks and Recreation Month. This collaboration will include the creation of a dedicated library space at Vale complete with signage and promotional materials. The space will include a movable shelving unit that will be well-stocked with library materials for people to borrow. Programming will include pop-up library activities and story-time.

9.3.2. "Let's Talk About..." Series

Upcoming event topics include human trafficking (June 26, 2019), youth suicide prevention and awareness (September 25, 2019), and a discussion of support services for parents/caregivers of youth with mental health issues and addictions (November 27, 2019).

9.3.3. Meetings, Events and Workshops

- Social Determinants of Health Advisory Committee, April 4, 2019
- Niagara Region Library CEOs Meeting with Paul Takala, CEO, HPL, April 8, 2019
- Meeting with Niagara Region Library Board CEOs, Chairs, Vice-Chairs. April 16, 2019
- Advocacy Teleconference (Interlibrary Loan Service Disruption), April 24, 2019
- Edge 2.0 Webinar, April 29, 2019
- City of Port Colborne Special Council Meeting: Strategic Plan, May 6 & 7, 2019. Attended by S. Therrien. Librarian R. Tkachuk is part of a team of volunteers selected to assist the consultant.
- Meeting at Thorold Public Library to investigate migration to Evergreen ILS, May 8, 2018
- Meeting with MPP Jeff Burch, May 10, 2019. Attended by Thorold, Welland and Port Colborne Public Libraries

9.3.4. Health and Safety: Jobs Hazards Assessment

Italia Reeves, Health and Safety Coordinator, met with library staff to introduce forms to be completed to evaluate job hazards associated with each job description.

9.3.5. Staff Announcements

S. Hol, Assistant Librarian, has decided to further her education and submitted her resignation. Interviews to fill the vacancy were conducted on May 10, 2019.



9.3.6. Staff Development

The Director reported that homelessness awareness training will commence in June. Library staff will also attend a session on “Library Service with Empathy and Safety” coordinated by the St. Catharines Public Library, May 27, 2019.

**9.4. OnBoard Training, April 27, 2019**

The Board discussed the event and shared information with those who were not able to attend.

**9.5. Legislative Context for Governing Public Library Boards**

The Board reviewed information provided by Southern Ontario Library Service.

**9.6. SOLS Delivery Service and Interlibrary Loans**

The Director reported on information regarding the effects of funding cuts to Southern Ontario Library Service regarding interlibrary loan service.

**9.7. Regional Review**

The Director reported on meetings with local Niagara public libraries regarding Regional Governance Review.

**9.8. Integrated Library Service (ILS): Evergreen**

The current contract for the ILS expires in December 2020. The Board is exploring options including Evergreen.

**10. Decision Items:**

**10.1. Reciprocal Borrowing Agreement (Niagara Libraries)**

Moved by: B. Ingram

Seconded by: B. Beck

19:033 That the Port Colborne Public Library join the Reciprocal Borrowing Agreement in place among Niagara libraries.

CARRIED.



**10.2. Policies**

**10.2.1. Video Surveillance**

- Moved by: H. Cooper  
Seconded by: J. Frenette
- 19:034 That the Port Colborne Public Library Board adopt the City of Port Colborne Video Surveillance Security Policy; and,  
That after completion of the installation of security cameras at the Port Colborne Public Library and the Port Colborne Historical and Marine Museum (jointly known as the Cultural Block), the CEO or designate will review the procedures, responsibilities, and obligations of the Board regarding video surveillance and may recommend, after consultation with the CAO and City Clerk, the creation of a separate Board policy.  
CARRIED.

**10.2.2. Circulation**

- Moved by: A. Kennerly  
Seconded by: B. Ingram
- 19-035 That the Circulation Policy be approved with revisions as discussed; and,  
That fines for children (ages 1 to 12) be waived.  
CARRIED.

**10.2.3. Amendment of Bylaws**

**10.2.4. Board Advocacy**

**10.2.5. Succession Planning**

**10.2.6. Resource Sharing**

- Moved by H. Cooper  
Seconded by J. Frenette
- 19:036 That policy Items 10.2.3 to 10.2.6 be approved as presented.  
CARRIED.

**11. Board Members' Items:**

The Director informed the Board that libraries have submitted resolutions to their respective municipal councils regarding provincial funding cuts to Ontario Library Service.



Moved by: H. Cooper

Seconded by: B. Beck

19: 037 That a resolution be crafted in collaboration with Councilor Mark Bagu for presentation to City Council.

CARRIED.

**12. Notices of Motion:**

Nil.

**13. Date of the Next Meeting:**

Tuesday, June 4, 2019 at 6:15 p.m.  
Port Colborne Public Library, Auditorium  
310 King St., Port Colborne, ON

**14. Adjournment:**

Moved by J. Frenette

Seconded by B. Beck

19:038 That the meeting be adjourned at 7:42 p.m.

CARRIED.

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Michael Cooper  
Board Chair  
June 4, 2019

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Susan Therrien, Director of Library Services  
Board Secretary  
June 4, 2019



## MINUTES

Social Determinants of Health Advisory Committee – Everyone Matters

Thursday, April 4, 2019

1:00 p.m.

Committee Room 3, City Hall

66 Charlotte Street Port Colborne

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### Attendees:

Co-Chair Lori Kleinsmith, Bridges CHC  
Co-Chair Angie Desmarais, Councillor  
Bill Steele, Mayor  
Jay McKnight, Niagara Regional Police  
Christine Clark-Lafleur, Port Cares  
Jeffrey Sinclair, Niagara Region  
Susan Therrien, Director of Library Services  
Neal Schoen, Niagara Community Legal Clinic  
Judy Cassan, Bridges CHC  
Scott Lawson, Deputy Fire Chief  
Joanne Ferraccioli, Acting Health Services Coordinator  
Casey Forgeron, Public Member  
Sherry Hanson, Manager of By-law Services  
Scott Luey, Chief Administrative Officer

### Regrets:

Tara McKendrick – CAMH

### Minutes:

Nancy Giles, EA to Mayor and CAO

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Co-Chair Angie Desmarais called the meeting to order at 1:07 p.m.

### 1. Approval of the Agenda

Moved by C. Forgeron  
Seconded by S. Hanson

That the agenda for the April 4, 2019 meeting of the Social Determinants of Health Advisory Committee – Everyone Matters as amended be approved.  
CARRIED.

### 2. Approval of the February 7, 2019 minutes

Moved by N. Schoen  
Seconded by L. Kleinsmith

That the minutes for the February 7, 2019 meeting of the Social Determinants of Health Advisory Committee – Everyone Matters be approved.  
CARRIED.

### 3. Business Arising

**Affordable Housing Report to Council – Motion coming to council Monday night** – brought the motion to council and received unanimous support – stakeholders will be at the table – in the hands of the planning department for a high level look

**By-law for rooming, lodging and boarding houses** – discussed at the March 8<sup>th</sup> CAO meeting – by-law for unregulated supportive living units – Scott thought the Region would come up with a by-law and enforce it – Region of Niagara is advising the lower tier municipalities to each pass their own by-law so there will be the same rules for all cities/towns – being vetted through legal – Niagara Falls is doing to legal review. Jeff advised that they looked at looking at the Region but business licensing is done at the local level and fees will be set by each municipality and the Region doesn't do those type of licenses. There may be Public Health enforcement as well. Would like to give this committee a chance to see this document before it goes to council and how it will impact our City. Scott gave a high level overview of the areas covered by the by-law. Hopefully the licensing will be done during a slow period and not have a huge impact. It has been five years in the making.

**Housing and Homelessness – Let's Talk Series** – Susan provided a written report of the series – see attached. Susan has signed up her staff for training. Next talk is Human Trafficking on June 26<sup>th</sup>. Susan will look into live-streaming on YouTube. Sponsorship might be needed. Susan will bring it up at the next board meeting.

**Report to Council** – Lori presented the committee's report on March 25<sup>th</sup>. Powerpoint attached.

### 4. New Business

**Report: Shared Prosperity: The Role of Municipal and Regional Government to Reduce Poverty in Niagara and A Guide for Cities Reducing Poverty** - was sent to all candidates in the past election - this could be a document to guide us.

A best practice to take housing and homelessness piece and poverty reduction. Cost of rent percentages – different for people who have to pay hydro and heat in addition to rent. We need to remember this when defining affordable housing.

**Next steps for the committee –**

For next meeting – look at social determinants of health

Explore what other municipalities are doing for people who are being displaced for anti-renovation eviction (people being displaced by landlords who want to up rent – Neal said this is covered by Landlord Tenant Act – education might be important) – we need to determine if this is something the municipality can do someone about – see what exists in other municipalities. Find need in Port Colborne. Sherry advised that there are



a handful of residences in Port Colborne, but tenants leave and we can't get access to the units. Jeff has seen an on-line platform for tenants to rate the landlords. He will bring examples for the next meeting.

**Living Wage** - the Niagara living wage is \$17.99 for all municipalities – if there are benefits included that rate can be dropped – Lori is meeting with the Living Wage coordinator and St. Catharines to see what is required for St. Catharines to become a living wage community. Lori could set up for Port Colborne if we wanted. Perhaps we should wait until St. Catharines report. Angie will circulate some of the information she has. Crossing guards are below the living wage in Port Colborne. Niagara Falls is looking at it also. Scott will provide an update at next meeting. There could possibly be some increase for crossing guards as we budget for 20 guards but only have 19.

## 5. Community Updates

**Jeff Sinclair** – Annual update to 10 year housing and homelessness plan is being presented to Regional Council and a housing and homelessness analysis and database is being created with projects to 2041 for housing needs and populations – going to Planning and Development committee April 16 at 2 p.m. and Public Health and Social Services April 17 at 1 p.m.

Lori asked about polling stations for the federal election and ensuring they are accessible. Nancy advised that the election coordinator has already been in touch with the City.

Fire Department – licensing – as soon as you add licensing, the cost of affordable housing goes up; a lot of building stock that aren't open for whatever reason – we have building stock but it's closed down. Sherry advised that if there are incentives and owners apply, if there is an open investigation file, they don't get the incentives. Maybe we need a landlord incentive package. Could this be part of the package with affordable housing. Niagara Regional Housing has support for landlords who want to rent property and make them affordable housing units and also support for landlords dealing with tenants. Sherry has some information on our website for tenants but we could also include for landlords.

Squatters – Warm weather coming – only one person through the winter – Jay will go out to the calls with Port Cares, police can't force them to leave if property owners don't complain. Addiction issues in Port Colborne are massive. Flacka is on the streets in Port Colborne. Scott Luey advised we had a meeting last fall with stakeholders. There is a process in place to contact By-law Enforcement. There are also looking at vandalism. They are looking at cameras at NRPS camera system. To be effective they would have to be monitored. Lori asked about the Housing First – Jeff said Housing First is for those who want to be housed. There is a review for street outreach coming up at the Region. Some people don't like the shelter system – what can NR do with Port Cares to help counsel a person to want housing. Judy – there used to be funding for a hotel room – Jeff we are putting them in

housing and setting them up to fail without supports – how do we work together to prepare them for housing.

Angie spoke of a municipality that set up a field for tents for homeless individuals – Jeff – there are mixed reviews with tent communities, as crime sometimes follows. Hamilton brought in some tiny homes.

Port Colborne is getting Gateway Homes – Home for Good – it has a variety of supports

New Federal Funding – this isn't new funding, this is just a continuation of funding

Housing First from Niagara Region – supports are quite robust; but there are other models that don't have the supports

Angie thanked Neal Schoen for his participation as he is moving from Port Colborne.

## **6. Action Items**

- Living Wages
- Rental Eviction
- Affordable Housing Needs in Port Colborne
- Incentive package for potential landlords

## **7. Next Meeting**

Thursday, June 6, 2019 1 p.m.

## **8. Adjournment**

The meeting adjourned at 2:55 p.m.



City of Port Colborne  
**RECEIVED**  
JUN 19 2019  
CORPORATE SERVICES  
DEPARTMENT

**MINUTES**  
**Social Determinants of Health Advisory Committee – Everyone Matters**  
**Thursday, February 7, 2019**  
**1:00 p.m.**  
**Committee Room 3, City Hall**  
**66 Charlotte Street Port Colborne**

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**Attendees:**

Co-Chair Lori Kleinsmith, Bridges CHC  
Co-Chair Angie Desmarais, Councillor  
Bill Steele, Mayor  
Rob LaPlante, Niagara Regional Police  
Christine Clark-Lafleur, Port Cares  
Jeffrey Sinclair, Niagara Region  
Susan Therrien, Director of Library Services  
Neal Schoen, Niagara Community Legal Clinic  
Ryan Pearson, Niagara Community Legal Clinic  
Judy Cassan, Bridges CHC  
Sherry Hanson, Manager of By-law Services  
Scott Luey, Chief Administrative Officer

**Regrets:**

Tara McKendrick – CAMH

**Minutes:**

Nancy Giles, EA to Mayor and CAO

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Co-Chair Lori Kleinsmith called the meeting to order at 1:08 p.m.

**1. Approval of the Agenda**

Addition to the Agenda – Re-Appointment of Co-Chairs and amendment of by-law to remove East Village Task Force Representative and add a representative from the Niagara Community Legal Clinic and updates from community partners.

Moved by S. Hanson  
Seconded by B. Steele

That the agenda for the February 7, 2019 meeting of the Social Determinants of Health Advisory Committee – Everyone Matters as amended be approved.  
CARRIED.

**2. Approval of the November 1, 2018 minutes**

Moved by A. Desmarais  
Seconded by R. LaPlante

That the minutes for the November 1, 2018 meeting of the Social Determinants of Health Advisory Committee – Everyone Matters be approved.  
CARRIED.

### **3. Appointment of Co-Chairs:**

Moved by B. Steele  
Seconded by N. Schoen

That Angie Desmarais and Lori Kleinsmith be nominated as Co-Chairs.  
CARRIED.

### **4. Amendments to By-law 6530/97/17**

Moved A. Desmarais  
Seconded S. Hanson

That this committee recommends to Council:

That Section 3 (k) of By-law 6530/97/17 be amended to remove “East Village Neighbourhood Improvement Task Force” and add “Niagara Community Legal Clinic” as the clinic name has changed;

and further that Section 3 (d) be amended to remove “One member of staff from the Community Services Division” and add “The City of Port Colborne Health Services Coordinator” as a voting member also removing reference to this position from Section 4 (a) and renumbering Section 4 accordingly;

and further that Section 3 be amended to add “One representative from Community Services, Niagara Region” as a voting member.  
CARRIED.

### **5. Business Arising**

**Annual Report to Council:** Reviewed and slight adjustments made. Lori will present to council in March.

**Affordable Housing Report to Council – Motion coming to council Monday night** – Angie will be bringing the following motion forward:

Whereas access to adequate housing is a fundamental human right (paragraph 25(1) of the United Nations Universal Declaration of Human Rights, and Ontario Human Rights Commission - Human Rights Perspective on Housing Supply, January 2019); and

Whereas Port Colborne is fast approaching a housing crisis with alarming occupancy rates, soaring housing costs and stagnating incomes (Ontario

Association of Food Banks, Quarterly Report, September 2018, Port Colborne Primary Rental Market Statistics, 2016, Key Housing Indicators for Port Colborne, July 5, 2017 and Where Will We Live – Ontario’s Rental Housing Crisis, May 2018); and

Whereas the Senior Citizens Advisory Committee and the Social Determinants of Health Committee, both being committees of this council have each placed housing as a priority to their mandate; and

Whereas designing and implementing a poverty reduction strategy has been included in the Port Colborne Strategic Plan (CAO Report No.:2015-47); and

Whereas adequate and affordable housing has been directly linked to poverty reduction (Wellesley Institute, Poverty Is a Health Issue: It’s time to address housing and homelessness, Oct 10, 2013)

Therefore be it resolved that The Corporation of the City of Port Colborne does acknowledge that housing is a human right and that municipal government has a role to play in the gradual realization of this right for all residents of Port Colborne; and

That planning staff be directed to engage with stakeholders to create a coordinated municipal affordable housing strategy for the city of Port Colborne with the goal to establish a definition for the term “affordable housing” and to create affordable housing options across the housing continuum, with a report due back to this council to include a high-level view of timelines and targets on or before May 27, 2019.

## 6. New Business

**Report: Shared Prosperity: The Role of Municipal and Regional Government to Reduce Poverty in Niagara** - was sent to all candidates, this could be a document to guide us. Take some time to review documents before next meeting. Another document - A Guide for Cities Reducing Poverty will be sent to members for review.

## 7. Community Updates

Library – supporting the priorities of this committee – have started their “Let’s Talk About ...” with the first one being Housing and Homelessness March 27, 2019 6:30 – 8:00 with Jeffrey Sinclair and Christine Clark-Lafleur. Future subjects include Youth Suicide, Human Trafficking, Substance Abuse, Legal issues.

Neal advised that Regional committee working legislation for rooming, lodging and boarding houses have a final draft by-law – by-law is going back to the CAO's and they will decide the next steps.

Warming Centre – Angie advised that she volunteered at the newly formed Warming Centre that was set up by a local business – numbers reported in the newspaper

may be skewed by the Out of the Cold meal program on Tuesdays. There may be a need during extreme cold but it has become a coffee klatch. Christine advised that Port Cares have been working with PORTall and they are the eyes and ears of the community – there are 3 true homeless individuals – each is connected with a program – Christine thanked NRP for the wellness checks on individuals. Christine looked into providing overnight services and the costs to provide a minimal service is over \$1,000 per night. The Pastor at Christainview Centre is looking at possibly opening an overnight centre.

Lori advised that Bridges CHC is hosting a new program for accessing services for those with mental health and addictions. There is an Interprofessional Care Team - IPC Program – funded through the LHIN – there are hired social workers and psychotherapists – referrals are made from primary care physicians – appointment based – need to encourage people to ask for referrals – if they don't have a primary care physician, start with the outreach worker for the program, Noelle Antkowiak – she can get referrals – for ages 12 and up (Contact Niagara is the triage for 12-18 year olds). Members should try to encourage referrals from the local doctors.

## **8. Action Items**

Annual Report to Council – Lori to present to Council in March

Affordable Housing Motion to Council – Angie to present at tonight's meeting

All members to review two documents for discussion at April meeting –  
Shared Prosperity: The Role of Municipal and Regional Government to Reduce Poverty in Niagara  
A Guide for Cities Reducing Poverty

## **9. Next Meeting**

Thursday, April 4, 2019 1 p.m.

## **10. Adjournment**

The meeting adjourned at 2:00 p.m.