

**City of Port Colborne  
Regular Committee of the Whole Meeting 05-20  
Minutes**

**Date:** March 9, 2020

**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  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor

Absent: A. Desmarais, Councillor

**Staff Present:** D. Aquilina, Director of Planning & Development  
A. LaPointe, Acting Chief Administrative Officer  
C. Madden, Deputy Clerk (minutes)  
N. Halasz, Acting Director of Community and Economic Development  
D. Suddard, Acting Director of Engineering and Operations

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:**

None.

**3. Confirmation of Agenda:**

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

That the agenda dated March 9, 2020 be confirmed, as circulated or as amended.

CARRIED

**4. Disclosures of Interest:**

Councillor Beauregard declared a pecuniary interest regarding item 1 (Community and Economic Development Department, Parks and Recreation Division, Report 2020-30, Subject: Draft Agreement with Lighthouse Festival Theatre Corporation Respecting Theatre Management Services at Roselawn Centre for the Arts) as he is employed by Sullivan Mahoney and the firm has provided legal advice with respect to this item. Councillor Beauregard refrained from discussing and voting on item 1.

**5. Adoption of Minutes:**

**(a) Regular meeting of Committee of the Whole 04-20, held February 24, 2020.**

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

- (a) That the minutes of the regular meeting of Committee of the Whole 04-20, held on February 24, 2020, be approved as presented.

CARRIED

**6. Determination of Items Requiring Separate Discussion:**

The following items were identified for separate discussion:

Items 1, 2, 10, 11, 12, and 13.

**7. Approval of Items Not Requiring Separate Discussion:**

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

That Items 1 to 13 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:**

**3. Memorandum from Richard Daniel, Manager of Operations Re: Request for Proclamation of Dig Safe Month, April 2020**

Committee of the Whole recommends:

That April 1 – 30, 2020 be proclaimed as “Dig Safe Month” in the City of Port Colborne in accordance with the request received from Richard Daniel, Manager of Operations.

**4. Niagara Regional Broadband Network Re: Request for Letter of Support to Provide Highspeed Internet Service to Underserved and Unserved Areas of Niagara Region and Port Colborne**

Committee of the Whole recommends:

That Port Colborne City Council supports the Niagara Regional Broadband Network (NRBN) initiative to provide highspeed internet access to underserved and unserved areas of Niagara Region; and

That the Mayor provide a letter of support for the initiative.

**5. Upper Canada Consultants Re: Rosedale Subdivision (26T-87018) Update on Planning Progress**

Committee of the Whole recommends:

That the correspondence from Craig Rohe, Senior Planner, Upper Canada Consultants Re: Rosedale Subdivision – Update of Planning Progress, be received for information.

**6. Region of Niagara Re: Ecological Land Classification Mapping Update (PDS 3-2020)**

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Ecological Land Classification Mapping Update, be received for information.

**7. Niagara Regional Housing Re: Niagara Regional Housing (NRH) Quarterly Report – October 1 to December 31, 2019**

Committee of the Whole recommends:

That the correspondence received from Niagara Regional Housing Re: NRH Quarterly Report – October 1 to December 31, 2019, be received for information.

**8. Ministry of Municipal Affairs and Housing Re: Provincial Policy Statement – 2020**

Committee of the Whole recommends:

That the correspondence received from Steve Clark, Minister, Ministry of Municipal Affairs and Housing Re: Provincial Policy Statement – 2020, be received for information.

**9. Vance Badawey, Member of Parliament, Niagara Centre Re: Single Sport Betting**

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Committee of the Whole recommends:

That the correspondence received from Vance Badawey, Member of Parliament, Niagara Centre Re: Single Sport Betting, be received for information.

CARRIED

**8. Presentations:**

(a) Mario Madia, Vice-President, Finance, Administration & IT, YMCA of Niagara provided an Operations report with respect to the Port Colborne Vale Centre YMCA and responded to questions received from Council. A copy of his presentation is attached.

**9. Delegations:**

None.

**10. Mayor's Report:**

A copy of the Mayor's Report is attached.

**11. Regional Councillor's Report:**

Regional Councillor Butters provided a report that informed Council of various items; namely, a Provincial Poverty Reduction Strategy presentation from the Ministry of Children, Community and Social Services, a 5.8% unemployment rating in the Niagara Region, a Region report coming forward with respect to finding a new Region Chief Administrative Officer, a number of policies being brought forth for approval, and a report with respect to a statement of remuneration and expenses for members of Council coming forward.

**12. Councillors' Items:**

**Staff responses to Previous Councillors' enquiries:**

None.

**Councillors' Issues/Enquiries:****(a) Sherkston Community Centre Chili Cook-off (Bodner)**

Councillor Bodner announced to Council that on Sunday, March 8, Sherkston Community Centre held a chili cook-off and the event was very successful.

**(b) Safety on Stanley Street (Kalailieff)**

In response to Councillor Kalailieff's request for an update on the safety issue on Stanley Street, the Acting Director of Engineering and Operations stated that inquiries will be made with staff and an update will be provided at the next Committee of the Whole meeting.

**(c) Niagara Region Public Meeting (Bagu)**

Councillor Bagu informed Council that there is a Niagara Region public meeting taking place in Port Colborne on March 31 from 6 p.m. to 8 p.m. at the Vale Health and Wellness Centre regarding the Region's Woodland By-law Review.

**(d) Eagle Marsh Drain (Bagu)**

In response to Councillor Bagu's request for an update on the status of the Eagle Marsh Drain screw replacements, the Acting Director of Engineering and Operations confirmed that they would be brought forth through the Engineer's Report.

**(e) Removal of Ash Trees (Bagu)**

In response to Councillor Bagu's request for an update on the status of removing ash trees from City owned properties as well as his inquiry regarding replacing the trees that have been removed, the Acting Director of Engineering and Operations informed Council that to the department's knowledge, there are no longer any ash trees located along the streets on City owned property but confirmed that there is currently a contractor removing dead trees in the rural area three days a week along the brush line. The Acting Director of Engineering and Operations also reported that a tree inventory is being brought forth as an item during the budget process. Further, the Acting Director of Community and Economic Development informed Council that 90% of ash trees have been removed from the City owned parks and trails and that a new initiative is starting this year for the replacement of trees which involves potting larger trees along West Street during the summer months and then planting those trees in parks around the City during the winter months.

**(f) Volunteer to Adopt Road (Wells)**

Councillor Wells informed Council that there is a volunteer in Ward 4 who would like to adopt a mud road in order to obtain responsibility of cutting the grass and maintaining the garbage. The Acting Director of Engineering and Operations stated that inquiries will be made with staff in order to determine what is required to recognize the adoption of the road.

**13. Consideration of Items Requiring Separate Discussion:**

**1. Community and Economic Development, Parks and Recreation Division, Report 2020-30, Subject: Draft Agreement with Lighthouse Festival Theatre Corporation Respecting Theatre Management Services at Roselawn Centre for the Arts**

Councillor Beaugard declared a conflict with this item and therefore did not vote.

Nicole Halasz, Manager of Parks and Recreation provided a presentation and answered questions received from Council.

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

That the Director of Community and Economic Development be directed to finalize the process for entering into an agreement with Lighthouse Festival Theatre Corporation for the operation and management of the "theatre side" of Roselawn Centre for the Arts;

That the Director of Community and Economic Development, be directed to allocate \$2,500 in the Department's 2020 budget for displaced employee support services; and

That upon finalization, the Director of Community and Economic Development be granted approval and authorization to enter into the agreement with Lighthouse Festival Theatre.

CARRIED

**2. Planning and Development Department, Planning Division, Report 2020-25, Subject: Mineral Aggregate Operation Zone**

Jack Hellinga, 770 Highway #3, expressed concern with regards to how Mineral Aggregate Operation Zone is outlined in the current Zoning By-law. A copy of his presentation is attached.

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

That Planning and Development Department, Planning Division,  
Report 2020-25, Subject: Mineral Aggregate Operation Zone, be  
received for information.

CARRIED

**10. Vance Badawey, Member of Parliament, Niagara Centre Re: Re-Branding the Gas Tax Fund – Building Communities Partnership Fund – Federal-Municipal Program**

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

That the correspondence received from Vance Badawey, Member of  
Parliament Niagara Centre Re: Re-Branding the Gas Tax Fund –  
Building Communities Partnership Fund – Federal-Municipal  
Program, be endorsed.

CARRIED

**11. Vance Badawey, Member of Parliament, Niagara Centre Re: Great Lakes**

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

That the correspondence received from Vance Badawey, Member of  
Parliament, Niagara Centre Re: Great Lakes, be endorsed.

CARRIED

**12. Vance Badawey, Member of Parliament, Niagara Centre Re: Skilled Trades**

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

That the correspondence received from Vance Badawey, Member of  
Parliament, Niagara Centre Re: Skilled Trades, be endorsed.

CARRIED

**13. Vance Badawey, Member of Parliament, Niagara Centre Re: Niagara-Hamilton Trade Corridor Phase 1**

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

That the correspondence received from Vance Badawey, Member of Parliament, Niagara Centre Re: Niagara-Hamilton Trade Corridor Phase 1, be endorsed.

CARRIED

**14. Notice of Motion:**

None.

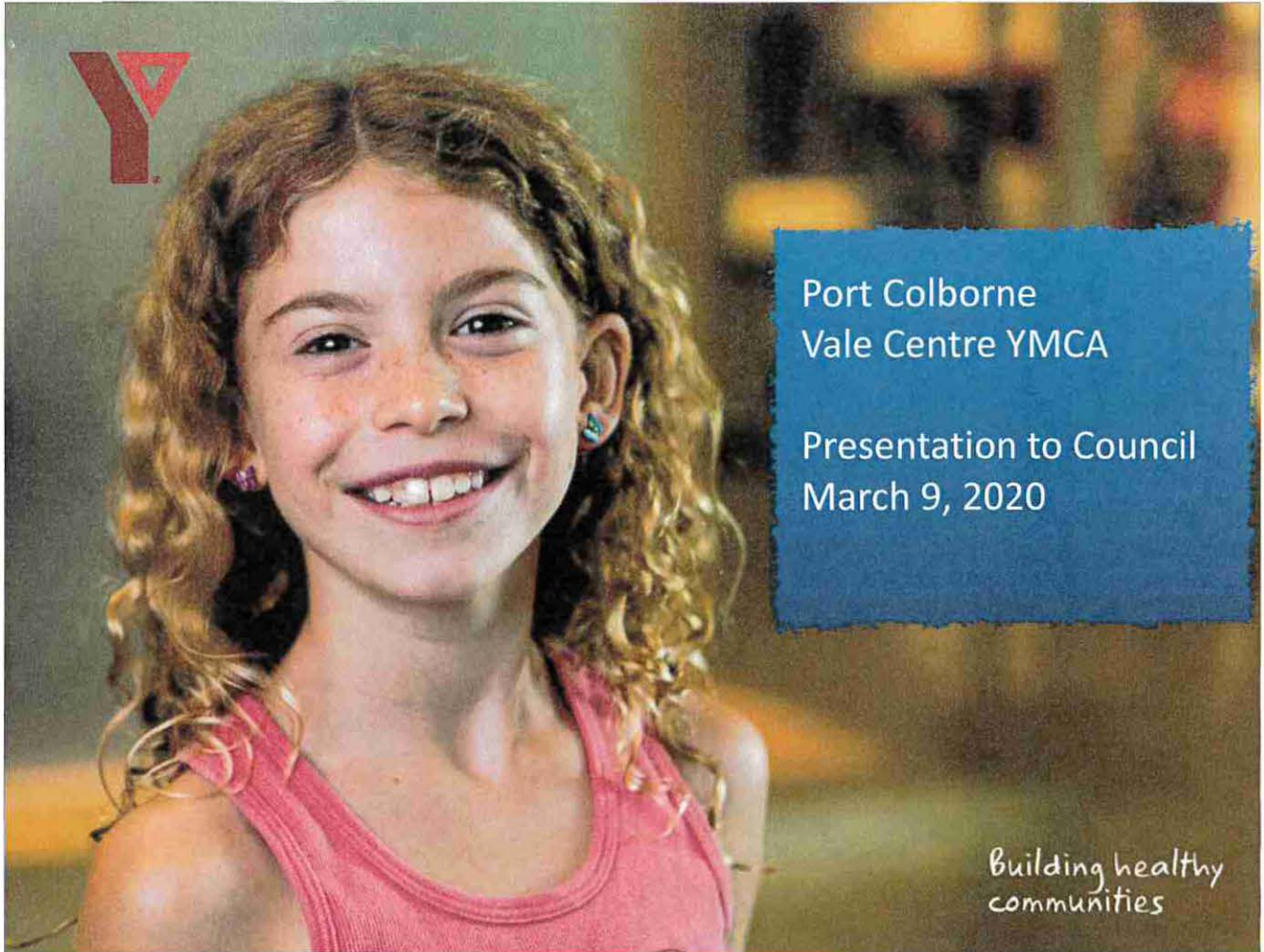
**15. Adjournment:**

Mayor Steele adjourned the meeting at approximately 9:27 p.m.

CARRIED

AL/cm





Port Colborne  
Vale Centre YMCA

Presentation to Council  
March 9, 2020

*Building healthy  
communities*

## Topics



- Highlights from the 2018-19 Year 7 Port Colborne YMCA
- What is New in 2019-20?
- Fitness Appointments YThrive
- Budget 2018-19
- Projection of 2020-24: the Next 4 Year Forecast



# Port Colborne YMCA Year 7 Highlights



- Leadership and development of more than 75 staff
- 1,252 volunteer hours provided by 74 volunteers
- Served an average of 2172 members on roll throughout the year
- Supported over 400 children, individuals and families through YMCA Financial Assistance
- Engaged over 450 children and youth continuously or in swim lessons strengthening their skills
- Partnered with 19 Community Organizations
- Engaged children and youth participants with 1409 camper days



# Port Colborne YMCA Year 7 Highlights

## Non-Member Access Highlights – Drop In:

- 5025 Swim Passes (Child, Adult and Family)
- 1230 Swimming visits by School Groups
- 6633 Day Pass / Guest Pass users
- 3907 Other (Day Camp, Aquatic Enrichment, Babysitting)



**Total of all non-member access visits - 16 795 / year**  
**Total of all member access visits – 118 162 / year**  
**Total average access visits – 11 246 / month**



# Total Programs and Hours Per Week

## Access Report

PROGRAM AREA	PARTICIPATION	PORT COLBORNE YEAR 7 (2018-2019)		TOTAL PROGRAM HOURS PER WEEK	TOTAL NUMBER OF PROGRAMS
		HOURS PER WEEK	PROGRAMS PER WEEK		
AQUATICS PROGRAMS	Preschool Swim Lessons	18	36	50.50	87.00
	Children Swim Lessons	23	40		
	Adult Lessons	1	2		
	Private Swim Lessons	3.5	7		
	Aquatic Certification	5	2		
	Open Swim	88	40	150.25	81.00
	Family Swim	10.75	7		
	Lane Swim	51.5	34		
	Aquatic Fitness	6.75	9	7.75	10.00
Other Aquatics	1	1			
FITNESS PROGRAMS	Group Fitness Classes (Step, Gentlefit, On the ball, Zumba, Body Sculpt)	19	24	47.00	52.00
	Adult Rec Sports	13	9		
	Individual Fitness Orientations	15	19		
PRESCHOOL PROGRAMS	Preschool Programs	11	7	51.25	32.00
	Play Centre (child minding/babysitting for parents active in YMCA at a fee for service)	20	10		
	Family Gym	20.25	15		
YOUTH PROGRAMS	Youth Programs (Get Connected, Games Galore, Saturday Morning Club)	10	6	21.50	15.00
	Individual Youth Fitness Orientations	2	4		
	Leader Corp	1.5	1		
	Youth Rec Sports	5	3		
	Youth Action Drop In	3	1		
<b>TOTAL</b>		<b>328.25</b>	<b>277.00</b>	<b>328.25</b>	<b>277.00</b>



## Port Colborne YMCA and Community Involvement



YMCA has been actively involved in many City of Port Colborne events including:

- Canal Days
- Canada Day Event
- Community Awareness Day
- Sports Fest
- Vale Day
- New Year's Eve Event
- Family Day

YMCA continues to provide leadership for several community events:

- National Child Day
- Healthy Kids Day
- Hallowe'en



## New/Expanded Program Investments for 2019 - 2020



Launch of new adult programs Arriba, Family Drumfit AND expanded offerings in Aquafit & Yoga!



## New/Expanded Program Investments for 2019 - 2020



Additional skill-based youth programming in Badminton, Basketball and Soccer!



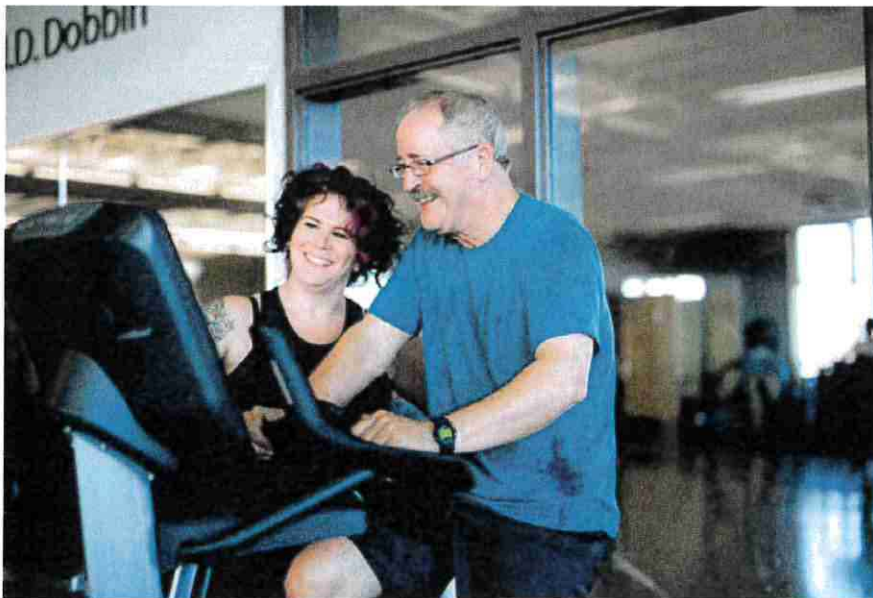
## New/Expanded Program Investments for 2019 - 2020



New  
Drop-in  
Band & Body  
Weight  
Class!



## Fitness Appointments - YThrive



### **Fitness Appointments**

Our goal is to help you be successful. Our Fitness staff can recommend an exercise program to assist you in achieving your fitness goals and objectives.

*It doesn't matter where you are now with your fitness and health goals,  
it matters where you're going.*



# Fitness Appointments - YThrive



## YThrive

Is the easiest way to get into the best shape of your life. Whether you're looking to enhance your athletic performance, lose weight, increase your energy or reduce your stress, our team of dedicated fitness experts has designed a program to fit your life.

*It doesn't matter where you are now with your fitness and health goals,  
it matters where you're going.*



## March 2020 Promo

A photograph of a group of five people in a gym setting. A woman in the center is jumping with her arms raised in celebration. To her left, a woman in a black jacket is also celebrating. To her right, a man in a red tank top and a woman in a black tank top are also celebrating. A large red 'Y' logo is in the top left corner of the image.

**WE'RE HERE FOR THEIR  
ACHIEVEMENTS**

Join the YMCA and  
**Pay No Join Fee!**

Save  
up to  
**\$150**



# March 2020 Promo

## Benefits for the whole family!

- No locked-in contract
- Unlimited free adult fitness and aquatics classes
- Free YThrive fitness program and ongoing coaching
- Free swim lessons for all ages, drop in family swim times and lane swimming
- A free one-on-one fitness orientation to support new members
- Flexible membership hold options
- Gymnasium for recreational sports (basketball, volleyball, etc.)
- Customized personal training programs

## Visit any YMCA of Niagara location to get started.

Walker Family YMCA  
25 YMCA Drive  
St. Catharines

E.J. Freeland YMCA  
1555 Garrison Road  
Fort Erie

Niagara Falls YMCA,  
MacBain Community Centre  
7150 Montrose Road, Niagara Falls

Niagara Centre YMCA  
310 Woodlawn Road  
Welland

Niagara West YMCA  
325 Main Street East  
Grimsby

Port Colborne YMCA,  
Vale Health and Wellness Centre  
550 Elizabeth Street, Port Colborne

[ymcaofniagara.org](http://ymcaofniagara.org)



Everyone is welcome. Financial assistance is available to those in need.

Save  
—up to—  
**\$150**

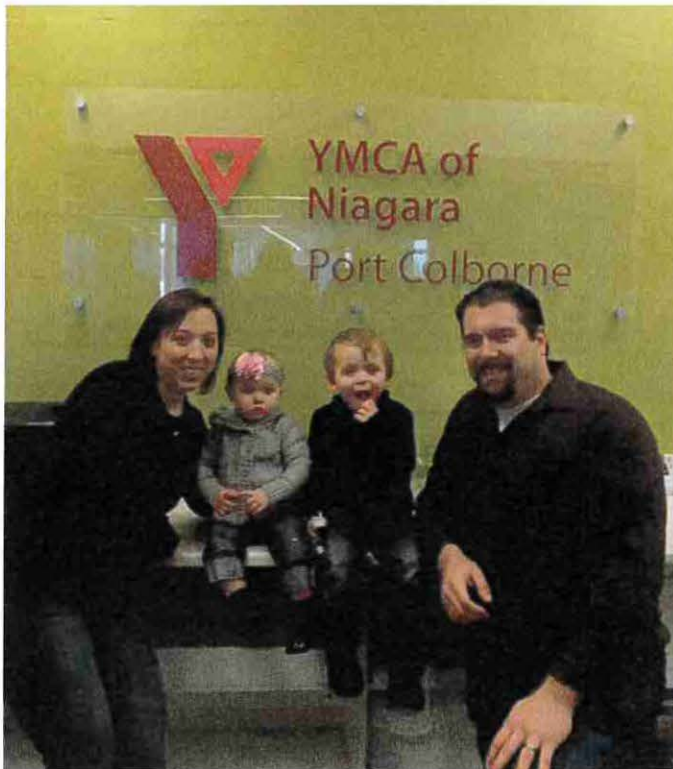
Bring this card in to YMCA  
and we'll waive the join fee!



Offer expires March 31, 2020. This introductory offer is available to those new to the YMCA and upon registration for a continuous YMCA membership. This voucher has no cash value, is non-refundable, and cannot be replaced if lost or stolen. Not to be combined with any other offer.



## Supporting Participation for All YMCA Financial Assistance



The YMCA Financial Assistance program serves individuals and families who have the greatest need in our community.

18.3% of Port Colborne  
YMCA Members  
(400 individuals)  
benefited from YMCA  
Financial Assistance.



# How we did last Fiscal Year vs. Projection?

Port Colborne YMCA	2018/19 Actuals	2018/19 Projection	Variance
Members On-roll, Year-to-date Average	2172	2398	(226)
<b>Budgeted Revenue and Expenses</b>			
<b>Revenue</b>			
Operating Service Fund	300,000	300,000	-
Common Area Cleaning Fee	50,959	49,860	1,099
Membership Fees & Day Passes	932,091	979,252	(47,161)
Building Fee	6,358	10,195	(3,837)
Membership Assistance	(77,774)	(73,062)	(4,712)
Strong Kids Campaign	13,080	10,985	2,095
<b>Total Revenue</b>	<b>1,224,713</b>	<b>1,277,230</b>	<b>(52,517)</b>
<b>Expenses</b>			
Wages & Benefits	898,693	936,705	(38,012)
Supplies - Program, Cleaning and Maintenance	85,997	83,993	2,004
Other Direct Expenses (repairs, training, etc.)	49,960	52,330	(2,370)
<b>Total Expenses</b>	<b>1,034,650</b>	<b>1,073,028</b>	<b>(38,377)</b>
<b>Operating Net</b>	<b>190,063</b>	<b>204,203</b>	<b>(14,140)</b>
Deferred Capital Depreciation	136,286	146,286	(10,000)
Administrative Overhead (10% of total expenses)	103,465	107,303	(3,838)
<b>Total Net</b>	<b>(49,688)</b>	<b>(49,386)</b>	<b>(302)</b>
<b>Additional Funding from City of Port Colborne</b>	<b>22,500</b>		
<b>Net Surplus (Deficit)</b>	<b>(27,188)</b>		



## Port Colborne YMCA 2019/20 Budget & 4 Year Forecast

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Members On-roll, Year-to-date Average	2172	2227	2249	2272	2294	2317
<b>Budgeted Revenue and Expenses</b>	<b>Annual Actuals</b>	<b>Annual Budget</b>	<b>Annual Forecast</b>	<b>Annual Forecast</b>	<b>Annual Forecast</b>	<b>Annual Forecast</b>
<b>Revenue</b>						
Operating Service Fund	300,000	300,000	300,000	300,000	300,000	300,000
Common Area Cleaning Fee	50,959	51,288	51,801	52,319	52,842	53,370
Membership Fees & Day Passes	932,091	962,035	981,276	1,000,901	1,020,919	1,041,338
Building Fee	6,358	6,197	6,259	6,322	6,385	6,449
Membership Assistance	(77,774)	(77,585)	(79,137)	(80,719)	(82,334)	(83,980)
Strong Kids Campaign	13,080	9,965	10,164	10,367	10,575	10,786
<b>Total Revenue</b>	<b>1,224,713</b>	<b>1,251,900</b>	<b>1,270,363</b>	<b>1,289,190</b>	<b>1,308,387</b>	<b>1,327,962</b>
<b>Expenses</b>						
Wages & Benefits	898,693	909,501	927,692	946,245	965,170	984,474
Supplies - Program, Cleaning and Maintenance	85,997	70,988	74,537	78,264	82,177	86,286
Other Direct Expenses (repairs, training, etc.)	49,960	37,176	39,035	40,987	43,036	45,188
<b>Total Expenses</b>	<b>1,034,650</b>	<b>1,017,665</b>	<b>1,041,264</b>	<b>1,065,496</b>	<b>1,090,384</b>	<b>1,115,948</b>
<b>Operating Net</b>	<b>190,063</b>	<b>234,234</b>	<b>229,099</b>	<b>223,693</b>	<b>218,003</b>	<b>212,015</b>
Deferred Capital Depreciation	136,286	137,671	159,057	155,443	135,737	30,000
Administrative Overhead (10% of total expenses)	103,465	101,767	104,126	106,550	109,038	111,595
<b>Total Net</b>	<b>(49,688)</b>	<b>(5,204)</b>	<b>(34,084)</b>	<b>(38,299)</b>	<b>(26,772)</b>	<b>70,420</b>







**Thank you and  
Questions?**

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**Delegation to Council on Monday, March 9, 2020**

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ack Hellinga [REDACTED]  
o: Jack Hellinga [REDACTED]

6 March 2020 at 16:3

Amber,

Please add me as a Delegate to the Council Meeting on Monday, March 9, 2020.

I wish to address the Planning and Development Report Number 2020-25 regarding the Mineral Aggregate Operation Zone. Specifically, my question 5. was regarding Asphalt **Recycling**. The answer was for asphalt **manufacturing**.

Also, the definition of Mineral Aggregate Operations allows "...derived products such as asphalt and concrete, or the production of secondary products."

Although reference is made to "These uses are common throughout the Province...", the uses are not common in an aquifer. In fact, the proposed amendments to the Aggregate Resources Act (ARA) currently posted on the Environmental Registry Ontario (ERO) prohibit these operations within 2 m of the "Top of the Water Table", i.e. the aquifer. I would suggest this is scientific recognition that this does pose a risk to the aquifer.

The Interim Control By-Law did not permit Mineral Aggregate Operations and its broad definition, part of which is quoted earlier.

In the Consolidated Zoning Bylaw posted with the April 23, 2018 Council Package, Section 2.3 Uses Prohibited in all Zones,"b) Asphalt and Cement Manufacturing;" was deleted as prohibited. To my understanding, if it is not prohibited, it is permitted.

I would respectfully request P&DD Report 2020-25 be returned to staff for amendment, and the CZBL be amended to protect the aquifer.

Respectfully,

JACK S HELLINGA

770 Highway #3, Port Colborne, ON L3K 5V3

convenience and health of employees such as tuck shops, cafeterias, training, medical and recreational and fitness facilities.

**Marina:** means a premises containing docking facilities and which is located on a navigable waterway, where boats or boat accessories are stored, serviced, repaired, launched or kept for sale and where a full range of marine services may be provided including but not limited to fuelling and sewage pump out facilities, showers, foodstuffs and laundry facilities and ancillary restaurants.

**Marine Sales and Service:** means a building or part thereof and associated lands where a dealer displays new and used boats and marine accessories for sale or rent and where marine equipment is serviced or repaired and may include boat storage facilities.

**Medical Clinic:** means a place where a medical doctor, dentist or other lawfully qualified health care practitioner has his or her practice and includes a medical or dental laboratory.

**Medical Marihuana Production Facility:** means a building or structure used for the cultivation, processing, testing, destruction, packaging and shipping of marihuana used for medicinal purposes as permitted under the Federal Government's Marihuana for Medical Purpose Regulations (MMPR), as amended from time to time, or an successors thereto.

**Mineral Aggregate Operation:** means

a) An operation other than wayside pits and quarries, conducted under a license or permit under the Aggregate Resources Act or successors thereto; and

b) Associated accessory facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

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**Minimum Distance Separation Formulae:** means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Mobile Home:** means a residence that is designed and manufactured to be transported on its own chassis and is equipped for year-round occupancy.

**Mobile Home Park:** means two or more occupied mobile homes housed on the same lot.

## Section 28: Mineral Aggregate Operation Zone (MAO)

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### 28.1 General

- a) No person shall make or establish any pit or quarry, or use any lot or erect, alter or use any building or structure in any Mineral Aggregate Operation (MAO) Zone except in accordance with the applicable provisions of Sections 2, 3 and 28.
- b) In addition to Section 28.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 28.2 Permitted Uses

- a) Mineral Aggregate Operations;
- b) Making or establishment of pits and quarries for the purpose of extracting natural materials from the earth including soil, clay, sand, gravel, stone, rock, shale and minerals;
- c) Processing of natural materials including screening, sorting, washing, crushing, storing and other similar operations related to an extractive industrial operation;
- d) Agricultural uses;
- e) Uses, structures and buildings accessory thereto excepting any building or structure used for human habitation.

### 28.3 Zone Requirements

- a) No building or structure other than a fence shall be located within 30 metres of any lot line or within 90 metres of any occupied dwelling or Residential Zone.
- b) No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street or 90 metres of any lot line which abuts a Provincial Highway or 30 metres of any lot line which abuts any other public street.

**Deleted:** c) A new extractive operation involving the blasting of consolidated rock or the processing of quarry stone shall be prohibited within 300 metres of a dwelling or dwelling unit or area zoned for residential purposes where such lands are held under distinct and separate ownership.

## Section 29: Gateway Industrial Zone (GI)

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### 29.1 General

- a) No person shall use any lot or erect, alter or use any building or structure in any Gateway Industrial (GI) Zone except in accordance with the applicable provisions of Sections 2, 3 and 29.
- b) In addition to Section 29.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

### 29.2 Permitted Uses

- a) Contractor's Yard;
- b) Education Facility;
- c) Industry, Light;
- d) Medical Marihuana Production Facility;
- e) Multi-modal Storage Facility;
- f) Public Use;
- g) Research Facility;
- h) Transportation Depot; and
- i) Uses, structures and buildings accessory thereto and does not include obnoxious, dangerous or offensive trades

### 29.3 Permitted Uses – Accessory

- a) Employee Convenience Facility;
- b) Retail Store;
- c) Restaurant, Fast-Food;
- d) Restaurant, Full-Service; and
- e) Restaurant, Take-Out

### 29.4 Zone Requirements

- |  |            |
|--|------------|
| a) Minimum Lot Frontage  | 30 metres  |
| b) Minimum Front Yard  | 7.5 metres |
| c) Minimum Front Yard abutting<br>a Residential or Agricultural Zone | 15 metres  |

- b) Where the area of a lot is reduced by means of an acquisition of part of the lot by a public agency for the purpose of providing a public service, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition to have a lot area, lot frontage, lot depth, lot coverage, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then the lot as reduced shall continue to be used as if no such acquisition had taken place provided that:
  - i) No change is made in the dimensions or area of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-conformity; and
  - ii) No building, structure or addition is erected on the lot as reduced, subsequent to the date of such acquisition, except in accordance with all of the provisions hereof for the zone in which such lot is located.

**2.2 Uses Permitted in All Zones**

- a) Nothing in this By-law shall prevent the use of any land as a public use provided by or on behalf of the City, Regional Municipality of Niagara or Province of Ontario for the erection of buildings or structures, or the installation of other facilities essential to the operation of water works, street lighting, cable and telephone lines, railways and works for the transmission of gas, oil, water or electrical power or energy, or wayside pits and quarries, provided that any such use, building or structure provided that:
  - i) Any buildings or structures shall be in compliance with the relevant provisions of this By-law;
  - ii) Any building, structure or use shall not adversely affect the character or amenity of the neighbourhood in which it is located.
- b) Nothing in this By-law shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department of authority.

**2.3 Uses Prohibited in All Zones**

- a) Abattoir;
- c) Mobile Home Park;
- d) Salvage Yard;
- e) Solid Waste Disposal Facility;

Deleted: b) Asphalt and Cement Manufacturing;

- f) Trailer Park;
  - g) Sites for the treatment and disposal of liquid waste, hazardous waste, or any other waste which requires special treatment;
  - h) Locating or storing on any land for any purpose whatsoever any disused railroad car, sea container or similar shipping container, streetcar body, truck body or trailer without wheels, whether or not the same is situated on a foundation, except, in the Industrial Zones and Site Specific Zones that permit industrial type uses and City owned lands Zoned Public and Park located on the City's Island (Mellanby Avenue/Killaly Street West); and
  - i) Any use where its nature or the material used therein is considered a noxious use as defined in Section 39.
- a) Nothing in this By-law shall prevent the use of any land as a public use provided by or on behalf of the City, Regional Municipality of Niagara or Province of Ontario for the erection of buildings or structures, or the installation of other facilities essential to the operation of water works, street lighting, cable and telephone lines, railways and works for the transmission of gas, oil, water or electrical power or energy, or wayside pits and quarries, provided that any such use, building or structure provided that:
    - i) Any buildings or structures shall be in compliance with the relevant provisions of this By-law;
    - ii) Any building, structure or use shall not adversely affect the character or amenity of the neighbourhood in which it is located.
  - b) Nothing in this By-law shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department of authority.
  - f) Sites for the treatment and disposal of liquid waste, hazardous waste, or any other waste which requires special treatment;
  - g) Locating or storing on any land for any purpose whatsoever any disused railroad car, sea container or similar shipping container, streetcar body, truck body or trailer without wheels, whether or not the same is situated on a foundation, except, in the Industrial Zones and Site Specific Zones that permit industrial type uses and City owned lands Zoned Public and Park located on the City's Island (Mellanby Avenue/Killaly Street West); and
  - h) Any use where its nature or the material used therein is considered a noxious use as defined in Section 39.

### **2.3.1 Source Water Protection**



Report Number: 2020-25

Date: March 9, 2020

**SUBJECT: Mineral Aggregate Operation Zone**

**1) PURPOSE:**

The purpose of the report is to provide Council with information in response to questions received regarding the Mineral Aggregate Operation (MAO) zone in the City of Port Colborne's Zoning By-law No. 6575/30/18, as amended.

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

At the Regular Committee of the Whole meeting that took place on February 10, 2020, Jack Hellinga was registered as a delegate and presented the following questions:

1. Does an existing land use require a secondary plan if there is no change in use?
2. Does an existing MAO land use require a secondary plan if the land use continues as MAO?
3. Does a rezoning from, say Agricultural, to MAO, outside the Urban boundary require a secondary plan?
4. Is a local Municipal Zoning By-Law restricted from being more stringent than the Provincial Policy Statement (PPS) and the Region Official Plan (ROP) as long as it doesn't conflict with either?
5. Given the following quote of Permitted Uses and Definition of MAO in the Port Colborne Consolidated Zoning By-Law,

28.2 Permitted Uses

a) Mineral Aggregate Operations;

Mineral Aggregate Operation: means

- a) An operation other than wayside pits and quarries, conducted under a license or permit under the Aggregate Resources Act or successors thereto; and



- b) Associated accessory facilities used in extraction, transport beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Is a pit or quarry zoned MAO prohibited from Asphalt Recycling on the quarry floor?

6. Given the Permitted Uses and Definition of MAO, is a pit or quarry zoned MAO prohibited from manufacturing asphalt or concrete on the quarry floor?
7. Does the current MAO zoning in the Consolidated Zoning By-Law (CZBL) protect the aquifer from contamination by the permitted uses in the MAO zoned properties?

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

The following answers are provided in numerical order in response to the questions posed by Mr. Hellinga outlined above:

1. No, an existing land use must be in compliance with the zoning by-law or considered a non-conforming (grandfathered) use. A secondary plan is a tool which helps understand opportunities and address issues related to land use through specific policies for those areas of the City where more detailed direction is needed for matters beyond the general framework provided by the Official Plan.
2. No, an existing MAO land use must be in compliance with the zoning by-law or considered a non-conforming (grandfathered) use. A secondary plan is a tool which helps understand opportunities and address issues related to land use through specific policies for those areas of the City where more detailed direction is needed for matters beyond the general framework provided by the Official Plan.
3. No, a zoning application from Agricultural to MAO regardless of its location, requires an official plan amendment application as well. The presumption is that an application to support that change in land use would be accompanied by all supporting studies (hydrogeological, land use compatibility, agricultural assessment, air quality, noise, traffic, archaeological, etc.).
4. No, provided there are supporting policies in the City's Official Plan to be more restrictive.
5. Asphalt manufacturing is a prohibited use in the Zoning By-law. Successful Zoning By-law and Official Plan amendment applications are required to permit asphalt manufacturing in the MAO zone.

6. Asphalt manufacturing is a prohibited use in the Zoning By-law. Successful Zoning By-law and Official Plan amendment applications are required to permit asphalt manufacturing in the MAO zone.
7. The MAO zone permits the following uses:
  - a) Mineral Aggregate Operations;
  - b) Making or establishment of pits and quarries for the purpose of extracting natural materials from the earth including soil, clay, sand, gravel, stone, rock, shale and minerals;
  - c) Processing of natural materials including screening, sorting, washing, crushing, storing and other similar operations related to an extractive industrial operation;
  - d) Agricultural uses;
  - e) Uses, structures and buildings accessory thereto excepting any building or structure used for human habitation.

These uses are common throughout the Province in respective municipal zoning by-laws and have been in place for decades. To staff's knowledge, an aquifer has not been contaminated by allowing these uses. The Province of Ontario is currently proposing that new quarries must identify the proposed maximum depth of extraction in relation to the water table. In addition, applications that propose to extract below the ground water table must include a hydrogeological report ("water report") with the objective to identify any potential adverse effects to ground water and surface water resources and their uses (e.g., private and municipal wells, aquifers, waterbodies). If the potential for adverse effects is identified, an impact assessment is required to determine the significance of the effects and the feasibility of mitigation.

Mr. Hellinga raised concern in his presentation regarding the definition of Mineral Aggregate Operation and questioned if it would allow asphalt or concrete manufacturing.

On March 26, 2018, during a public presentation on the new zoning by-law, Mr. Hellinga had requested the following:

"I would respectfully ask the City to amend the current wording of Permitted Uses for "a) Mineral Aggregate Operations" to read:  
a) Mineral Aggregate Operations , except for Asphalt Plant and Concrete Batching Plant facilities".

Asphalt manufacturing was subsequently changed in the zoning by-law to prohibit it. A concrete batching plant is not a permitted use and would require a successful rezoning application to allow the use.

For Council's information, in order to permit any new uses in Pits 1 and 2 of the Port Colborne Quarry facility located in the MAO zone and in the urban service boundary under application files D09-01-16 and D14-05-16, first requires the completion of a draft secondary plan. The plan would address policy requirements and supporting study that would involve government agency and the public's participation in its completion.

There was also concern that the interim control By-law "provided stricter requirements in the MAO zone".

The interim control by-law was put in place to address permitted uses and prohibited uses through the official plan study in the MAO zone but not the:

- a) Making or establishment of pits and quarries for the purpose of extracting natural materials from the earth including soil, clay, sand, gravel, stone, rock, shale and minerals;
- b) Processing of natural materials including screening, sorting, washing, crushing, storing and other similar operations related to an extractive industrial operation;
- c) Uses, structures and buildings accessory thereto excepting any building or structure used for human habitation.

As staff prohibited asphalt manufacturing and did not permit any other use in the MAO zone at the time of new zoning by-law consideration coupled with current applications for Pits 1 and 2 for future land use, staff did not move forward with the study of official plan policy to determine new or prohibited uses.

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

##### **a) Do nothing**

N/A. The report is for informational purposes only.

##### **b) Other Options**

N/A. The report is for informational purposes only.

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

N/A

#### **6) ATTACHMENTS**

N/A

#### **7) RECOMMENDATION**

That Planning and Development Department, Planning Division, Report No. 2020-25

Subject: Mineral Aggregate Operation Zone, be received for information.

**8) SIGNATURES**

Prepared on February 28, 2020 by:

Reviewed and Respectfully Submitted:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development



C. Scott Luey  
Chief Administrative Officer



## MAYOR'S REPORT – MARCH 9, 2020

### **REMEMBRANCE OF OUR SERVICE PERSONNEL**

Tomorrow we will be hanging yellow ribbons on the lampposts in front of City Hall, as we have done every year since 2009, when Corporal Tyler Crooks lost his life in Afghanistan.

These yellow ribbons symbolize our remembrance not only of Tyler and his ultimate sacrifice while serving his country, but of all past veterans and current personnel serving our country.

I would ask everyone to stand for a moment of silence as we remember.

*Stand for one minute.*

Thank you.

### **MARCH BREAK**

March break begins on Friday. If you are looking for activities for the kids, check out our Public Library and Vale Health & Wellness Centre for exciting programming. (see list)

And remember, to watch for the kids out playing as we head into spring.

### **BUDGET MEETINGS**

Our budget meeting schedule has now been set and the draft budget should be posted online shortly.

The first meeting will be on Tuesday, March 24<sup>th</sup> at 6:30 p.m., followed by Saturday, March 28<sup>th</sup> at 10 a.m. and 2 p.m. and if needed, Monday, March 31<sup>st</sup> at 6:30 p.m.

All meetings are open to the public and will be held here in the Council Chambers and streamed live on YouTube.

## **COMPLAINTS TO MAYOR'S OFFICE OR ANYONE AT THE CITY**

I have to say, I got a little frustrated last week when I received this letter in my mailbox, from someone, I don't know who, because they didn't sign their name, complaining that I had done nothing about a complaint that was supposedly registered two weeks earlier by some other unknown person, dealing with a parking issue on Hampton.

I take all complaints very seriously.

First, there is no record either in my office or in the By-law office of a complaint about parking on Hampton.

Please, if you have an issue, call us and file a formal complaint in the proper manner with the by-law intake clerk.

Don't assume your neighbor did it because you talked about it.

We can't act if we don't know.

And you need to give us your contact information.

This information remains confidential and is not released to anyone.

## **NHL LINESMAN DEREK AMELL**

On Saturday afternoon in Pittsburgh, Port Colborne native NHL Linesman Derek Amell skated in his 1,500th NHL Regular Season Game between the Pittsburgh Penguins and Washington Capitals.

Derek worked his first NHL Regular Season Game back on October 11th, 1997 in that same city of Pittsburgh (Carolina Hurricanes vs Penguins) at the old Civic Arena across the street from where he achieved this amazing milestone on Saturday.

I remember Derek from his days in minor hockey.

He started officiating when he was 21 and in his second year at Durham College in Oshawa taking Chemical Engineering Technology.

He used to play hockey with the referee assigner's son and after running into him, his friend said that his dad was looking for referees.

After talking to the assigner he ended up going to the next officiating clinic, got certified and was assigned to Novice out of Harman Arena and went from there.

He moved up the ranks pretty quick due to his size and calm demeanor on the ice and he worked his first Ontario Hockey League game three years later at the age of 24.

He worked the OHL for four years as a linesman. On his fourth year, the Montreal Canadiens relocated their American Hockey League (AHL) affiliate team to Hamilton, Ontario creating a need for the AHL to form a staff of local linesmen in the area.

Amell was selected along with five other Southern Ontario linesmen to work the games that year.

That year he ended up working the OHL Finals and also got the chance to work the AHL Calder Cup Finals because the Hamilton Bulldogs made it to the Final! In the summer of 1997, the National Hockey League offered him a minor league contract (40-40) as a linesman splitting his duties between the AHL and the NHL.

He was promoted to a full-time NHL linesman status in the summer of 1998 and hasn't looked back.

Derek has officiated at World Cup Hockey, Winter Classics, All-Star Games, Winter Olympics and NHL playoffs and Stanley Cup finals.

Derek was also voted by his peers to sit on the NHLOA executive committee in the fall of 2017, a position that he still occupies today.

We are Port Colborne proud of you Derek.

## **INTERNATIONAL WOMEN'S DAY**

Yesterday was International Women's Day, a global day celebrating the social, economic, cultural and political achievements of women.

Growing up my mother and Aunt Olive were two very important women in my life and then, of course, my wife Debby.

I am fortunate to be surrounded by many strong women here at the City, from councillors to staff.

We will continue to celebrate on Wednesday at the Guild Hall for Port Colborne International Women's Day celebration with guest speakers Falynn Shaw and Debbie Zimmerman.

## **FAKE ENERGY AUDITOR**

I also want to remind residents to be vigilant with door-to-door sales individuals.

Recently OPP in Haldimand Country received a complaint about a person claiming to be an energy auditor who scheduled a late afternoon appointment with a resident in Dunnville.

The unknown person went inside the home for an inspection and proceeded to ask to see utility bills.

The suspect informed the resident they qualified for a monthly rebate and would apply for the rebate on their behalf.

The contact number supplied by the suspect after his visit was out of service when the resident attempted to reach out to confirm the rebate.

The resident reached out to the Ontario Energy Board and was told there were no applications filed under their name.

OPP has received several more queries about a representative from Save On Energy visiting homes.

We have had people trying to sell water purification systems, furnaces and telecommunication systems.

Please, please don't let anyone into your house you don't know and trust.



## **COVID-19 CORONAVIRUS INFO**

I wanted to touch briefly on the Coronavirus or COVID-19 as it is now known.

As a community, we are relying on Niagara Region Public Health for advice and direction.

Information for the public is available on their website at [niagararegion.ca](http://niagararegion.ca)

The government of Ontario also has information on their website – [Ontario.ca](http://Ontario.ca), which is being updated daily at 10:30 a.m. and 5:30 p.m.

As an employer our senior staff have met to discuss worker safety, business continuity planning and a planned response if the virus becomes prevalent in Niagara.

Currently there are no cases in Niagara and the risk of infection is extremely low.