

**City of Port Colborne
Regular Committee of the Whole Meeting 17-18
Minutes**

Date: August 27, 2018

Time: 6:54 p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
Y. Doucet, Councillor
D. Elliott, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)

Absent: J. Mayne, Councillor (leave of absence)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
S. Hanson, Supervisor, By-law Enforcement Division
A. LaPointe, Manager of Legislative Services/City Clerk
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
P. Senese, Director of Corporate Services
C. McIntosh, Deputy Clerk (minutes)

Also in attendance were interested citizens, members of the news media and WeeStream.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. Introduction of Addendum Items:

Addition:

The addition of item 19, request from the Canadian Corps Unit 43 for a letter of non-objection to the application for a temporary licence extension to an existing liquor licence for a special event being held on September 22, 2018.

Withdrawn:

The City Clerk reported that item 2 under delegations, Rosangela Alessandrini, was withdrawn. The City Clerk advised that Ms. Alessandrini's request regarding fees to be waived under Lot Maintenance By-law 6574/29/18, charged for grass cutting – Omer

Avenue – would be considered during item 12, Katie and Ben Atkins Re: Request for fees to be dismissed that were charged for grass cutting at 507 Sugarloaf Street.

3. Confirmation of Agenda:

Moved by Councillor B. Butters
Seconded by Councillor B. Kenny

That the agenda dated August 27, 2018 be confirmed, as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:

(a) Regular meeting of Committee of the Whole 16-18, held on July 23, 2018

Moved by Councillor B. Kenny
Seconded by Councillor Y. Doucet

(a) That the minutes of the regular meeting of the Committee of the Whole 16-18, held on July 23, 2018, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 7, 10, 11, 12, 14, 19.

7. Approval of Items Not Requiring Separate Discussion:

Moved by Councillor R. Bodner
Seconded by Councillor B. Kenny

That items 1 to 19 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. Planning and Development, Planning Division, Report 2018-100, Subject: Recommended Consultant for the Completion of the 2019 Development Charges Study and By-law

Committee of the Whole recommends:

That a by-law be adopted authorizing the Mayor and Clerk to sign an agreement with Watson and Associates for the completion of a Development Charges study and updated by-law at a total cost of \$35,800 exclusive of HST.

3. Planning and Development, By-law Enforcement Division, Report 2018-117, Subject: Fence Variance – 19 Lena Crescent

Committee of the Whole recommends:

That the fence variance request for 656 Fielden Avenue be approved.

4. Planning and Development, By-law Enforcement Division, Report 2018-119, Subject: Fence Variance – 656 Fielden Avenue

Committee of the Whole recommends:

That the fence variance request for 656 Fielden Avenue be approved.

5. Planning and Development, By-law Enforcement Division, Report 2018-120, Subject: Encroachment Request – 162 West Street

Committee of the Whole recommends:

That the encroachment application be approved for 162 West Street and that staff be authorized to enter into a License Agreement with the applicant, owner, and the St. Lawrence Seaway Management Corporation.

6. Fire and Emergency Services, Report 2018-92, Subject: Municipal Establishing and Regulating By-Law

Committee of the Whole recommends:

That the proposed by-law be adopted as the City of Port Colborne's Fire Department Establishing and Regulating By-law, and that By-law No. 5054/109/07 be repealed; and

That the Mayor and City Clerk be authorized to execute the appropriate documents.

8. Corporate Services, Clerk's Division, Report 2018-114, Subject: Appointments to Boards and Committees

Committee of the Whole recommends:

That Alison Chambers be appointed to the Accessibility Advisory Committee for a term ending December 31, 2022; and

That Connie Butler be appointed to the Senior Citizen Advisory Council for a term ending December 31, 2019.

That the Clerk be directed to bring forward the necessary by-law for approval.

9. Community and Economic Development, Parks and Recreation Division, Report No. 2018-118, Subject: Thirty Eighth Annual Terry Fox Run

Committee of the Whole recommends:

That the request to host the thirty eighth annual Terry Fox Run on September 16, 2018 at 1:00 p.m., and the twelfth annual head shave at 12:30 p.m. at the H.H. Knoll Lakeview Park bandshell, be approved; and

That the permit fee for the use of the H.H. Knoll Lakeview Park bandshell be waived; and

That the request for the Terry Fox Run flag to be raised over City Hall the week of August 20, 2018, be approved and referred to the Mayor's office for response; and

That the request for a 10' x 10' stall at the Port Colborne Farmers' Market on September 7, 2018 and September 14, 2018 to sell licensed Terry Fox t-shirts and distribute pledge forms, be approved and referred to the Market Clerk for response; and

That the Event Organizer file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$5,000,000, in advance of the event.

13. Niagara Health Foundation Re: Donor Impact Report

Committee of the Whole recommends:

That the correspondence received from Roger D. Ali, President & CEO, Niagara Health Foundation Re: Donor Impact Report, be received for information.

15. Town of Pelham Re: Cannabis Odour Enforcement

Committee of the Whole recommends:

That the resolution received from the Town of Pelham Re: Cannabis Odour Enforcement be supported.

16. Town of Fort Erie, City of Thorold and City of Welland Re: Niagara Regional Council resolution – Trade with United States and Protecting Canadian Jobs

Committee of the Whole recommends:

That the resolutions received from the Town of Fort Erie, City of Thorold and the City of Welland in support of the Regional Council resolution regarding Trade with United States and Protecting Canadian Jobs, be received for information.

17. City of St. Catharines, Town of Fort Erie, City of Thorold, City of Niagara Falls and City of Welland Re: Support of Federal Government's Negotiations with United States in Regard to Tariffs on Steel and Aluminum

Committee of the Whole recommends:

That the resolutions received from the City of St. Catharines, Town of Fort Erie, City of Thorold, City of Niagara Falls and City of Welland, Re: Support of Federal Government's Negotiations with United States in Regard to Tariffs on Steel and Aluminum, be received for information.

18. City of Toronto Re: Immediate Steps to Address Gun Violence

Committee of the Whole recommends:

That the resolution received from the City of Toronto Re: Immediate Steps to Address Gun Violence, be received for information.

CARRIED.

8. Presentations:

Nil.

9. Delegations:

(a) Luke Corbeil regarding a request for relief from City by-law in order to allow for an additional driveway space at 978 Steele Street

Luke Corbeil presented with respect to his request for Council to waive Section 3.2.2 of By-law 1117/64/81, thereby permitting a driveway to his garage. Mr. Corbeil was advised by staff that only Council has the authority to waive the conditions of a by-law.

Moved by Councillor B. Kenny
Seconded by Councillor A. Desmarais

That an exemption of By-law 1117/64/81, Section 3.2.2, for 978 Steele Street be granted to allow for additional driveway space.

CARRIED.

10. Mayor's Report:

A copy of the Mayor's Report is attached.

11. Regional Councillor's Report:

Nil.

12. Councillors' Items:**a) All-terrain vehicles on the Friendship Trail (Butters)**

Councillor Butters requested that the Mayor speak to the Niagara Regional Police Port Colborne District Staff Sergeant with respect to enforcement of ATVs on the Friendship Trail between Wyldewood Road and Sherkston, particularly on the weekend.

b) Regional Chief Administrative Officer's Employment Contract (Butters)

In response to an inquiry by Councillor Butters about whether Regional Chair Caslin had the authority to change and extend the contract of the Regional Chief Administrative Officer, the Mayor provided the opinion that the Chair did not have the authority and advised that he would be addressing the matter at Regional Council. In response to further inquiry, the Mayor advised that there is no process to remove the Regional Chair during the term as the Chair is elected as a Regional Councillor and elected Chair by Regional Council.

c) Hiring process of the Regional Chief Administrative Officer (Kenny)

In response to an inquiry by Councillor Kenny as to whether the Regional Chair's staff provided the interview questions to Mr. D'Angelo ahead of his interview for the Chief Administrative Officer position, the Mayor responded that all candidates received the questions ahead of their interviews.

d) Fallen tree, Elm Street near Prosperity Lane (Danch)

In response to a concern expressed by Councillor Danch, the Director of Engineering and Operations advised that he will direct staff to investigate if the fallen tree on Elm Street near Prosperity Lane is a City tree and will direct staff to respond accordingly.

e) Drainage behind the new Engineering & Operations Centre (Doucet)

Councillor Doucet inquired about staff's progress at obtaining permission from the St. Lawrence Seaway Management Corporation to construct a ditch, partially on Seaway property, to alleviate ongoing drainage issues behind the new Engineering & Operations Centre. The Mayor advised that he would work with the Director of Engineering and Operations to obtain the required permission.

f) Friendship Trail entrances (Bodner)

In response to Councillor Bodner's concern with respect to the recent trail maintenance that created entrances large enough for ATVs to access the trail, the Director of Engineering and Operations advised that he will direct staff to review each intersection to determine remedial measures.

g) Chevron signs on Sherkston Road from Hwy 3 intersection (Bodner)

Councillor Bodner advised the Director of Engineering and Operations that there are damaged chevron signs, which warn of a sharp curve in the road, on Sherkston Road after the Hwy 3 intersection.

h) Waste collection at Pleasant Beach (Bodner)

In response to a request by Councillor Bodner to provide an update with respect to the ongoing issue of waste collection at Pleasant Beach, the Director of Engineering and Operations advised that the City has an agreement with Regional staff until the end of the season to have the waste collection contractor pick up the extra debris. The Director further advised that the City and Region will address the service, including price, going forward.

i) Cross walk at the intersection of Clarence and Catharine Streets (Elliott)

In response to a request by Councillor Elliott for an update with respect to the progress of the installation of the cross walk at the intersection of Catharine and Clarence Streets, the Director of Engineering and Operations advised that secondary pricing has been obtained as the Region was having trouble obtaining pricing and it is expected that the project will begin soon.

j) Fielden Avenue and Charlotte Street intersection safety (Elliott)

In response to a concern expressed by Councillor Elliott about the safety, sight lines and parking near the intersection of Fielden Avenue and Charlotte Street, the Director of Engineering and Operations advised that he would direct staff to investigate.

k) Sink holes on Olga Drive (Elliott)

In response to an inquiry by Councillor Elliott about the expected completion of the repairs to the sink holes on Olga Drive, the Director of Engineering and Operations advised that one sink hole was repaired and the locates are complete for a second sink hole that occurred on the street.

l) Gravelly Bay hunting (Elliott)

In response to a request by Councillor Elliott for an update about hunting at Gravelly Bay, the Chief Administrative Officer advised that the City obtained a

legal opinion and staff are in the process of implementing a survey that will be followed by an open house and the a report to Council.

m) Uncut grass on Merritt Parkway (Elliott)

In response to a concern expressed by Councillor Elliott about a portion of Merritt Parkway where the grass is not cut near the road, the Director of Engineering and Operations advised that he would direct staff to investigate.

n) Grass cutting on trail along properties on Johnson and Colborne Streets (Desmarais)

In response to a concern expressed by Councillor Desmarais with respect to the quality of the grass cutting by the City's contractor on the trail along properties on Johnson and Colborne Streets, the Director of Engineering and Operations advised that he would direct staff to address the issues with the contractor.

o) Property on McCrae Avenue (Desmarais)

Councillor Desmarais expressed a job well done to staff for continuing enforcement efforts with respect to a habitual offender property on McCrae Avenue that has been repaired and is now being properly maintained.

p) Stop signs at Chippawa Road and Berkley Avenue (Desmarais)

Councillor Desmarais advised that she has received complaints from residents about the stop signs at Chippawa Road and Berkley Avenue. The Director of Engineering and Operations advised that he would direct staff to review the intersection for improvements.

q) East Village construction update (Desmarais)

In response to a request by Councillor Desmarais for an update about the construction in the East Village, the Director of Engineering and Operations advised that the job is not substantially complete, is still under warranty and staff is working with the contractor to ensure completion.

r) Election signs on City property and boulevards (Kenny)

Councillor Kenny advised that she has received concerns from residents about election signs that are placed contrary to the City's sign by-law. The City Clerk advised that candidates have been notified about the sign by-law and signs in contravention of the by-law should be reported to the staff in either the By-law Enforcement Division or Clerks Division for inspection and removal if in contravention.

Staff Responses to Previous Councillor Enquiries:

Nil.

13. Consideration of Items Requiring Separate Discussion:**1. Planning and Development, Planning Division, Report No. 2018-110, Subject: Westwood Estates Sidewalk Construction**

Todd Shoalts, Lester Shoalts Limited addressed Council with respect to Council's April 23, 2018 decision to defer installation of sidewalks in Phase 1 of the Westwood Estates subdivision expansion. Mr. Shoalts expressed the opinion that the sidewalk installation should be permitted in order to fulfill the terms of the subdivision agreement. A copy of Mr. Shoalts' presentation is attached.

Moved by Councillor A. Desmarais
Seconded by Councillor B. Kenny

That Planning and Development Department, Planning Division Report 2018-110 Subject: Westwood Estates Sidewalk Construction, be received for information.

CARRIED.

7. Fire and Emergency Services, Report 2018-92, Subject: Municipal Establishing and Regulating By-Law

Moved by Councillor A. Desmarais
Seconded by Councillor B. Kenny

That option number 5 outlined in Fire and Emergency Services Department Report 2018-115 and as provided for in Mr. McAvoy's report attached thereto, be adopted, requiring City staff to bill for fire fighting services using a third party, as necessary; and

That Segwick Canada be authorized to support the billing for fire fighting services; and

That staff be directed to modify the Fire Department's fee schedule to reflect the fees using the applicable Ministry of Transportation hourly rate; and

That funds raised as a result of billing for fire fighting services be transferred to a Fire Department major capital reserve fund for purchases such as apparatus, rescue equipment and breathing apparatus, etc.

CARRIED.

10. Corporate Services, Finance Division, Report 2018-122, Subject: Niagara Central Airport Commission – Financing for Capital Projects – Loan Agreement

Moved by Councillor B. Kenny
Seconded by Councillor B. Butters

That the loan agreement with the Niagara Central Airport Commission be approved in the amount of \$32,870 with terms of repayment to be amortized over 10 years, annual interest rate at 4.3%, with annual payments due August 24th commencing on August 24th 2019; and

That the Mayor and City Clerk be authorized to sign the appropriate loan agreement and by-law.

CARRIED.

11. Engineering and Operations, Engineering Division, Report 2018-123, Subject: Information Report on the Proposed Staging and Funding of the Downtown Community Improvement Plan Project

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

That staff be directed to apply for all of the funding sources as detailed in Engineering and Operations Department, Engineering Division Report 2018-123 Subject: Proposed Staging and Funding of the Downtown Community Improvement Plan Project and that a phasing of the Downtown Community Improvement Plan project be entertained once the funding is realized.

CARRIED.

12. Katie and Ben Atkins Re: Request for Fees to be Dismissed that were charged for Grass Cutting at 507 Sugarloaf Street

Moved by Councillor A. Desmarais
Seconded by Councillor B. Kenny

That the correspondence from Katie and Ben Atkins regarding grass cutting at 507 Sugarloaf Street be received for information.

CARRIED.

Moved by Councillor A. Desmarais
Seconded by Councillor B. Butters

That the correspondence from Rosangela Alessandrini regarding grass cutting at Omer Avenue be received for information.

CARRIED.

14. Region of Niagara Re: Results of Stakeholder Engagement for Vacancy Rebate Program Revisions (CSD 41-2018)

Moved by Councillor D. Elliott
Seconded by Councillor R. Bodner

That the correspondence received from the Region of Niagara Re: Results of Stakeholder Engagement for Vacancy Rebated Program Revisions (CSD 41-2018), be received for information.

CARRIED.

19. Request from the Canadian Corps Unit 43 for a letter of non-objection to the application for a temporary licence extension to an existing liquor licence for a special event being held on September 22, 2018.

Moved by Councillor B. Butters
Seconded by Councillor Y. Doucet

That the Council of The Corporation of the City of Port Colborne has no objection to the application for a temporary licence extension to an existing liquor licence held by the Canadian Corps Unit 43, located at 70 West Street, Port Colborne, for a special event being held on September 22, 2018, as outlined in the correspondence dated August 27, 2018, subject to the condition that the applicant satisfies and complies with all applicable regulatory requirements, rules and provisions; and

That the request for a Noise By-law Exemption be referred to the By-law Enforcement Division, and that the applicable fee be waived in accordance with the City policy for not-for-profit organizations.

CARRIED.

14. Notice of Motion:

Nil.

15. Adjournment:

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

That the Committee of the Whole meeting be adjourned at approximately 8:51 p.m.

CARRIED.

June 5, 2018

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

Attn: Mayor Maloney and Members of Port Colborne City Council

RE: Westwood Estates - Sidewalks

Dear Mayor Maloney and Members of Port Colborne City Council,

I am writing regarding the decision by Port Colborne City Council on April 23rd, 2018 to defer installation of sidewalks in Phase 1 of the Westwood Estates subdivision expansion. The decision appears to have been made based on one complaint from a homeowner on Renfield Street. I was contacted by this homeowner who expressed his concerns regarding the installation of sidewalks. I advised him that sidewalk installation was imminent and any concerns should be discussed with the Mayor or members of Council.

Council considered this homeowner complaint at the April 23rd Council meeting. Unfortunately I was not contacted by Staff or invited to appear at this Council meeting. I was disappointed not to be part of these discussions before Council made a decision to defer sidewalk construction. This decision is counter to our Subdivision Agreement. I was contacted by text and email on that Monday evening and given instructions that sidewalk construction should not commence on April 24th as previously scheduled. As a developer, this is an extremely unusual process.

Sacco Construction had been contracted to install the sidewalks in Westwood Estates on April the 24th. After receiving instructions from Dan Aquilina in the evening on April the 23rd, fortunately I was able to contact Sacco before they mobilized and began their work.

The construction of sidewalks (essentially on one side of the street) in the extension of Westwood Estates was part of the Subdivision agreement dated June 15th, 2016 negotiated with the City of Port Colborne over a lengthy period of time. We have posted Letters of Credit for, amongst other things, the construction of sidewalks. During these negotiations, City staff were adamant that sidewalks would be constructed in the Subdivision extension. We accepted this decision and agreed to it as part of the Subdivision agreement.

LESTER SHOALTS LIMITED

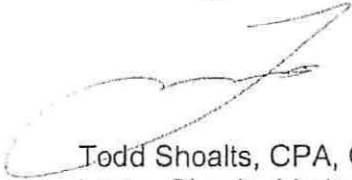
214 WEST STREET, PORT COLBORNE, ONTARIO, L3K 4E3

PHONE: 905-835-2177

FAX: 905-835-2151

I understand that the Director of Planning has been instructed by Council to contact each lot owner in Phase 1 and 2 to ask their opinion as to sidewalks, which will likely lead to more confusion and uncertainty. Ultimately as the developer, we are required to carry out the decision of City Council. However, I would have appreciated an opportunity to discuss this with Council before the deferral decision was made. I would appreciate some clarity regarding the decision making process on sidewalk construction, the timing of this decision and the implications for our signed Subdivision Agreement. I look forward to further discussions on this matter.

Yours truly,



Todd Shoalts, CPA, CA
Lester Shoalts Limited
C: 289-213-2344

CC: Dan Aquilina
Director of Planning



PORT COLBORNE

Mayor's Report to the August 27, 2018 Council Meeting

Canal Days

I would like to extend our appreciation to the many staff and volunteers who pulled together to make our 40th annual Canal Days a fabulous success.

To the many thousands of visitors and residents, we hope you enjoyed what we had to offer and come back to our City at your pleasure.

I've heard mostly positive comments about the change in venues for the concert series, the kite show and the car show. I have to agree.

Working together, we can do great things in this city.

Community-Based Risk Assessment (CBRA)

I am pleased to report that since sending a letter to the Minister of the Environment, Conservation and Parks on July 19th, we have now received confirmation that they are prepared to meet with ourselves, Vale and Public Health concerning the Community-Based Risk Assessment.

A meeting is being scheduled for the end of September.

Berkley B1 Fishing Tournament

The return of the Berkley B1 Fishing Tournament was also a great success with the weather cooperating much better than it did last year.

Over 100 participants took in the two day tournament with many arriving early to get a feel for the lake.

This tournament is a big booster for our city and we thank Ben Woo and the tournament organizers.

Our portion of Lake Erie is a wonderful recreational fishery.

Niagara Peninsula Conservation Authority

At our last meeting, Councillor Butters inquired as to the status of the report from the Auditor General regarding the Niagara Peninsula Conservation Authority.

In fact, the Auditor General's team gave a confidential oral report at the NPCA monthly meeting the following Wednesday.

Unfortunately, parts of this report had been leaked.

The Auditor General was embarrassed, most annoyed and committed to undertaking an investigation on the source of the leak.

It is anticipated that the final report will be released by the end of August or early September.

Association of Municipalities of Ontario Annual Conference

CAO Scott Luey and I attended the Association of Municipalities of Ontario annual conference in Ottawa last week with many other representatives from the Niagara Region.

Through coordination with the Niagara Region, we had the opportunity to meet with five provincial ministers to raise awareness of issues affecting the Niagara Region.

Senior Citizens Advisory Committee Strategic Plan

Our Senior Citizens Advisory Committee met earlier this month to map out their Strategic Plan for the coming year.

Areas they focused on were communication and information, transportation, housing, health services and community support, and social participation as it relates to seniors.

The members expect to have a well-defined plan put together by November of this year with actionable items that focus on improving overall health and well-being of seniors in our community.

Meetings are held at City Hall the third Thursday of each month at 10:00 a.m.

Residents wishing more information about the committee's work can check out the City's website or contact the committee chair.

Project Zero

I want to extend the appreciation of council and the residents of the City of Port Colborne for the generous donation of 150 combination smoke and carbon monoxide alarms by Enbridge Gas Distribution as a part of their Project Zero - a public education campaign that is providing more than 6,600 alarms to residents in 30 Ontario municipalities.

This year, Enbridge invested \$200,000 in Project Zero, and our community was fortunate to be included.

In the words of Fire Chief Tom Cartwright, “These efforts will undoubtedly save lives through the distribution of these smoke and carbon monoxide alarms.

We are saving lives through education, fire prevention and enforcement.

Never think it can’t happen to you.”

Vandalism – Downtown Core

Most recently we had a number of incidences in the downtown core with respect to vandalism, assaults a scenario that we are very concerned about.

I met with the Staff Sergeant approximately 3 weeks ago on this issue and it would appear urgent that we have another meeting. We will go as far as we can, go up to the Chief of Police if he is available to meet. But it is a situation that is no longer, never was acceptable and certainly not acceptable now. There are criminal violations going on a regular basis, I hate to say that it is like “Dodge City” out there sometimes.

We had one meeting and we are certainly aware that we will require additional meetings on the subject and that Mrs. Konc of the BIA will be definitely included as well as the residents that live in the downtown core, it is a situation that this will not be tolerated period.