



City of Port Colborne
Special Council Meeting 13-19 – Public Hearing
Monday, May 13, 2019 – 6:30 p.m.
Council Chambers, 3rd Floor, 66 Charlotte Street

Agenda

1. Call to Order: Mayor William C. Steele
Please silence all electronic devices

2. National Anthem:

3. Confirmation of Agenda:

4. Disclosures of Interest:

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 **(PAGE NO. 3)**

- (i) Purpose of Meeting:
- (ii) Method of Notice:
- (iii) Explanation of Procedure to be Followed:
- (iv) Presentation of Official Plan Amendment and Application for Zoning By-law Amendment:
- (v) Comments of Applicant:
- (vi) Questions of Clarification to Applicant/Planning Staff:
- (vii) Oral Presentations and/or Questions from the Public:
- (viii) Announcement Respecting Written Notice of Passage of Official Plan Amendment and Zoning By-law Amendment:
- (ix) Explanation of Future Meetings:
- (x) Adjourn

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
(PAGE NO. 23)

- (i) Purpose of Meeting:
- (ii) Method of Notice:
- (iii) Explanation of Procedure to be Followed:
- (iv) Presentation of Application for Zoning By-law Amendment:
- (v) Comments of Applicant:
- (vi) Questions of Clarification to Applicant/Planning Staff:
- (vii) Oral Presentations and/or Questions from the Public:
- (viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:
- (ix) Explanation of Future Meetings:
- (x) Adjourn

7. Adjournment

Report Number: 2019-64

Date: May 13, 2019

SUBJECT: 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

1) PURPOSE

The purpose of the report is to provide Council with information regarding a proposed Official Plan Amendment and Zoning By-law Amendment 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.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

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”.

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 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.

PUBLIC COMMENTS

At the time of writing this report, staff has received the following written comments from members of the public (full comments attached as Appendix B):

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.

DIVISION/AGENCY COMMENTS

At the time of writing this report, staff has received the following written comments from City divisions and external review agencies:

Drainage Superintendent, City of Port Colborne

- No concerns.

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 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.

City of Port Colborne Zoning By-law 6575/30/18

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.

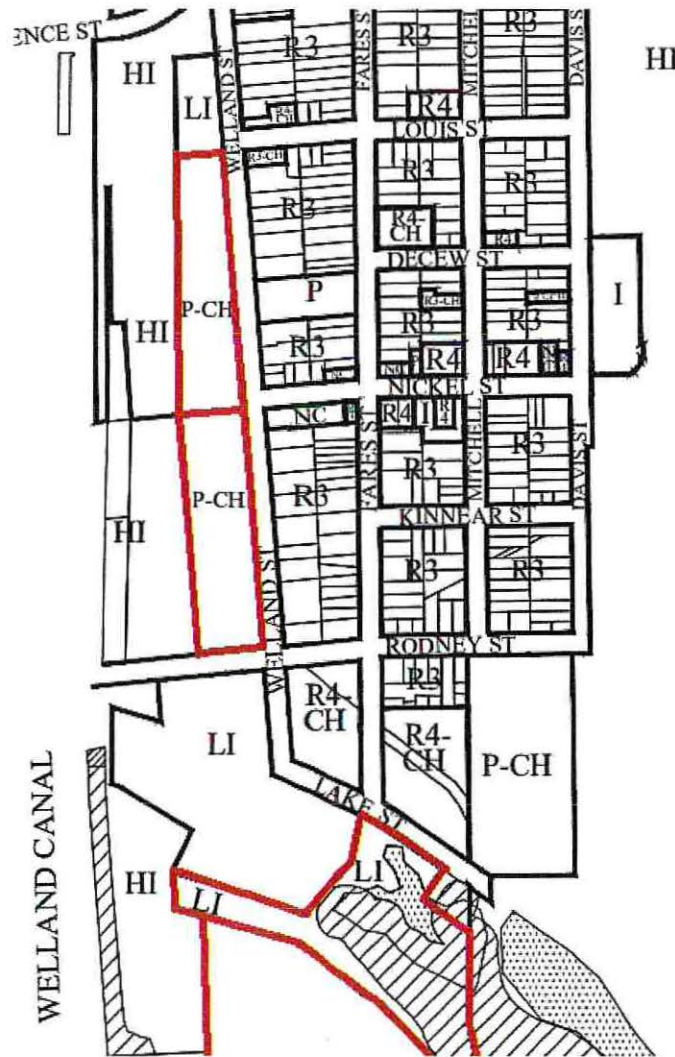
The City-owned land on Lake Street is zoned **Light Industrial**. The Light Industrial zone permits Adult Oriented Entertainment Establishment; Car wash; Contractor's Yard; Crematorium; Education Facility; Industry, Light; Medical Marijuana Production Facility; Motor Vehicle Repair Garage; Public Use; 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 Marijuana 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.

Adjacent Zoning and Land Use

As shown on the zoning schedule below, predominant land uses and zoning surrounding the subject properties includes residential dwellings with some commercial businesses on the east side of Welland Street and north side of Lake Road. On the west side of Welland Street and south side of Lake Road, predominant land uses including industrial operations with exterior storage. Nickel Beach and Lake Erie are to the east of the City-owned lands on Lake Road and the "slag spit".



Conclusions

The Planning Division will provide Council with its recommendation report for both the Official Plan and Zoning By-law Amendments after comments have been received from

the Public Meeting and the review agencies. This report will be available at a future Council meeting for Council's consideration.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) **Do nothing**

N/A

b) **Other Options**

N/A

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

N/A

6) ATTACHMENTS

Appendix A: Draft Official Plan Amendment
Appendix B: Draft Zoning By-law Amendment
Appendix C: Comments submitted as of date of report.

7) RECOMMENDATION

That Public Hearing Report No. 2019-64 regarding application for Official Plan Amendment (File D09-01-19) and Zoning By-law Amendment (File D14-03-19) be received for information.

8) SIGNATURES

Prepared on May 3, 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
May 13, 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. 2 to the Official Plan for the City of Port Colborne.

Date: _____

AMENDMENT NO. 6 TO THE OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA

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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, s/s Lake Road and all lands under federal government ownership on the east side of the Welland Canal.

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" and "LI" zones to "LI" and "HI" zones 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-__ 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

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, s/s Lake Road and all lands under federal government ownership on the east side of the Welland Canal.

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 and Light Industrial to Light Industrial and Heavy Industrial.
3. 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*.
4. 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

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 ^{Jess.} 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 ~~change~~ 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 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 VANDERHDEK

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



Dear, Port Colborne, City Clerk, Amber LaPointe and or City of Port Colborne, Ontario, Canada.

Re: Letter I received April 25th, 2019, dated April 23rd, 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

Appendix G
Planning and Development Department
Planning Division Report 2019-64
Heavy Industry means heavy smoke, soot and 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, noisey 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 Teuszen

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

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Report Number: 2019-66

Date: May 13, 2019

SUBJECT: Public Meeting Report for Zoning By-law Amendment D14-02-19, 45-53 West Side Road

1) PURPOSE:

The purpose of the report is to provide Council with information regarding a proposed Zoning By-law Amendment 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.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

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.

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 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.

PUBLIC COMMENTS

At the time of writing this report, staff has received no written comments from members of the public.

DIVISION/AGENCY COMMENTS

At the time of writing this report, staff has received the following written comments from City divisions and external review agencies:

Drainage Superintendent

- No concerns.

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 23m to 8.3m for the eastern corner lot line. Reductions are also being sought for parking requirements – from 467 spots to 307 – and the minimum landscape area – from 10% to 8.6%. These changes are being sought to build a four-pump motor vehicle gas station, a 106m² car wash and two new commercial structures on this property. One of the proposed commercial structures is a single storey 389m² restaurant, currently proposed to be a Harvey's and Swiss Chalet. The other building is a single storey 455m² convenience store and coffee shop. All of these structures will be located in the norther east 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.



Conclusions

The Planning Division will provide Council with its recommendation report for both the Zoning By-law Amendment after comments have been received from the Public Meeting and the review agencies. This report will be available at a future Council meeting for Council's consideration.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing

N/A

b) Other Options

N/A

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

N/A

6) ATTACHMENTS

Appendix A: Draft Zoning By-law Amendment

7) RECOMMENDATION

That Public Hearing Report No. 2019-66 regarding application for Zoning By-law Amendment (File No. D14-02-19) for 43-54 West Side Road be received as information.

8) SIGNATURES

Prepared on May 3rd, 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 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-50

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-50
MAY 2019
FILE NO D14-02-19
DRAWN BY; CITY OF PORT COLBORNE
PLANNING DIVISION
NOT TO SCALE



**City of Port Colborne
Regular Meeting of Committee of the Whole 15-19
Monday, May 13, 2019
following the Special Meeting of Council
Council Chambers, 3rd Floor, 66 Charlotte Street**

Agenda

- 1. Call to Order:** Mayor William C. Steele
- 2. Introduction of Addendum and Delegation Items:**
- 3. Confirmation of Agenda:**
- 4. Disclosures of Interest:**
- 5. Adoption of Minutes:**
 - (a) Regular meeting of Committee of the Whole 12-19, held on April 23, 2019.
 - (b) Special meeting of Committee of the Whole 13-19, held on April 30, 2019.
 - (c) Special Committee of the Whole 14-19, held on May 6 and May 7, 2019.
- 6. Determination of Items Requiring Separate Discussion:**
- 7. Approval of Items Not Requiring Separate Discussion:**
- 8. Presentations:**
 - (a) John Greer, Executive Director, OSPCA and Amanda Ellis, CCTBS Enforcement Manager/OSPCA of the Welland and District SPCA regarding SPCA Rule Changes
- 9. Delegations (10 Minutes Maximum):**
 - (a) George Henry, President and Dan Tonello, Board Member, Community Living Port Colborne-Wainfleet regarding Community Living Awareness Month (Page No. 39)
- 10. Mayor's Report:**
- 11. Regional Councillor's Report:**
- 12. Councillors' Items:**
 - (a) Councillors' Issues/Enquiries
 - (b) Staff Responses to Previous Councillors' Enquiries
- 13. Consideration of Items Requiring Separate Discussion:**
- 14. Notice of Motion:**

15. Adjournment:

Upcoming Committee of the Whole and Council Meetings	
Monday, May 27, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, June 10, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, June 24, 2019	Committee of the Whole/Council – 6:30 P.M.
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.

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 data-bbox="422 275 1380 383">Community and Economic Development Department, Parks and Recreation Division, Report 2019-54, Subject: Proposed New Event – HoofStock</p> <hr/> <p data-bbox="422 424 1396 611">That the request to host the HoofStock event, in support of Grey's Haven Farm Sanctuary, on Saturday, August 24, 2019 from 1:00 p.m. to 11:00 p.m., as submitted by Lisa Giganti, and outlined in Community and Economic Development Department, Parks and Recreation Division Report, 2019-54, be approved;</p> <p data-bbox="422 642 1252 714">That the permit fees for the use of H.H. Knoll Lakeview Park, bandshell, and hydro be waived;</p> <p data-bbox="422 756 1332 828">That the washroom at H.H. Knoll Lakeview Park remain open until 11:00 p.m., and the after-hours fee be waived;</p> <p data-bbox="422 859 1396 932">That Parks and Recreation staff install snow fencing at pre-determined locations, and that the fee for installation be waived;</p> <p data-bbox="422 973 1404 1087">That the Event Organizer is granted permission to apply for a Special Occasion Permit to serve alcohol at H.H. Knoll Lakeview Park, and that the Event is hereby designated as being municipally significant;</p> <p data-bbox="422 1118 1396 1232">That the Event Organizer is responsible for the provision of security services for the Event, and confirming same with the City in advance of the Event.</p> <p data-bbox="422 1263 1380 1377">That the Event Organizer adhere to and comply with the provisions of the City's Alcohol Management Policy respecting the selling and serving of alcohol.</p> <p data-bbox="422 1419 1380 1533">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;</p> <p data-bbox="422 1564 1364 1636">That the fee for a Noise By-law exemption, to be submitted to the By-law Enforcement Division, be waived;</p> <p data-bbox="422 1678 1364 1792">That funding for the Event be allocated under the "Community Group Events" account under the Community and Economic Development Department budget, at a total approximate cost of \$730.42.</p> <p data-bbox="1125 1823 1340 1854" style="text-align: right;">Continued.....</p>	41

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.

		<p>That, if successful, that staff be directed to incorporate HoofStock as an annual community event, and budget accordingly (approximately \$750 annually to account for the waiving of associated fees).</p> <p>That the appropriate departments/stakeholders be so notified.</p>		
WCS RB AD	MB GB DK	EB FD HW	<p>2. Community and Economic Development Department, Parks and Recreation Division, Report 2019-61, Subject: Ninth Annual Port Colborne Art Crawl</p> <hr/> <p>That the request to host the ninth annual Port Colborne Art Crawl on Saturday June 22, 2019 from 12:00 p.m. to 7:00 p.m., as submitted by the Port Colborne Art Crawl Committee, and outlined in Community and Economic Development Department, Parks and Recreation Division Report 2019-61, be approved;</p> <p>That the following roads be closed to general vehicular traffic and parking on Saturday, June 22, 2019 from 10:30 a.m. to 8:00 p.m.:</p> <ul style="list-style-type: none"> • West Street, from the southern limit of Clarence Street to the northern limit of Victoria Street; • Charlotte Street, from the eastern limit of King Street to the western limit of West Street. • Kent Street, from the eastern limit of King Street (with signage indicating “local traffic only”) to the western limit of West Street. <p>That emergency services, including ambulance, police and fire, and public works and public utility vehicles, be exempt from the above noted closures;</p> <p>That qualified participants of the Event be exempt from the above noted closures through the issuance of an authorized permits;</p> <p>That the Engineering and Operations Department install and retrieve road closure barricades at the predetermined locations requiring same;</p> <p>That the Community and Economic Development Department install and retrieve picnic tables and garbage cans at the predetermined locations requiring same;</p> <p>That the Event Organizer be responsible for installing appropriate signage at the predetermined locations stating “Art Crawl - West Street Temporarily Closed – 10:30 a.m. to 8:00 p.m.;"</p> <p style="text-align: right;">Continued.....</p>	49

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.

		<p>That the Event Organizer be responsible for ensuring road closure barricades are promptly removed and returned to the retrieval points at the conclusion of the Event;</p> <p>That the restrooms at the Harbourmaster Building remain open until 9:00 p.m. for the Event;</p> <p>That the Event Organizer be provided with access to the electrical outlet at the Harbourmaster Building;</p> <p>That a site plan be prepared and submitted to the Community and Economic Development Department for distribution to emergency services and appropriate City departments;</p> <p>That the Event Organizer file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, in advance of the Event;</p> <p>That the fee for a Noise By-law exemption application, to be submitted to the By-law Enforcement Division, be waived;</p> <p>That the appropriate by-law be presented for approval.</p>	
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>3.</p>	<p>Community and Economic Development Department, Parks and Recreation Division, Report 2019-65, Subject: 2019 Moonlight Flicks at H.H. Knoll Lakeview Park</p> <hr/> <p>That the Moonlight Flicks Event, to be held on Wednesday July 3, 10, 17, 24 and August 7, 2019, as outlined in Community and Economic Development Department, Parks and Recreation Division Report 2019-65, be approved;</p> <p>That fee for the application for a Noise By-law Exemption, to be filed with the By-law Enforcement Division, be waived;</p> <p>That an exemption from Section 4 (Prohibited Hours of Entrance) to By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, be approved;</p> <p>That use of the restrooms until 12:00 a.m. at the H.H. Knoll Lakeview Park Bandshell, be approved;</p> <p>That the Event Organizer 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.</p> <p>That the City's park permit, hydro, and waste receptacle fees, be waived.</p>	<p>55</p>

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.

WCS RB AD	MB GB DK	EB FD HW	4.	<p><u>Corporate Services Department, Finance Division, Report 2019-62, Subject: 2019 Final Tax Rates</u></p> <p>That the Council approves the rates of taxation for the year 2019 and the tax rate by-law be executed by the Mayor and City Clerk.</p> <p>That the 2019 final billing for the residential, multi-residential, commercial, industrial, pipeline, farmland, managed forest and farmland awaiting development tax classes have a demand (mailing) date of June 11, 2019 with due dates of July 2 and October 1, 2019.</p>	61
WCS RB AD	MB GB DK	EB FD HW	5.	<p><u>Planning and Development, Planning Division, Report 2019-63, Subject: Proposed Development Agreements for Robert & Mary Ann Bosley, e/s Cedar Bay Road</u></p> <p>That two development agreements be entered into with Robert and Mary Ann Bosley for their lots on Cedar Bay Road; and</p> <p>That the Mayor and Clerk be authorized to sign and execute said agreement.</p>	69
WCS RB AD	MB GB DK	EB FD HW	6.	<p><u>Department of Chief Administrative Officer, Report 2019-69, Subject: Provincial Modernization Grant</u></p> <p>That Council approve the use of the provincial grant of \$711, 467 for the projects identified in Chief Administrative Officer's Report 2019-69.</p>	79
WCS RB AD	MB GB DK	EB FD HW	7.	<p><u>Planning and Development Department, By-law Enforcement Division, Report 2019-67, Subject: By-law Appointment of Municipal Law Enforcement Officers Allison Martin and Amy Dayboll</u></p> <p>That Allison Martin be appointed as a Municipal Law Enforcement Officer special events parking and the Zoning By-law.</p> <p>That Amy Dayboll be appointed as a Municipal Law Enforcement Officer to enforce parking and the Zoning By-law.</p>	81

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.

Miscellaneous Correspondence					
WCS	MB	EB	8.	<p><u>Accessibility Advisory Committee Re: Request for Proclamation of Access Awareness Week, May 31 – June 6, 2019</u></p> <p>That the week of May 31 – June 6, 2019 be proclaimed as “Access Awareness Week” in the City of Port Colborne in accordance with the request received from Carrie McIntosh, Deputy Clerk, on behalf of the Accessibility Advisory Committee.</p>	83
RB	GB	FD			
AD	DK	HW			
WCS	MB	EB	9.	<p><u>Memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee</u></p> <p>That the memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee, be received for information; and</p> <p>That donation/sponsorship requests be approved for a total of \$18,510 for the first allocation for the year 2019 as follows:</p> <p>Air Race Classic Terminus Committee – to assist with costs of the Air Race Classic being held June 19-24 at the Niagara Central Dorothy Rungeling Airport - \$1,300</p> <p>Education Foundation of Niagara - to assist in providing essential items to DSNB students in Port Colborne who experience a high level of need - \$1,500</p> <p>Niagara Health Foundation – to assist with the purchase of a “Spirit Bed” for use at the Port Colborne Site - \$1,900</p> <p>Port Cares – to assist with the purchase of a cargo van for use at the Reach Out Centre - \$2,300</p> <p>Port Colborne Feline Initiative – to assist with program expenses with TNVR (trap-neuter- vaccinate-return); CatSnips; and subsidized spay/neuter program for low income residents of Port Colborne - \$2,500</p> <p>Port Colborne Lions Club – to assist with operating costs including property taxes - \$1,600</p> <p>Port Colborne Operatic Society – to assist with their “Musician in the Pit” program and general upkeep of their storage hall - \$2,150</p> <p style="text-align: right;">Continued.....</p>	85
RB	GB	FD			
AD	DK	HW			

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.

				<p>St. James & St. Brendan Church – to assist with Phase Two of the Community Garden including gardens, plantings, benches, water feature, fence, pavilion – \$1,660</p> <p>Women’s Place of South Niagara – to assist in providing emergency shelter and programs for women and children fleeing abuse - \$2,000</p> <p>YMCA of Niagara – to assist with the operation of the Niagara Day Camp program in the City of Port Colborne - \$1,600.</p>	
WCS RB AD	MB GB DK	EB FD HW	10.	<p>Memorandum from Vance Badawey, Member of Parliament, Niagara Centre Re: Ontario: Update following meetings with the Province of Ontario</p> <hr/> <p>That the memorandum received from Vance Badawey, Member of Parliament, Niagara Centre Re: Ontario: Update following meetings with the Province of Ontario, be received for information.</p>	87
WCS RB AD	MB GB DK	EB FD HW	11.	<p>Region of Niagara Re: 2019 Property Tax Policy, Ratios and Rates (CSD 16-2019)</p> <hr/> <p>That the correspondence received from the Region of Niagara Re: 2019 Property Tax Policy, Ratios and Rates, be received for information.</p> <p>Note: Report CSD 16-2019 can be found at the following link: https://bit.ly/2V7MR8u</p>	89
WCS RB AD	MB GB DK	EB FD HW	12.	<p>Region of Niagara Re: Bill 142 – Construction Lien Amendment Act, 2017 (CSD 29-2019)</p> <hr/> <p>That the correspondence received from the Region of Niagara Re: Bill 142 – Construction Lien Amendment Act, 2017, be received for information.</p>	93
WCS RB AD	MB GB DK	EB FD HW	13.	<p>Region of Niagara Re: Niagara Housing Statement: Affordable Housing Data (PDS 17-2019)</p> <hr/> <p>That the correspondence received from the Region of Niagara Re: Niagara Housing Statement: Affordable Housing Data, be received for information.</p>	109

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.

WCS	MB	EB	14.	Niagara Peninsula Conservation Authority Re: NPCA Board Composition	115
RB	GB	FD			
AD	DK	HW		That the correspondence received from the Niagara Peninsula Conservation Authority Re: Board Composition, be received for information.	
Outside Resolutions – Requests for Endorsement					
Nil.					
Responses to City of Port Colborne Resolutions					
Nil.					

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.

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March 25th, 2019

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

Dear Amber:

May is designated as Community Living Awareness Month and we would like to ask you for your assistance in helping us to plan two special events and activities this year.

- In keeping with our past tradition of having a Flag Raising Ceremony outside of City Hall I have arranged with Nancy Gilles for this to take place on Friday May 3rd, at 10:00 a.m. She indicated that this would be a convenient time for the Mayor to join us for the Flag Raising.
- Our President, George Henry and Board Member, Dan Tonello would like to speak to members of Council during the May 13th Council Meeting if there is room on the agenda. This will be a short presentation and will not require IT equipment.

Thank you for your consideration of these requests. Please do not hesitate to contact me at your earliest convenience should you have any questions or concerns.

Sincerely,

V. Moreland

Vickie Moreland
Executive Director

cc. George Henry, President
Nancy Gilles - Mayor's Office

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Report Number: 2019-54

Date: May 13, 2019

SUBJECT: Proposed New Event - HoofStock

1) PURPOSE

The purpose of this report is to present a request from Lisa Giganti to host a new event in Port Colborne called "HoofStock".

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

City staff received a letter from Lisa Giganti (the "Event Organizer") requesting support from the City of Port Colborne to host HoofStock (the "Event") at H.H. Knoll Lakeview Park. A copy of the request is attached as Appendix "A". The Event is proposed to take place on Saturday, August 24, 2019 from 1:00 p.m. to 11:00 p.m. The Event Organizer is requesting permission to apply to the Alcohol and Gaming Commission of Ontario for a Special Occasion Permit to serve alcohol at H.H. Knoll Lakeview Park during the Event, and for the Event be designated as being "municipally significant" for that purpose.

HoofStock will feature a day of live music from local entertainment, approximately twenty artisans and food vendors, and family fun. The purpose of HoofStock is to raise funds to benefit Grey's Haven Farm Sanctuary, as well as to showcase the City and the local arts community and businesses. Event proceeds, generated by an admission fee and alcohol sales, will benefit Grey's Haven Farm Sanctuary. Grey's Haven Farm Sanctuary is a non-profit organization located in Port Colborne that focuses on giving neglected, abused, and at-risk farm animals a safe home.

The Event Organizer has proposed incorporating HoofStock as an annual community event in Port Colborne. After the inaugural year (dependent on an evaluation of the Event's success) staff will recommend Hoofstock be adopted as an annual community event by submitting an annual budget request to Council for approval (as discussed in further detail below).

The Event Organizer is requesting City support as follows:

- The permit fee for the rental of H.H. Knoll Lakeview Park be waived, including the bandshell, and use of hydro;
- The fee for use of the washroom at H.H. Knoll Lakeview Park be waived;
- The fee for rental and installation of snow fencing be waived;
- The fee for a Noise By-law exemption be waived;
- Council grant permission for the Event Organizer to apply for a Special Occasion Permit to serve alcohol at H.H. Knoll Lakeview Park, and that the Event be designated as "municipally significant";

In return, The City of Port Colborne will be featured as the main event sponsor and will be offered a location in which to host a City information booth at the Event.

The City's policies and procedures concerning festivals and events outlines the guidelines by which the City can provide assistance to local associations and organizations to host 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, waste receptacles, snow fencing, barricades, and traffic barriers/pylons may be loaned by the City, providing 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, that are subject to full recovery charges for the actual replacement/repair costs incurred by the City.

In addition to other conditions of approval that the City may impose, 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 the use of H.H. Knoll Lakeview Park, the bandshell, and hydro, and that the associated fees be waived. Washroom facilities are open for free use at H.H. Knoll Lakeview Park until 9:00 p.m., after which time, a fee of \$46.92 is applicable. The Event Organizer has requested the fee for afterhours washroom use be waived to maintain washroom access until 11:00 p.m.

The Event Organizer's proposal also includes a request to waive snow fence rental and installation fees. The City has an adequate supply of snow fencing for the Event. Prior to installation, the Event Coordinator and City technician will ensure compliance with Ontario One Call, to obtain locates. Snow fencing will be installed by 10:00 a.m. on August 24, 2019. The estimated cost of snow fence rental and installation is \$400.

The Event Organizer will be required to apply for a Noise By-law exemption due to amplified music being projected and has requested the associated fee be waived. The fee for a Noise By-law exemption is \$100.

Requested Support Type	Approximate Value
Waive park permit, bandshell, and hydro access fees (H.H. Knoll Lakeview Park)	\$183.50
Waive afterhours park washroom fee (H.H. Knoll Lakeview Park)	\$46.92
Waive snow fence rental and installation fee	\$400
Waive Noise By-law exemption fee	\$100
Total	\$730.42

As noted above, the Event Organizer is required to provide a certificate of liability insurance in the amount of \$5,000,000, naming the City as additional insured, for the duration of the Event, and must comply with the City's Festival and Event Insurance Requirements.

The Event Organizer is required to follow and adhere to the provisions of the City's Alcohol Management Policy. The Event Coordinator will ensure that the Event Organizer reviews the Alcohol Management Policy and completes the necessary paperwork. As stated in the Alcohol Management Policy, municipal parks and pavilions are eligible for hosting Special Occasion Permit functions, after having obtained Council approval. Should the recommendation of this report be approved, the Event Organizer will be in contact with a representative of the Alcohol and Gaming Commission of Ontario to ensure best practices are followed and adhered to. The Event Organizer is also responsible for the provision of security services to monitor and control the operation of alcohol sales and alcohol consumption during the Event. Confirmation of same is required prior to the Event.

The proposed site plan, as submitted by the Event Organizer, is attached as Appendix "B". Please note the proposed site plan is subject to minor changes based on the recommendation of the Event Coordinator and Parks Supervisor, as the planning process progresses.

Staff/Stakeholder Comments:

This report was circulated for staff and stakeholder comment, with input received as follows:

By-law Enforcement Division:

The By-law Enforcement Division has no objections regarding this event. Registered charitable organizations and not-for-profit organizations are exempt from the variance fee.

Engineering and Operations Department:

No comments at the time of this report.

Fire and Emergency Services Department:

No comments at the time of this report.

Niagara Regional Police Services (NRPS):

From a police perspective, we want to ensure Event Organizers appropriately staff the event with security and/or police personnel given their plans to license the event for alcohol sales. Should the anticipated numbers attend (1000+), it would likely impact local traffic routes and parking in the area. All of these could potentially become a safety issue and draw on police resources if not appropriately discussed and addressed before hand. Event Organizers should be made aware of these inherent liabilities and, it is recommended they be points for discussion during the planning stage in order to mitigate the impact to the local residents, businesses and the NRPS.

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.

b) Other Options

Council may provide alternative direction regarding the Event. This option is not recommended.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This report supports the City's goal of strengthening festivals and events, which in turn provides economic benefits and serves to provide recreation opportunities for citizens and visitors alike. Forming viable collaborative partnerships, engaging community organizations, and supporting local organizations are important components of achieving this goal.

6) ATTACHMENTS

Appendix "A" – Letter of Request

Appendix "B" – Proposed Site Plan for the Event

7) RECOMMENDATION

That the request to host the HoofStock event, in support of Grey's Haven Farm Sanctuary, on Saturday, August 24, 2019 from 1:00 p.m. to 11:00 p.m., as submitted by Lisa Giganti, and outlined in Community and Economic Development Department, Parks and Recreation Division Report, 2019-54, be approved;

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

That the washroom at H.H. Knoll Lakeview Park remain open until 11:00 p.m., and the after-hours fee be waived;

That Parks and Recreation staff install snow fencing at pre-determined locations, and that the fee for installation be waived;

That the Event Organizer is granted permission to apply for a Special Occasion Permit to serve alcohol at H.H. Knoll Lakeview Park, and that the Event is hereby designated as being municipally significant;

That the Event Organizer is responsible for the provision of security services for the Event, and confirming same with the City in advance of the Event.

That the Event Organizer adhere to and comply with the provisions of the City's Alcohol Management Policy respecting the selling and serving of alcohol.

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;

That the fee for a Noise By-law exemption, to be submitted to the By-law Enforcement Division, be waived;

That funding for the Event be allocated under the "Community Group Events" account under the Community and Economic Development Department budget, at a total approximate cost of \$730.42.

That, if successful, that staff be directed to incorporate Hoofstock as an annual community event, and budget accordingly (approximately \$750 annually to account for the waiving of associated fees).

That the appropriate departments/stakeholders be so notified.

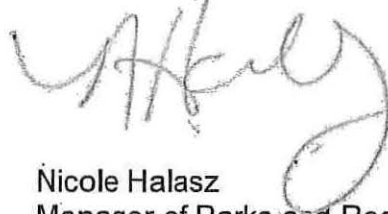
8) SIGNATURES

Prepared on April 4, 2018 by:



Luke Rowe
Event and Volunteer Coordinator

Reviewed by:



Nicole Halasz
Manager of Parks and Recreation

Reviewed by:



Ashley Grigg
Director of Community and Economic
Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

**Appendix "A" to Community and Economic
Development, Parks and Recreation Division
Report 2019-54**

City of Port Colborne

Dear Mayor Steele and Members of Council,

I am proposing a new festival called HoofStock, to be held on August 24 2019 at H.H. Knoll Park. HoofStock's mission is to raise money for Grey's Haven Farm Sanctuary as well as showcase the City of Port Colborne and the talented artists/artisans and businesses we have. 100% of the proceeds from the event will go to Grey's Haven, a non-profit organization located in Port Colborne focusing on giving neglected, abused and at risk farm animals a safe home. HoofStock will be a day of music, over 20 artisan and food vendors, local entertainment, artists and family fun. We hope the city will also set up a booth for information/advertising for the city.

HoofStock will bring in a new crowd to the city (projected ticket sales of 1000+) and we want them to see just how up and coming it is. Along with reaching out to local businesses for support and sponsorship, we are in need of your help to ensure this event is a success.

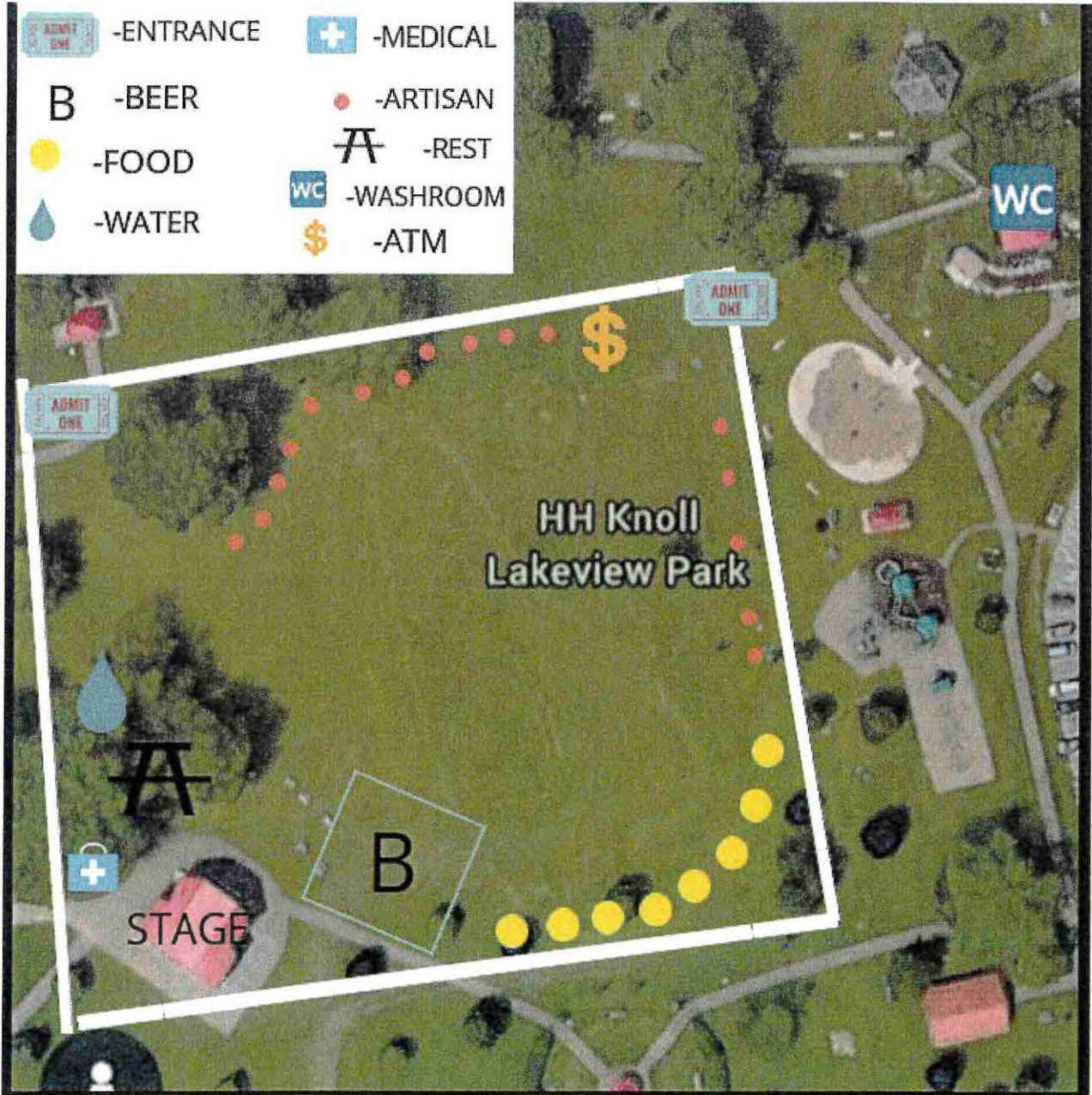
We are requesting permission to apply for a special occasion permit for the event to sell beer in a contained area with on-site security.

If the city would like to be involved and/or named as a main sponsor, we are kindly requesting a donation of fencing for the proposed area and beer garden, noise variance, and park fees waived. We would like this to become an annual event, any help you can give us will ensure we can make that happen.

Thank you for your time,

Lisa Giganti

Appendix "B" to Community and Economic
 Development, Parks and Recreation Division
 Report 2019-54



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Report Number: 2019-61

Date: May 13, 2019

SUBJECT: Ninth Annual Port Colborne Art Crawl

1) PURPOSE

The purpose of this report is to present a request from the Port Colborne Art Crawl Committee to host the Ninth Annual Port Colborne Art Crawl.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The Port Colborne Art Crawl Committee (the "Event Organizer") has submitted a request for the temporary closure of City roads in order to host the ninth Annual Port Colborne Art Crawl (the "Event") to take place on Saturday, June 22, 2019 from 12:00 p.m. to 7:00 p.m.

Downtown businesses and the arts community collaborate to organize the Port Colborne Art Crawl. The Event features local artists, artisans, merchants, singers, and dancers. During the Event, attendees are invited to participate in a number of activities including hands-on art projects, music, dance, and other demonstrations. Many local businesses and restaurants participate by showcasing goods and services through unique storefront and window displays, and offering extended operating hours.

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, waste receptacles, snow fencing, barricades, and traffic barriers/pylons may be loaned by the City, providing 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, that are subject to full recovery charges for the actual replacement/repair costs incurred by the City.

In addition to other conditions of approval that the City may impose, 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

The Event has experienced continued growth and success, including increasing attendance and strong support from the art and business communities. In order to host the Event this year, Event Organizers have requested the temporary closure of City roads, as follows:

- West Street, from the southern limit of Clarence Street to the northern limit of Victoria Street;
- Charlotte Street, from the eastern limit of King Street to the western limit of West Street.
- Kent Street, from the eastern limit of King Street (with signage indicating “local traffic only”) to the western limit of West Street.

The proposed road closure map, as submitted by the Event Organizer, is attached as Appendix “A”. The above noted temporary road closures will create a safe pedestrian zone and provide an adequate area in which to stage the Event. The proposed road closures are different from last year. Last year, portions of Clarence Street were closed and West Street closures only extended to Kent Street. Emergency vehicles, including ambulance, police and fire, as well as public works and public utility vehicles, and qualified participant vehicles with an authorized permit, will be exempt from the closures.

In addition to the above, the Event Organizer has requested City support, as follows:

- Twelve picnic tables (to be located at West Street just south of Clarence Street), and waiving the associated fee;
- Six garbage cans (to be located along West Street) and waiving the associated fee,
- Waiving the fee associated with the application for a Noise By-law exemption;
- Supply and installation of City road closure barricades, and waiving the associated fee;
- Waving fees for any additional permits required;
- Use of the electrical outlet at the Harbourmaster Building;
- Use of public washroom facilities at the Harbourmaster Building until 9:00 p.m.;
- \$2,000 in financial support from the City.

As noted above, the Event Organizer has requested financial support from the City in the amount of \$2,000. Staff have been informed that these funds would be used to offset costs incurred by the Event Organizer for indoor rentals, supplies, advertising, and to compensate those involved in organizing and hosting the Event. The City has not provided financial support for this Event in the past. Approval of this request is at the discretion of Council.

The Event Organizer does not yet know the total number of participating vendors; therefore, a site plan is not yet available. However, the Event Organizer will submit a site plan to the City prior to the event, which will be circulated to emergency services and appropriate departments. Food vendors will not be participating in the Event, as local restaurants will remain open. Participating vendors will be staged in parking areas on the street and along sidewalks, thereby ensuring emergency vehicle access.

City staff will supply and install road closure barricades at predetermined intersections by 10:30 a.m. on June 22, 2019. The Event Organizer will install City approved signage at predetermined locations stating “Art Crawl - West Street Temporarily Closed – 10:30 a.m. to 8:00 p.m.” The Event Organizer will ensure road closure barricades are promptly removed and returned to retrieval locations. The Event Organizer and participating businesses will carry out the majority of the work, with minimal support required by City staff.

Staff/Stakeholder Comments:

This report was circulated for comment with input provided as follows:

Engineering and Operations Department:

No comments received.

By-law Enforcement Division:

By-law services are not required for the proposed Event. Review and processing will take place upon receipt of the Noise Variance application. Based on the above, the By-law Enforcement Division has no objections regarding this request.

Fire and Emergency Services Department:

Fire needs one side of West Street from centerline to the sidewalk open for access (preferably house side). We would like a responsible person at each closure site that can open the closure if needed to facilitate Fire’s access. We would like each vendor to also bring a minimum five-pound fire extinguisher.

Parks Division:

The Parks Division will be responsible for delivery and pick-up of picnic tables. An automatic timer controls access to the restroom facilities at the Harbormaster Building. Staff will extend the hours on the timer to accommodate later access for the day of the Event. The Engineering and Operations Department is responsible for road closures. The Parks Division has no objection to this Event.

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.

b) Other Options

Council may provide alternative direction regarding the Event and/or road closures. This option is not recommended.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This initiative supports the City’s strategic goal of hosting events that benefit the community and local economy.

6) ATTACHMENTS

Appendix "A" – Map of Proposed Road Closures

7) RECOMMENDATION

That the request to host the ninth annual Port Colborne Art Crawl on Saturday June 22, 2019 from 12:00 p.m. to 7:00 p.m., as submitted by the Port Colborne Art Crawl Committee, and outlined in Community and Economic Development Department, Parks and Recreation Division Report 2019-61, be approved;

That the following roads be closed to general vehicular traffic and parking on Saturday, June 22, 2019 from 10:30 a.m. to 8:00 p.m.:

- West Street, from the southern limit of Clarence Street to the northern limit of Victoria Street;
- Charlotte Street, from the eastern limit of King Street to the western limit of West Street.
- Kent Street, from the eastern limit of King Street (with signage indicating "local traffic only") to the western limit of West Street.

That emergency services, including ambulance, police and fire, and public works and public utility vehicles, be exempt from the above noted closures;

That qualified participants of the Event be exempt from the above noted closures through the issuance of an authorized permits;

That the Engineering and Operations Department install and retrieve road closure barricades at the predetermined locations requiring same;

That the Community and Economic Development Department install and retrieve picnic tables and garbage cans at the predetermined locations requiring same;

That the Event Organizer be responsible for installing appropriate signage at the predetermined locations stating "Art Crawl - West Street Temporarily Closed – 10:30 a.m. to 8:00 p.m.;"

That the Event Organizer be responsible for ensuring road closure barricades are promptly removed and returned to the retrieval points at the conclusion of the Event;

That the restrooms at the Harbourmaster Building remain open until 9:00 p.m. for the Event;

That the Event Organizer be provided with access to the electrical outlet at the Harbourmaster Building;

That a site plan be prepared and submitted to the Community and Economic Development Department for distribution to emergency services and appropriate City departments;

That the Event Organizer file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, in advance of the Event.

That the fee for a Noise By-law exemption application, to be submitted to the By-law Enforcement Division, be waived.

That the appropriate by-law be presented for approval.

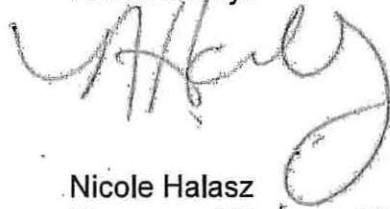
8) SIGNATURES

Prepared on April 16, 2019 by:



Luke Rowe
Event and Volunteer Coordinator

Reviewed by:



Nicole Halasz
Manager of Parks and Recreation

Reviewed by:



Ashley Grigg
Director of Community and Economic
Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

Appendix "A" to Community and Economic Development Department,
Parks and Recreation Division Report 2019-61

Road Closure Map





**Community and Economic Development Department
Parks and Recreation Division**

Report Number: 2019-65

Date: May 13, 2019

SUBJECT: 2019 Moonlight Flicks at H.H. Knoll Lakeview Park

1) PURPOSE

This purpose of this report is to present a request from Patrick Gagliardi seeking Council's approval to host the Moonlight Flicks event at H.H. Knoll Lakeview Park (on Wednesdays) on July 3, 10, 17, 24 and August 7, 2019.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

This report was prepared following a request from Patrick Gagliardi, organizer of the Moonlight Flicks event (the "Event Organizer"). Moonlight Flicks (the "Event") is an annual summer event that takes place in a variety of parks within Niagara. The event invites members of the community to watch a film outdoors in the evening in a public park. Moonlight Flicks has requested to host an outdoor movie showcase at H.H. Knoll Lakeview Park on five Wednesdays during the summer, from 6:00 p.m. until midnight. While spectators wait for the movie to begin at dusk, they can find a location to setup chairs/blankets and participate in activities and games. The Event is free; however, spectators are requested to donate canned goods to benefit the local food bank, including Port Cares. 2017 was the first year that the Event Organizer hosted the event. In 2018, Event Organizer expanded and introduced a larger movie screen. Due to the success in 2018, the Event Organizer would like to continue with the larger screen.

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

Event organizers will carry out the majority of the work, with minimal support from City staff, and will setup the inflatable movie screen, speakers, projector, signage, and sponsor tents, beginning at 6:00 p.m. concluding between 11:00 p.m. and 12:00 a.m. Event organizers will disassemble and remove equipment each night.

Community and Economic Development staff are prepared to assist, when required, and will ensure infrastructure and logistical support complies with municipal standards, and public health and safety requirements. The Event Organizer is requesting access to the bandshell (to provide washroom access and hydro). Provisions for utility locates for staking the movie screen and tents are the responsibility of the Event Organizer, however confirmation of same will be provided to the City. Three to four tents are proposed (10' x 10' each), which do not require a building permit, providing they are not connected in a length greater than 10' x 30'.

In order to accommodate this event, an exemption from Section 4 (Prohibited Hours of Entrance) of By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, would be required (the public would be in attendance past the 11:00 p.m. park closure time).

The Event Organizer will be required to notify Niagara Regional Police and the Fire and Emergency Services Department of the Event. The Event Organizer has requested City support as follows:

- Provision of waste receptacles;
- Use of public washroom facilities (at the bandshell) until 12:00 a.m.;
- Waiving of fees associated with park permits and hydro;
- Waiving of fee associated with the application for a Noise By-law Exemption;
- Exemption from section 4 of By-law 5503/100/10 (Prohibited Hours of Entrance).

Staff/Stakeholder Comments:

This report was circulated for comment to the By-law Enforcement Division, Building Division, Fire and Emergency Services Department, and the Niagara Regional Police Service, with input provided received as follows:

By-law Enforcement Division:

The By-law Enforcement Division is not opposed to the event. Review and processing will take place upon receipt of the Noise Variance application.

Building Division:

The size and number of tents do not meet the criteria for building permits.

Fire and Emergency Services Department:

- A portable fire extinguisher shall be supplied in the area of the projection system and shall have not less than one 2A:10BC extinguisher;
- Cooking with fuel fired appliances, open fires, smoking, the use of candles or other open flames is strictly prohibited in any tents used by the public;

- An area of at least three metres (nine feet) surrounding the tent shall be kept clear of all materials and/or vegetation that will support and allow fire extension;
- Hay, straw, shavings or similar combustible materials shall not be used within a tent or air-supported structure;
- No temporary barriers shall be used on roads or to control the flow of people;
- No open air burning or fireworks is permitted.

Niagara Regional Police Service:

No comments received.

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.

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 local economy.

6) ATTACHMENTS

None.

7) RECOMMENDATION

That the Moonlight Flicks Event, to be held on Wednesday July 3, 10, 17, 24 and August 7, 2019, as outlined in Community and Economic Development Department, Parks and Recreation Division Report 2019-65, be approved;

That fee for the application for a Noise By-law Exemption, to be filed with the By-law Enforcement Division, be waived;

That an exemption from Section 4 (Prohibited Hours of Entrance) to By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, be approved;

That use of the restrooms until 12:00 a.m. at the H.H. Knoll Lakeview Park Bandshell, be approved;

That the Event Organizer 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.

That the City's park permit, hydro, and waste receptacle fees, be waived.

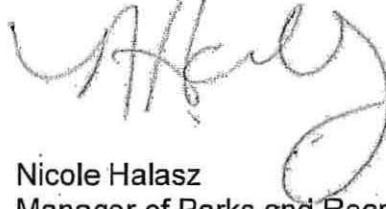
8) **SIGNATURES**

Prepared on April 30, 2019 by:



Luke Rowe
Event Coordinator

Reviewed by:



Nicole Halasz
Manager of Parks and Recreation

Reviewed by:



Ashley Grigg
Director of Community and Economic
Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

**Appendix "A" to Community and Economic Development, Parks and
Recreation Report 2019-65**

Moonlight Flicks – Site Plan





Corporate Services Department
Finance Division

Report Number: 2019-62

Date: May 13, 2019

SUBJECT: 2019 Final Tax Rates

1) PURPOSE:

To adopt the 2019 tax rates to be applied to all property assessments as provided from MPAC and to set the due dates for the final installments as July 2 and October 1, 2019.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The 2019 tax rates are approved by by-law in accordance with Section 312 of the *Municipal Act, 2001* as amended. The City raises, through a special tax levy, the amount required for the purposes of the Downtown Development Board (BIA) and the Main Street Gateway (BIA) in accordance with Section 208(1) of the *Municipal Act, 2001*, as amended.

3) STAFF COMMENTS AND DISCUSSIONS

Tax Policy Changes:

The following tax ratios are approved by the Region and are used in calculating the City's tax rates.

	Provincial Threshold	2010 Tax Ratios	2011 Tax Ratios	2012-2016 Tax Ratios	2017 Tax Ratios	2018-2019 Tax Ratios
Residential	1.00	1.0000	1.0000	1.0000	1.0000	1.0000
New Multi Residential				1.0000	1.0000	1.0000
Multi Residential	2.74	2.0600	2.0440	2.0440	2.0000	1.9700
Commercial	1.98	1.7586	1.7586	1.7586	1.7586	1.7349
Industrial	2.63	2.6300	2.6300	2.6300	2.6300	2.6300
Large Industrial	2.63	2.6300	2.6300	2.6300	2.6300	2.6300
Pipelines		1.7021	1.7021	1.7021	1.7021	1.7021
Farmland		0.2500	0.2500	0.2500	0.2500	0.2500
Managed Forests		0.2500	0.2500	0.2500	0.2500	0.2500
Farmland Awaiting Development 1		1.0000	1.0000	1.0000	1.0000	1.0000

Tax Ratios determine the municipal tax burden for each property class relative to that of the residential property class. The tax ratio for the residential property class is set at 1.0000 with all other tax ratios set in relation to this ratio. Each year, the Regional Municipality of Niagara Council sets the tax ratios which must be used by each lower tier municipality to establish the tax rates.

An adjustment to tax ratios was approved by Regional Council in 2018. The Multi-Residential and Commercial tax ratios were reduced slightly as follows: Multi-Residential from 2.000 to 1.970 and Commercial from 1.7586 to 1.7349. The recommended tax policy for 2019 is the status quo based on the tax policy decision adopted for the 2018 taxation year and was recommended by Area Treasurers.

Blended Property Tax Changes:

On March 25, 2019, Council approved Corporate Services Report 2019-37 and the By-Law 6660/24/19 adopting the budget estimates for the operations for 2019; this includes the amount to be raised by a tax levy amounting \$15,970,715 for general operations and \$2,158,260 for capital purposes, with a total tax levy of \$18,128,975.

During the budget process, staff estimated a blended residential property tax increase of 3.90% or approximately \$120 to the average residential household with a property assessment of \$191,070. This includes the increase in the phased assessment to the average residential household of 2.94% in 2019. Council was made aware that the Region was still to consider tax policy and tax ratios and that the Education tax rate had not been determined by the Province.

With the reduction in education and regional tax rates, which created tax room used by the City, the blended tax change for an average residential property is a 3.35% increase or approximately \$103.

The total tax rate including municipal, region and education was reduced slightly from 0.01666301 to 0.01672842, which is an increase of 0.39%, combined with an average assessment increase of 2.94% in 2019 from \$185,605 to \$191,070, the average blended tax increase is 3.35% or approximately \$103. See Schedule A.

Final Tax Bill

The final tax bill for all tax classes including residential, multi-residential, commercial, industrial, pipeline, farmland, managed forest and farmland awaiting development classes will have a demand date (mailing) of June 11, 2019. The due dates will be July 2 and October 1, 2019.

A by-law is before Council to adopt the tax rates for 2019 for the City of Port Colborne, the Region of Niagara (including waste management), and the education tax rates.

2019 TAX CALCULATION

The calculation to determine total property taxes on a residential property for 2019, based on a property's 2019 assessment, is as follows: (See Schedule A)

2019 Assessment x Tax Rate

Example: $191,070 \times 0.01672842 = \$3,196.30$

ESTIMATE OF TAX CHANGES

	2019	2018	\$ Change	% Change
Ave Residential Assessment	<u>191,070</u>	<u>185,605</u>		
City	1,645.92	1,564.84	81.07	5.18
Region-general	1,081.97	1,052.53	29.44	2.80
Region-waste mgmt.	160.79	159.84	0.95	0.59
Education	<u>307.62</u>	<u>315.53</u>	<u>(7.91)</u>	<u>(2.51)</u>
Total Property Taxes	<u>3,196.30</u>	<u>3,092.74</u>	<u>103.56</u>	<u>3.35</u>

The overall increase in taxes is dependent on a property's 2019 reassessed current value compared to 2018 assessed value. The blended rate includes the City, Region (including Police, Housing, Niagara Peninsula Conservation Authority and Waste Management) and the School Boards (Education). The average residential home assessed at \$191,070 will have an annual increase of approximately \$103, being a 3.35% increase.

A complete analysis and comparison of City levy and tax changes for each tax class and the blended tax amounts for all tax classes is provided in Schedule C.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

This is not an option as the tax rates are required to generate the appropriate amount of tax revenue for the 2019 operations and capital of the City of Port Colborne, the Downtown Development Board (BIA) and Main Street Gateway (BIA) operations.

b) Other Options

Council adopted By-Law No. 6660/24/19 on March 25, 2019 to approve the budget estimates for the year 2019. The tax rates in the attached by-law are required in order to meet budget requirements and are recommended.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Schedule A – Estimated Residential Property Tax Changes

Schedule B – General 2019 Tax Rates

Schedule C – City and Blended Levy Comparison by Assessment Class

7) RECOMMENDATION

- 1/ That the Council approves the rates of taxation for the year 2019 and the tax rate by-law be executed by the Mayor and City Clerk.
- 2/ That the 2019 final billing for the residential, multi-residential, commercial, industrial, pipeline, farmland, managed forest and farmland awaiting development tax classes have a demand (mailing) date of June 11, 2019 with due dates of July 2 and October 1, 2019.

8) SIGNATURES

Prepared on April 23, 2019 by:

Reviewed and respectfully submitted:



Peter Senese
Director of Corporate Services

C. Scott Luey
Chief Administrative Officer

**CITY OF PORT COLBORNE
2019 BUDGET
ESTIMATED RESIDENTIAL PROPERTY TAX CHANGES**

Schedule A

	Phased In Assessment change				No Assessment change			
	2019	2018	\$ Change	% Change	2019	2018	\$ Change	% Change
City	86.142	84.310	1.83	2.17%	86.142	84.310	1.83	2.17%
Region - general	56.627	56.708	-0.08	-0.14%	56.627	56.708	-0.08	-0.14%
Region - waste mgmt	8.415	8.612	-0.20	-2.28%	8.415	8.612	-0.20	-2.28%
Education	16.100	17.000	-0.90	-5.29%	16.100	17.000	-0.90	-5.29%
Tax Rate Change	167.284	166.630	0.65	0.39%	167.284	166.630	0.65	0.39%
	** with 5.92% levy increase				** with 5.92% levy increase with no assessment change			
ESTIMATES OF TAX CHANGES	<u>2019</u>	<u>2018</u>	<u>\$ Change</u>	<u>% Increase</u>	<u>2019</u>	<u>2018</u>	<u>\$ Change</u>	<u>% Increase</u>
Average Residential Assessment	<u>191,070</u>	<u>185,605</u>			<u>185,605</u>	<u>185,605</u>		
City	1,645.92	1,564.84	81.07	5.18%	1,598.84	1,564.84	34.00	2.17%
Region-general	1,081.97	1,052.53	29.44	2.80%	1,051.02	1,052.53	-1.51	-0.14%
Region-waste mgmt	160.79	159.84	0.95	0.59%	156.19	159.84	-3.65	-2.28%
Education	307.62	315.53	-7.91	-2.51%	298.82	315.53	-16.70	-5.29%
Total Tax Levy	3,196.30	3,092.74	103.56	3.35%	3,104.87	3,092.74	12.13	0.39%

Note: Regional tax policy and tax ratios same as 2018
Assessment increase of 2.94% in 2019

**City of Port Colborne
General 2019 Tax Rates**

Schedule B

Property Class	RTC Code	City Tax Rates	Region Tax Rates	Region Waste Mgmt Tax Rates	Education Tax Rates	TOTAL
Residential	RT	0.00861420	0.00566267	0.00084155	0.00161000	0.01672842
Multi-Residential	MT	0.01696998	0.01115546	0.00165785	0.00161000	0.03139329
New Multi-Res	NT	0.00861420	0.00566267	0.00084155	0.00161000	0.01672842
Commercial	CT	0.01494478	0.00982417	0.00146001	0.01030000	0.03652896
Excess Land	CU	0.01046135	0.00687692	0.00102200	0.00875500	0.02711526
Vacant Land	CX	0.01046135	0.00687692	0.00102200	0.00875500	0.02711526
Commercial Other	ST, GT	0.01494478	0.00982417	0.00146001	0.01030000	0.03652896
Commercial New Const	XT	0.01494478	0.00982417	0.00146001	0.01030000	0.03652896
Comm new const excess	XU	0.01046135	0.00687692	0.00102200	0.00875500	0.02711526
Industrial - New Const.	JT	0.02265536	0.01489282	0.00221328	0.01030000	0.05006146
Ind - new const excess	JU	0.01585875	0.01042497	0.00154930	0.00875500	0.03658802
Industrial	IT	0.02265536	0.01489282	0.00221328	0.01290000	0.05266146
Excess Land	IU	0.01585875	0.01042497	0.00154930	0.01096500	0.03879802
Vacant Land	IX	0.01585875	0.01042497	0.00154930	0.01096500	0.03879802
Large Industrial	LT	0.02265536	0.01489282	0.00221328	0.01290000	0.05266146
Excess Land	LU	0.01585875	0.01042497	0.00154930	0.01096500	0.03879802
Pipelines	PT	0.01466224	0.00963843	0.00143240	0.01030000	0.03603307
Farmlands	FT	0.00215355	0.00141567	0.00021039	0.00040250	0.00418211
FAD I	R1	0.00646065	0.00424700	0.00063116	0.00120750	0.01254632
FAD II		0.00861420	0.00566267	0.00084155	0.00161000	0.01672842
Managed Forests	TT	0.00215355	0.00141567	0.00021039	0.00040250	0.00418211

**CITY OF PORT COLBORNE
CITY LEVY COMPARISON BY ASSESSMENT CLASS**

	Tax Ratios	2018 Levy	2019 Levy	Increase (Decrease)	Ave % Change	2019 Tax Rates	Taxes on \$191,070	2018 Tax Rates	Taxes on \$185,605	\$ Change	% Change
Residential	1.0000	\$12,754,436	\$13,487,471	\$ 733,035	5.75%	0.00861420	1,645.92	0.00843103	1,564.84	81.08	5.18%
Multi-Residential	1.9700	\$641,000	\$657,343	\$ 16,343	2.55%	0.01696998	3,242.45	0.01660912	3,082.74	159.72	5.18%
New Multi-res	1.0000	\$5,059	\$5,169	\$ 110	2.17%	0.00861420	1,645.92	0.00843103	1,564.84	81.08	5.18%
Commercial	1.7349	\$1,768,522	\$1,953,829	\$ 185,307	10.48%	0.01494478	2,855.50	0.01462699	2,714.84	140.66	5.18%
Excess Land	1.7349	\$2,343	\$2,068	\$ (275)	-11.73%	0.01046135	1,998.85	0.01023889	1,900.39	98.46	5.18%
Vacant Land	1.7349	\$24,307	\$24,812	\$ 505	2.08%	0.01046135	1,998.85	0.01023889	1,900.39	98.46	5.18%
Industrial	2.6300	\$1,495,661	\$1,574,006	\$ 78,345	5.24%	0.02265536	4,328.76	0.02217360	4,115.53	213.23	5.18%
Excess Land	2.6300	\$30,787	\$31,280	\$ 493	1.60%	0.01585875	3,030.13	0.01552152	2,880.87	149.26	5.18%
Vacant Land	2.6300	\$133,408	\$116,530	\$ (16,878)	-12.65%	0.01585875	3,030.13	0.01552152	2,880.87	149.26	5.18%
Pipelines	1.7021	\$143,379	\$149,911	\$ 6,532	4.56%	0.01466224	2,801.51	0.01435045	2,663.52	138.00	5.18%
Farmlands	0.2500	\$107,240	\$115,792	\$ 8,552	7.97%	0.00215355	411.48	0.00210776	391.21	20.27	5.18%
Managed Forests	0.2500	\$1,755	\$1,847	\$ 92	5.24%	0.00215355	411.48	0.00210776	391.21	20.27	5.18%
FAD 1	1.0000	\$8,498	\$8,918	\$ 420	4.94%	0.00646065	1,234.44	0.00632327	1,173.63	60.81	5.18%
Totals		\$ 17,116,395	\$18,128,975	\$ 1,012,580	5.92%						

**CITY OF PORT COLBORNE
BLENDED LEVY COMPARISON BY ASSESSMENT CLASS**

	Tax Ratios	2018 Levy	2019 Levy	Levy Increase	Ave % Increase	2019 Tax Rates	Taxes on \$191,070	2018 Tax Rates	Taxes on \$185,605	\$ Change	% Change
Residential	1.0000	\$12,754,436	\$13,487,471	\$ 733,035	5.75%	0.01672842	3,196.30	0.01666301	3,092.74	103.56	3.35%
Multi-Residential	1.9700	\$641,000	\$ 657,343	\$ 16,343	2.55%	0.03139329	5,998.32	0.03117712	5,786.63	211.69	3.66%
New Multi-res	1.0000	\$5,059	\$ 5,169	\$ 110		0.01672842	3,196.30	0.01666301	3,092.74	103.56	3.35%
Commercial	1.7349	\$1,768,522	\$1,953,829	\$ 185,307	10.48%	0.03652896	6,979.59	0.03685932	6,841.27	138.32	2.02%
Excess Land	1.7349	\$2,343	\$ 2,068	\$ (275)	-11.73%	0.02711526	5,180.91	0.02580153	4,788.89	392.02	8.19%
Vacant Land	1.7349	\$24,307	\$ 24,812	\$ 505	2.08%	0.02711526	5,180.91	0.02580153	4,788.89	392.02	8.19%
Industrial	2.6300	\$1,495,661	\$1,574,006	\$ 78,345	5.24%	0.05266146	10,062.02	0.05275271	9,791.17	270.86	2.77%
Excess Land	2.6300	\$30,787	\$ 31,280	\$ 493	1.60%	0.03879802	7,413.14	0.03692689	6,853.82	559.32	8.16%
Vacant Land	2.6300	\$133,408	\$116,530	\$ (16,878)	-12.65%	0.03879802	7,413.14	0.03692689	6,853.82	559.32	8.16%
Pipelines	1.7021	\$143,379	\$149,911	\$ 6,532	4.56%	0.03603307	6,884.84	0.03636853	6,750.18	134.66	1.99%
Farmlands	0.2500	\$107,240	\$115,792	\$ 8,552	7.97%	0.00418211	799.07	0.00416575	773.18	25.89	3.35%
Managed Forests	0.2500	\$1,755	\$1,847	\$ 92	5.24%	0.00418211	799.07	0.00416575	773.18	25.89	3.35%
FAD 1	1.0000	\$8,498	\$ 8,918	\$ 420	4.94%	0.01254632	2,397.22	0.01249725	2,319.55	77.67	3.35%
Totals		\$ 17,116,395	\$18,128,975	\$ 1,012,580	5.92%						

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Report Number: 2019-63

Date: May 13, 2019

SUBJECT: Proposed Development Agreements for Robert & Mary Ann Bosley. e/s Cedar Bay Road

1) PURPOSE:

This report has been prepared to recommend Council's approval to enter into a development agreement with Robert and Mary Ann Bosley to ensure future development on the Bosleys' property on the east side of Cedar Bay Road is completed in accordance with requirements of the Regional Municipality of Niagara (Region). A development agreement is a legal undertaking between the City and the other signing parties that work will be completed in a certain fashion or timeframe. Development agreements are registered on title for the property in perpetuity to insure compliance.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The Bosleys obtained two consents to sever their property on Cedar Bay Road from the Committee of Adjustment in applications B01-19-PC and B02-19-PC (Notices of Decision attached as Appendix A). One of the conditions that the Bosleys need to clear before the severances are given final certification is "enter into a development agreement with the City of Port Colborne prior to any construction or site alteration, to address the Region's concerns". The Region's request for a development agreement will address archeological artefacts found during construction, location of wells, cisterns and septic systems on the lots and the type of septic systems that must be installed on the lots.

3) STAFF COMMENTS AND DISCUSSIONS

Staff have prepared the draft development agreements (Appendix B). The Region and the applicant have both had opportunity to review the development agreements. Therefore, staff recommends that Council approve these development agreements.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

This option is not recommended as it would negatively impact development of Robert and Mary Ann Bosley's lots on Cedar Bay Road.

b) Other Options

That Council accepts this report as information and not take any further action at this time.

This option is not recommended as it would negatively impact development of Robert and Mary Ann Bosley's lots on Cedar Bay Road.



CORPORATION OF THE CITY OF PORT COLBORNE
NOTICE OF DECISION
COMMITTEE OF ADJUSTMENT

Application B02-19-PC

January 9, 2019

IN THE MATTER OF The Planning Act, R.S.O., 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the property legally known as Part of Lot 12, Concession 1, former Township of Humberstone; now in the City of Port Colborne, Regional Municipality of Niagara; municipally known as e/s Cedar Bay Road.

AND IN THE MATTER OF AN APPLICATION by the owners Robert and Mary-Ann Bosley for a severance under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter P. 13, so as to permit the conveyance of Part 2 having a lot frontage of 30.48m (100ft) with a total lot area of 1.0 ha (2.47ac) for a proposed residential use. Part 3 will retain a lot frontage of 89.30m (292.97ft) on Cedar Bay Road with a lot area of 6.44ha (15.91ac) for a proposed residential use.

That application B02-19-PC be **GRANTED** subject to the following conditions:

1. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant.
2. That the owner submit a letter to the City indicating that (s)he is aware of the requirements of By-law 4748/130/05 which requires the collection of the parkland dedication at the time of the building permit application based on the value of the property the day before issuance of the permit and that (s)he will advise any future purchasers of this requirement.
3. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
4. That a final certification fee of \$200 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.
5. That the owner enter into a Development agreement with the City of Port Colborne prior to any construction or site alteration, to address the Region's concerns. **FINAL AND BINDING**

For the following reasons:

H. Malon
SECRETARY-TREASURER

1. The application conforms to the policies of the Official Plan and will comply with the provisions of Zoning By-law 6575/30/81, as amended.
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act, R.S.O. 1990, c.P.13.

DATED AT PORT COLBORNE this 8th day of January, 2019.

CERTIFIED A TRUE COPY

H. Malon
SECRETARY-TREASURER

DECISIONS SIGNED:

<u>"Dan O'Hara"</u>	<u>"Bill Steele"</u>	<u>"Bea Kenny"</u>	<u>"Yvon Doucet"</u>	
Signature of Member of Committee	Signature of Member of Committee	Signature of Member of Committee	Signature of Member of Committee	Signature of Member of Committee

THIS DEVELOPMENT AGREEMENT made this ____ day of _____, 2019.

BETWEEN:

ROBERT & MARY ANN BOSLEY
hereinafter referred to as the "OWNER";

and

THE CORPORATION OF THE CITY OF PORT COLBORNE
hereinafter referred to as the "CITY";

WHEREAS the Owner desires to develop the lands described in Schedule "A" attached hereto (hereinafter referred to as the "Lands");

AND WHEREAS on January 9, 2019 the Committee of Adjustment for the City approved the creation of one residential building lot (Application B01-19-PC);

AND WHEREAS the Regional Municipality of Niagara (hereinafter referred to as the "Region") requires a Development Agreement between the Owner and the City regarding specific conditions and processes to be followed during development of the Lands;

NOW THEREFORE the parties hereto agree as follows:

1. The Owner hereby warrants that it is the registered Owner of the Lands described in Schedule "A" to this Development Agreement.
2. The Owner agrees that upon the execution of this Development Agreement, the Lands shall be charged with the performance of the terms of this Development Agreement and that the performance of such terms shall be binding upon the Owner, its executors, administrators, successors, assigns, heirs, and successors in title.
3. The Owner shall indemnify and save harmless the City from and against all actions, causes of action, interest, claims, demands, costs, charges, damages, expenses, and loss, which the City may at any time bear, incur, be liable for, sustain or be put to for any reason of, or on account of, or by reason of, or in consequence of, the City, as the case may be, entering into this Development Agreement.
4. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport and [owner's archaeological consultant] shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Tourism, Culture and Sport and [owner's archaeological consultant].
5. That the private water supply (wells or cisterns) is to be located in the front yard (westerly end of the property) and the septic bed be located in the rear yard (easterly end of the property).
6. That additional treatment (tertiary) be included with the septic system design.
7. The Owner agrees and acknowledges that the City shall register this Development Agreement on title to the Lands and that such registration may only be removed with the written consent of the City and the Region.

SIGNED, SEALED & DELIVERED
IN THE PRESENCE OF:

OWNER

Witness

Robert Bosley

Witness

Mary Ann Bosley

THE CORPORATION OF THE CITY
OF PORT COLBORNE

William C Steele, Mayor

Amber LaPointe, Clerk

DRAFT

SCHEDULE "A" – THE LANDS

Part 1 on Plan 59R-16386
On the East Side of Cedar Bay Road
In the City of Port Colborne
In the Regional Municipality of Niagara

DRAFT

THIS DEVELOPMENT AGREEMENT made this ____ day of _____, 2019.

BETWEEN:

ROBERT & MARY ANN BOSLEY
hereinafter referred to as the "OWNER";

and

THE CORPORATION OF THE CITY OF PORT COLBORNE
hereinafter referred to as the "CITY";

WHEREAS the Owner desires to develop the lands described in Schedule "A" attached hereto (hereinafter referred to as the "Lands");

AND WHEREAS on January 9, 2019 the Committee of Adjustment for the City approved the creation of one residential building lot (Application B02-19-PC);

AND WHEREAS the Regional Municipality of Niagara (hereinafter referred to as the "Region") requires a Development Agreement between the Owner and the City regarding specific conditions and processes to be followed during development of the Lands;

NOW THEREFORE the parties hereto agree as follows:

1. The Owner hereby warrants that it is the registered Owner of the Lands described in Schedule "A" to this Development Agreement.
2. The Owner agrees that upon the execution of this Development Agreement, the Lands shall be charged with the performance of the terms of this Development Agreement and that the performance of such terms shall be binding upon the Owner, its executors, administrators, successors, assigns, heirs, and successors in title.
3. The Owner shall indemnify and save harmless the City from and against all actions, causes of action, interest, claims, demands, costs, charges, damages, expenses, and loss, which the City may at any time bear, incur, be liable for, sustain or be put to for any reason of, or on account of, or by reason of, or in consequence of, the City, as the case may be, entering into this Development Agreement.
4. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport and [owner's archaeological consultant] shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Tourism, Culture and Sport and [owner's archaeological consultant].
5. That the private water supply (wells or cisterns) is to be located in the front yard (westerly end of the property) and the septic bed be located in the rear yard (easterly end of the property).
6. That additional treatment (tertiary) be included with the septic system design.
7. The Owner agrees and acknowledges that the City shall register this Development Agreement on title to the Lands and that such registration may only be removed with the written consent of the City and the Region.

SIGNED, SEALED & DELIVERED
IN THE PRESENCE OF:

OWNER

Witness

Robert Bosley

Witness

Mary Ann Bosley

THE CORPORATION OF THE CITY
OF PORT COLBORNE

William C Steele, Mayor

Amber LaPointe, Clerk

DRAFT

SCHEDULE "A" – THE LANDS

Part 2 on Plan 59R-16386
On the East Side of Cedar Bay Road
In the City of Port Colborne
In the Regional Municipality of Niagara

DRAFT

Report Number: 2019-69

Date: May 13, 2019

Subject: Provincial Modernization Grant

1) PURPOSE:

This CAO generated report is provided to seek Council approval for a plan to use a recently announced Provincial Grant for specific projects within the City.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

On March 20, 2019, the province announced a one-time grant payment that would flow to the City of Port Colborne for the purposes of modernizing service delivery at the municipal level. When announcing the funding, the province stated:

While this investment is unconditional, it is intended to help modernize service delivery and reduce future costs through investments in projects such as: service delivery reviews, development of shared services agreements, and capital investments.

The amount of the grant provided by the province is \$711,467.

3) STAFF COMMENTS AND DISCUSSIONS

Staff have met to discuss the best use of these funds in a manner which both satisfies the province's desired criteria and outcomes as well as furthers Council's goal of improving service delivery at the City. The City is already embarking on a customer service initiative that will see a return to live-answered telephone calls, the deployment of a new service request/work order software system, and a process to provide service to residents on a 'one window' basis. This project is funded from reserves and allocations in the 2019 budget and it is not necessary to earmark funds from this new funding allocation to this project.

Staff have identified further customer service and service delivery improvements that could be funded through this grant that complement the planned customer service project. These include:

- Redesign front counters on the first and second floors of City Hall – creation of an improved first point of contact to provide customers with an inviting space that provides accessible options including a lowered counter space and a privacy counter.
- Upgrades/enhancements to the City's phone system – addition of optional components that were not included when the system was initially purchased.
- Website redesign – design and roll-out of a new City website that is customer friendly and promotes ease of access to information.
- Corporate branding – as a component of the website redesign, the City's corporate branding should be examined for consistent application across the City's various media channels.
- Customer service policy update and training – improved training for staff to enhance and monitor the quality of customer service provided throughout the City in all aspects of

operations.

- Implementation staff – It is expected that one full-time contract staff would be hired for a four-month period

4) **OPTIONS AND FINANCIAL CONSIDERATIONS:**

Staff are unable to attach cost estimates to the projects identified above because the funding announcement was so recent and vendors have not been contacted. If this report is approved staff will seek to undertake the projects identified in accordance with the City's procurement policies. If any funding remains unexpended, staff will report back to Council for approval of further projects that will make use of the grant funding in accordance with the funding goals established by the province.

a) **Do nothing.**

Doing nothing is not a viable option as the grant funding has already been provided to the City (NOT RECOMMENDED).

b) **Other Options**

Council could choose to direct staff to use the funding for other projects. Council is advised that while the province has stated that the funding is unconditional, it has been stated that the province is trying to achieve service delivery and modernization outcomes. (NOT RECOMMENDED).

5) **COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not Applicable.

6) **ATTACHMENTS**

None.

7) **RECOMMENDATION**

That Council approve the use of the provincial grant of \$711,467 for the projects identified in Chief Administrative Officer's Report 2019-69.

8) **SIGNATURES**

Prepared on May 6, 2015 and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer



Report Number: 2019-67

Date: May 13, 2019

Subject: By-law Appointment of Municipal Law Enforcement Officers Allison Martin and Amy Dayboll

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, Allison Martin, Planning summer student, and Amy Dayboll, Planning Assistant, as a Municipal Law Enforcement Officer to enforce parking and the Zoning By-law.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

It is required that the Officer be approved under the *Police Services Act* as a Municipal Law Enforcement Officer to enforce the City's by-laws.

3) STAFF COMMENTS AND DISCUSSIONS

The successful candidate for the Planning Summer Student position was Allison Martin, who will start in May.

The Planning Assistant, Amy Dayboll would conduct joint inspections with the By-law Enforcement Division regarding Zoning complaints. Further, the newly appointed officer will be able to back-up officers during special events and winter snow patrol if necessary.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

a) Do Nothing

This section is not applicable.

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 Allison Martin be appointed as a Municipal Law Enforcement Officer special events parking and the Zoning By-law.

That Amy Dayboll be appointed as a Municipal Law Enforcement Officer to enforce parking and the Zoning By-law.

8) SIGNATURES

Prepared on May by:



Sherry Hanson, C.P.S.O.
Manager of By-law Services

Reviewed by:



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

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer



PORT COLBORNE

WHEREAS, the City of Port Colborne supports organizations and individuals committed to raising awareness about important issues and advocacy that affect all Canadians. Through education, fundraising and support, the health and well-being of our communities are improved; and

WHEREAS, National Access Awareness Week is a week for Canadians to promote inclusion and accessibility in our communities and workplaces, to celebrate our progress and to be inspired to further break down accessibility barriers; and

WHEREAS, We need to change the way we think, talk and act about barriers to participation and accessibility and we need to do it right from the start, not as an afterthought. An inclusive Canada is one where all Canadians can participate and have an equal opportunity to succeed in their workplaces and communities.

National Access Ability Week aims to bring this perspective to the forefront for Canadians, and highlight some of the important initiatives the government and its partners are undertaking to bring about this change.

NOW THEREFORE, I, Mayor William C. Steele, at the request of the Accessibility Advisory Committee and on behalf of the Council of the City of Port Colborne, do hereby proclaim May 31 - June 6, 2019 as "Access Awareness Week" in the City of Port Colborne

William C. Steele
Mayor

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MAYOR'S OFFICE

905-835-2900 Ext. 301

TO: Members of Port Colborne City Council

FROM: Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee

DATE: April 9, 2019

RE: Recommendations of Grant Policy Committee

The Grant Policy Committee met to review applications for the first intake of 2019. In accordance with Section 4.3(e) – "During a regular meeting of the Corporation, Council will approve all final recommendations," we bring forward the following recommendations for consideration by Council.

Moved by W. Steele
Seconded by B. Haymes

That donation/sponsorship requests be approved for a total of \$18,510 for the first allocation for the year 2019 as follows:

Air Race Classic Terminus Committee – to assist with costs of the Air Race Classic being held June 19-24 at the Niagara Central Dorothy Rungeling Airport - **\$1,300**

Education Foundation of Niagara - to assist in providing essential items to DSBN students in Port Colborne who experience a high level of need - **\$1,500**

Niagara Health Foundation – to assist with the purchase of a "Spirit Bed" for use at the Port Colborne Site - **\$1,900**

Port Cares – to assist with the purchase of a cargo van for use at the Reach Out Centre - **\$2,300**

Port Colborne Feline Initiative – to assist with program expenses with TNVR (trap-neuter-vaccinate-return); CatSnips; and subsidized spay/neuter program for low income residents of Port Colborne - **\$2,500**

Port Colborne Lions Club – to assist with operating costs including property taxes - **\$1,600**

Port Colborne Operatic Society – to assist with their "Musician in the Pit" program and general upkeep of their storage hall - **\$2,150**

St. James & St. Brendan Church – to assist with Phase Two of the Community Garden including gardens, plantings, benches, water feature, fence, pavilion – **\$1,660**

Women's Place of South Niagara – to assist in providing emergency shelter and programs for women and children fleeing abuse - **\$2,000**

YMCA of Niagara – to assist with the operation of the Niagara Day Camp program in the City of Port Colborne - **\$1,600**

Respectfully submitted.

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From: Vance.Badawey.P9@parl.gc.ca

Date: May 1, 2019 at 5:00:35 PM EDT

To: cityclerk@portcolborne.ca, clerk@welland.ca, clerk@thorold.com, clerks@stcatharines.ca

Subject: FW: Attention: Mayor, Members of City Council & Chief Administrative Officer - UPDATED

Mayor, Members of City Council & Chief Administrative Officer

Re: Ontario: Update following meetings with the Province of Ontario

The provincial government has opened two streams for federal infrastructure dollars: 1) for public transit outside the GTHA and 2) for rural and northern projects. This represents a very small fraction of the over \$11B in federal dollars available for projects in Ontario. They are withholding the remaining two streams, green and culture/rec, and public transit within the GHTA until mid-summer or later. They are likely withholding those streams to maximize dollar contributions for the Toronto subway plan they shared high level details about in their recent budget. That has very real costs for other projects in your communities and on creating jobs this summer. The unopened streams tend to be of a scale that can move to procurement and shovels faster than the streams now open.

Ontario has a bilateral agreement with us, signed over a year ago. Funding levels are transparent, and we have worked effectively with the province to get projects big and small done in the past. Today, to NO avail.

That said, we have independently verified that a significant number (140) of projects under the open streams outside of the GHTA will be coming to us by June. We have worked hard to reach out to Mayors to get that information, assuage their fears and put in the departmental resources necessary for a quick turnaround on every single one of them. If you have a project under one of these streams, may I suggest you continue to pressure the province to prioritize so it makes it back to us and we can complete the transaction.

Although the province continues to be evasive with respect to moving forward your priority projects, such as community improvement plans, bridges, firehalls, operation centres, recreation infrastructure, wastewater treatment upgrades and flood mitigation measures, we will do everything we can to get those shovels in the ground as soon as possible.

Once again, may I impress on you to continue to put pressure on the province to open all intakes to therefore, leverage existing and top-up gas tax funds with future provincial and federal *Investing In Canada Infrastructure Program* funds.

If you have any questions or comments, please do not hesitate to contact me directly.

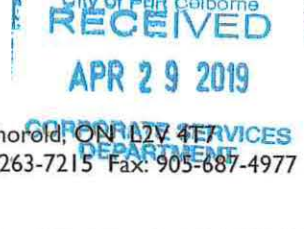
Kind regards,

Vance



Vance Badawey

Member of Parliament
Niagara Centre
Valour Bldg, Room 1170
Ottawa, Ontario K1A 0A6
Tel. (613) 995-0988
Fax. (613) 995-5245
vance.badawey@parl.gc.ca



April 29, 2019

CL 9-2019, April 25, 2019
CSC 4-2019, April 17, 2019
CSD 16-2019, April 17, 2019

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

2019 Property Tax Policy, Ratios and Rates
 CSD 16-2019

Regional Council, at its meeting held on April 25, 2019, passed the following recommendation of its Corporate Services Committee:

That Report CSD 16-2019, dated April 17, 2019, respecting 2019 Property Tax Policy, Ratios and Rates, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVE** the following tax ratios and sub-class reductions for the 2019 taxation year:

<u>Property Classification</u>	<u>Tax Ratio</u>	<u>Sub-Class Reduction</u>
Residential	1.000000	
New Multi-Residential	1.000000	
Multi-Residential	1.970000	
Commercial	1.734900	
Commercial – Excess Land	1.734900	30%
Commercial – Vacant Land	1.734900	30%
Industrial	2.630000	
Industrial – Excess Land	2.630000	30%
Industrial – Vacant Land	2.630000	30%
Pipeline	1.702100	
Farmland	0.250000	
Managed Forest	0.250000	
Farmland Awaiting Development 1	1.000000	25%
Farmland Awaiting Development 2	Class Ratio	
Landfill Sites	2.940261	

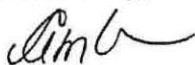
CLK-C 2019-098

cc: R. Fleming Senior Tax & Revenue Analyst, Enterprise Resource Management Services
M Montague Executive Assistant, Enterprise Resource Management Services
T. Harrison Commissioner/Treasurer, Enterprise Resource Management Services

2. That by having no properties eligible for capping in the industrial class, Regional Council **OPT OUT** of the capping program for the industrial tax class for the 2019 and subsequent taxation years;
3. That the 2019 tax capping program for the commercial class reflecting the following criteria **BE APPROVED**:
 - a) An annual cap **BE SET** at the greater of:
 - i. An amount representing an increase of 10% of the previous year's annualized tax, or
 - ii. An amount representing an increase of 10% of the previous year's Current Value Assessment (CVA) tax;
 - b) That, following the application of the capping program, all increasing properties within \$500 threshold and decreasing properties within \$50 threshold of the CVA taxes **BE MOVED** directly to CVA taxation;
 - c) Properties at CVA tax in 2018 **BE EXCLUDED** from the capping program; and
 - d) Properties that would cross over CVA tax in 2019 **BE EXCLUDED** from the capping program;
4. That the phase-out of the capping program over four years for the Commercial property class with 2019 being year three of the four years **BE ADOPTED**;
5. That the 2019 capping program **BE FUNDED** by claw back from within respective classes pursuant to section 330 of the *Municipal Act*;
6. That the Region **BE DIRECTED** to act as a banker, under section 330(6) of the *Municipal Act* for the 2019 municipal tax adjustments;
7. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration and **CIRCULATED** to the Councils of the local area municipalities for information; and
8. That this report **BE CIRCULATED** to the Councils of the local area municipalities for information.

A copy of CSD 16-2019 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:mt

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April 29, 2019

CL 9-2019, April 25, 2019

CSC 4-2019, April 17, 2019

CSD 29-2019, April 17, 2019

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Bill 142 – Construction Lien Amendment Act, 2017

CSD 29-2019


Regional Council, at its meeting held on April 25, 2019, passed the following recommendation of its Corporate Services Committee:

1. That Regional Council **ENDORSE** the recommendations made by the Association of Municipalities Ontario (AMO) to the Ministry of the Attorney General to consider the following additional changes to the recently amended *Construction Act*:
 - Owners should be provided more than 14 days to publish a notice of non-payment to ensure that due diligence is completed before payment of a proper invoice is required (e.g. 21 business days);
 - The time period between December 24th to January 2nd of each calendar year should be excluded from the calculation of time with respect to Prompt Payment and Adjudication;
 - The date for implementing the Prompt Payment and Adjudication regimes should be postponed from October 1, 2019 to one year following the establishment of the Authorized Nominating Authority (ANA); and
 - That the Ministry create and communicate practice guides, interpretation bulletins, and webinars in alignment with Recommendations 97 & 98 of the Expert Panel's Report to educate owners, contractors, and subcontractors of the new regimes;
2. That the Regional Chair **BE DIRECTED** to send a letter to the Ministry of the Attorney General to consider the recommendations made by AMO respecting the changes to the *Construction Act*; and

3. That Report CSD 29-2019 **BE CIRCULATED** to the local area municipalities.

A copy of CSD 29-2019 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:mt

CLK-C 2019-099

cc:	K. Simpson	Project Manager, Enterprise Resource Management Services
	M Montague	Executive Assistant, Enterprise Resource Management Services
	T. Harrison	Commissioner/Treasurer, Enterprise Resource Management Services

Subject: Bill 142 – Construction Lien Amendment Act, 2017

Report to: Corporate Services Committee

Report date: Wednesday, April 17, 2019

Recommendations

1. That Regional Council **ENDORSE** the recommendations made by the Association of Municipalities Ontario (AMO) to the Ministry of the Attorney General to consider the following additional changes to the recently amended *Construction Act*:
 - Owners should be provided more than 14 days to publish a notice of non-payment to ensure that due diligence is completed before payment of a proper invoice is required (e.g. 21 business days);
 - The time period between December 24th to January 2nd of each calendar year should be excluded from the calculation of time with respect to Prompt Payment and Adjudication;
 - The date for implementing the Prompt Payment and Adjudication regimes should be postponed from October 1, 2019 to one year following the establishment of the Authorized Nominating Authority (ANA); and
 - That the Ministry create and communicate practice guides, interpretation bulletins, and webinars in alignment with Recommendations 97 & 98 of the Expert Panel's Report to educate owners, contractors, and subcontractors of the new regimes;
2. That the Regional Chair **BE DIRECTED** to send a letter to the Ministry of the Attorney General to consider the recommendations made by AMO respecting the changes to the Construction Act; and
3. That Report CSD 29-2019 **BE CIRCULATED** to the local area municipalities.

Key Facts

- The purpose of this report is to inform Council regarding municipal governments' concerns with recent amendments to the *Construction Act* as a result of Bill 142, and recommend that Niagara Region join municipal organizations in support of the four changes outlined by the AMO.
- Of significant concern is that the necessary processes are not in place with the province, preventing municipal governments from planning appropriately for the October 2019 implementation.

- The Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), Municipal Finance Officers of Ontario (MFOA), and other municipal organizations are supportive of the changes outlined by the AMO.

Financial Considerations

There will be a financial impact for the Region to implement and comply with Bill 142; however, the magnitude of the impact cannot be fully understood until the legislation has been in place for some time.

As a result of Bill 142 amendments to the *Act*, there will be cost implications associated with updating contract language, adapting existing processes, and resources required to address prompt payment, mandatory adjudication, risk mitigation, and general compliance with the amended statute. Budgetary and accounting pressures are a factor as mandated payments related to adjudicated disputes will become due mid-project with short timelines for payment.

Staff will be required to develop processes and procedures to respond to new payment and claims pressures under compressed timelines. Additional ongoing legal and contract administration support will also be required to address an expected increase in contract disputes arising from the mandatory adjudication process. Additionally, depending on the yet to be determined regulations, mandatory surety bonds on public projects may also increase project costs, and potentially reduce the competitive pool of available bidders for certain types of work.

Overall, these potential factors introduce significant corporate financial risk to the organization.

Analysis

Bill 142 made numerous amendments to the *Construction Lien Act* (now titled the *Construction Act*), which affect the Region, its professional consultants, general contractors, subcontractors, and contract administrators. These include:

- Modernization of the construction lien and holdback rules and timelines
- Modernization of claims procedures
- Introduction of a prompt payment regime for all construction projects
- Implementation of adjudication as a new process to speed up dispute resolution

The purpose of the amendments was to ensure promptness and security of payment for suppliers of construction materials and services, and to ensure disputes are resolved efficiently to facilitate cash flows between contractors and subcontractors. The amendments are being implemented in three phases and can be categorized as follows:

(1) Minor housekeeping changes which went into effect December 12, 2017; (2) changes with respect to lien modernization, holdback payment, and surety bonding effective July 1, 2018; and (3) changes with respect to prompt payment and adjudication effective October 1, 2019.

Prompt Payment

Effective October 1, 2019, new legislation with respect to a "Prompt Payment" scheme will be implemented which will have an impact on the Region and the construction industry as a whole.

The *Act* will require that an owner (i.e. the Region) pay according to a "proper invoice" no later than 28 days after receiving said invoice from the contractor. Should an owner dispute the invoice, or a portion thereof, notice of non-payment must be given no later than 14 days after the invoice receipt date. If only a portion of the invoice is disputed, the owner is still required to pay any undisputed portions of the invoice within the 28 day time frame.

Staff are currently working to rewrite contracts and to define what constitutes a "proper invoice" in its contract language. System and process changes related to document management are also required to accommodate these changes. Considerations are also being made in the event the Region loses adjudications of disputes, as interest will accrue on any amounts that are not paid within the legislated time.

In addition, while the Legislative changes related to prompt payment outlined herein come into effect post contract award, the Region's Procurement department recognizes the need for a proactive and upfront commitment of resources to ensure that all associated templates (RFT, RFP, etc.) and contract documentation are updated to reflect the changes related to prompt payment, mandatory adjudication, risk mitigation, and general compliance with the amended statute. To ensure ongoing adherence to the overarching objectives of fairness and transparency, these changes will be incorporated and effectively communicated to the bidding community from the onset of each procurement process that is undertaken.

Adjudication

Also effective October 1, 2019, the Bill 142 amendments will come into force with respect to interim adjudication for construction disputes.

The Minister of the Attorney General is responsible for designating an entity to act as Authorized Nominating Authority (ANA) for the purposes of developing and overseeing programs for training adjudicators; qualifying adjudicators; establishing and maintaining a registry of adjudicators; and appointing adjudicators.

The party to a contract will have the right to refer disputes to adjudication, although adjudications are mandatory if payment is withheld. These disputes could relate to valuation of services or materials; payments under the contract, including change orders; disputes subject to Notices of Non-Payment; amounts retained as set-off; payments of holdback; non-payments of holdback; or any other matter to which the parties to the adjudication agree.

The adjudication procedures are set out in the *Act*, and will include a written notice of adjudication; selecting an approved adjudicator; exchange of documents to be relied upon at the adjudication; powers of the adjudicator; on-site inspection of work projects; and retaining of experts to assist the adjudicator. Strict timelines have been put in place (once adjudication is initiated, parties will have four days to agree to an adjudicator or the Authorized Nominating Authority must appoint one within five days; the initiating party then has five days to provide materials in support of its position; and a decision must be rendered by the adjudicator within 30 days of adjudication).

Liens

Liens are no longer attached to municipal property effective October 1, 2019. Under the current legislation, liens are not attached to crown property or municipal highways; however, if someone wishes to lien other properties such as a community centre, they can register the lien on title. With Bill 142, municipal properties are treated the same as crown lands. All liens are to be served by giving it to the Clerk; they are not to be placed on title. Staff will be required to develop processes and procedures to respond to new liens procedures under compressed timelines.

Staff at the Region have initiated a readiness assessment to identify the gaps and to develop a subsequent work plan to be compliant with Bill 142. Council's endorsement for these recommendations made by AMO and the associated risks as articulated in their letter will help ensure the Region's success in complying with the Bill while staff continue the work to be ready for October 1 or any other date the province may establish as a result of AMO recommendations and their endorsement by the Council.

Alternatives Reviewed

N/A

Relationship to Council Strategic Priorities

N/A

Other Pertinent Reports

N/A

Prepared by:

Kirbi Simpson
Project Manager
Enterprise Resource Management
Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Enterprise Resource Management
Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation and reviewed by Helen Chamberlain, Director Financial Management & Planning, Erin Amirault, Associate Director Finance Operations & Systems, Bart Menage, Director Procurement & Strategic Acquisitions, and Donna Gibbs, Director Legal & Court Services

Appendices

Appendix 1 AMO Submission to the Standing Committee on the Legislative Assembly

Appendix 2 AMO Letter to Attorney General

Bill 142, An Act to Amend the Construction Lien Act, 2017

Submission to the Standing Committee on the Legislative Assembly

November 1, 2017

AMO, on behalf of our municipal members, advocates for well-considered provincial legislation that enables municipal governments to function for the benefit of our communities and the public interest. Conversely, we work to mitigate unintended consequences of proposed legislation and regulations, identify gaps that need to be addressed, and provide advice to the Province to determine the best implementation.

Bill 142, *An Act to Amend the Construction Lien Act* (2017), is a piece of legislation that exemplifies the positive outcomes of what happens when a proper and thorough consultation takes place. As you know, the construction industry, owners (including municipal governments), contractors, and subcontractors have long argued for reforms to the *Construction Lien Act*, and AMO is encouraged that Bill 142 includes significant improvements to modernize an Act that is over 30 years old.

The Process

AMO appreciates the government for conducting the Expert Panel review of the *Construction Lien Act*, and the commitment and leadership shown by Attorney General Naqvi to get Bill 142 to this stage.

Our written comments will not come as a surprise to the Ministry of the Attorney General or others, as AMO has been actively consulted and involved throughout the four-year process.

Last week, the Attorney General circulated a list of some proposed government motions that have allowed us to narrow the focus on our remarks on Bill 142. We appreciate the Ministry's attempt to strike a balance between all stakeholders, and recognize that some of our concerns may be addressed in these motions. However, it is still important for AMO to highlight issues raised by our members that should be considered by the Committee.

Please note that our general remarks support other municipal governments' individual technical submissions which combined reflect countless hours working through how Bill 142 would affect the operations in their municipalities, and in some cases, have prepared draft alternative language that we hope the Committee will consider.

Areas of Support for Bill 142

AMO has been working closely with the Attorney General's office to identify gaps and unintended consequences of Bill 142. The Ministry is proposing several government motions that would, if passed, address some of AMO's concerns:

- including a transition provision to provide for consistency until the new law comes into effect;
- exempting architects, engineers, and consulting professionals from requiring surety bonds for public projects;

- clarifying that interest for late payments is from the date the invoice was due and payable; and,
- that adjudication may not revive expired liens.

We recommend that the Committee adopt these changes during clause-by-clause consideration.

In addition to these amendments, AMO submits that consideration also be given to our outstanding issues.

Recommended Areas for Refinement

1. Payment should not be made without first receiving a municipal owner's express approval or certification that work was properly completed.

AMO believes in prompt payment and is supportive of a regime that requires payments be made promptly for work that is completed to a standard that an owner has deemed to have been met. We believe that modernizing prompt payment rules is important and that people who have completed work properly should be paid on time.

AMO agrees completely with the Toronto Transit Commission's comments regarding certification, that "requiring payment to be made from the date of a proper invoice instead of certification or owner's approval means there may not be enough time to properly scrutinize an invoice and risks payment for improper or incomplete work. In the US, 20 states allow the trigger event to be either set out in the contract or is expressly certification/approval."¹

We note in the proposed government amendments, Alternative Financing and Procurement (AFP) projects would be allowed "certification of payment prior to the submission of an invoice for AFP projects."² AMO wonders why these same exceptions cannot apply also to municipal projects, given that it provides significant protection to one type of project over another.

Although the government is proposing a motion that provides an owner with the ability to conduct "testing and commissioning" of a project, it does not account for every scenario and this motion, if applied, would only add an additional cost. Without including a certification trigger, the link of prompt payment with a mandatory adjudication regime, means that an owner is not only required to make a payment in 28 days, but adjudication is automatically invoked if not.

This does not give nearly enough time for a municipal government, large or small, to verify that the work has been completed to specifications and to enter into discussions with contractors for any discrepancies that may be identified, which is industry practice.

¹ Toronto Transit Commission. Written Submission on *Bill 142: Construction Lien Act Amendment Act, 2017*, October 25, 2017, pg. 3.

² Email from the Attorney General's Office. "Update on Bill 142: Construction Lien Amendment Act." Received Monday, October 23, 2017.

All municipal governments have a duty to the taxpayer to be diligent in how projects are managed, and to ensure that taxpayer money is only paid for work that is properly performed and meets all of the specifications under the contract. To have the trigger for payment be the receipt of the proper invoice and not certification or other forms of owner's approval lacks the checks and balances necessary to process those payments. It will undoubtedly result in paying for contracts that are not properly completed and increase costs of litigation to resolve those disputes through adjudication.

Therefore, AMO is requesting that the trigger for payment for public projects be testing, commissioning and certification, or alternatively extend the timelines in the prompt payment regime to ensure that public funds are managed properly, and the safety of our projects are maintained for our residents.

2. Before proceeding to combine the lien rights and mandatory adjudication regimes – making Ontario the first jurisdiction in the world to do so – AMO would like the problematic time lags and other practical considerations addressed.

AMO is very concerned about implementing both regimes at the same time. Even if a matter is not resolved to the satisfaction of a contractor or subcontractor, they may bring a lien action during construction. By contrast, an owner does not have any ability to bring an action until the end of the project.

Bill 142 would make Ontario the first jurisdiction in the world to have both regimes (UK has adjudication but no lien rights). Under the prompt payment regime, owners and contractors would not have the same ability to settle a dispute because the timelines are so strict. To make matters more challenging, the government is proposing a motion that the subcontractor would be required to invoke adjudication if the contractor does not pay. These scenarios only drive up project costs and risk delaying construction projects.

We continue to be told that this legislation intends to catch problematic actors, not large owners like municipal governments. As responsible owners, we should be given flexibility to resolve disputes with contractors at far less cost, before being pulled into adjudication.

AMO also submits that the time lags between the "payment date" and the "non-payment notice" for progress payments ought to be extended to 28 days (s. 6.3 (2)), and the "payment date" and the "non-payment notice" for holdback payments should be extended to 60 days (s.27.1). This would better align the payment deadlines, and decrease the risk that contractors would be paid for work that was not properly completed.

Another example is that the extremely short timelines, proposed for adjudication, could result in the owner being taken by surprise in a trial if the contractor has spent time preparing a detailed claim without the owner's knowledge, and then initiates adjudication, with the owner having very little time to prepare a proper response.

These are just some examples that the Committee should address around the prompt payment and adjudication regimes. AMO recommends that the Province explore the implications of enacting both sections, and that stakeholders have the ability to comment on regulations before they are enacted. We have come too far in this process, and with significant alignment amongst stakeholder groups, why not work together to get it right the first time?

3. It is important that municipal governments receive training support and resources to ensure the legislation is properly implemented at the local level, and that they, as owners, are operating in compliance with the law.

AMO encourages the Ministry to find ways to help train municipal staff across Ontario on what has changed should this legislation pass. The size and capacity of municipal governments is equally broad as the value of projects they deliver. For example, about 43% of municipalities have less than six full-time administrative staff to cover statutory duties including a clerk, treasurer, general reception, and perhaps a chief administrator.³ It is highly unlikely that there will be a lawyer on staff.

Conversely, of the 34 Ontario municipalities that have a population over 100,000, their project management and legal staffing budgets will also have to significantly increase because of this legislation, as they, as an example, are the ones doing transit expansion projects.

Regardless of size, Bill 142 will require every municipality to redraft all of their construction contracts, develop new project management procedures, and change processes to ensure faster payment. This will require hiring more legal and project management resources (especially if the timelines do not change), and adding more administrative burden on every municipal clerk who will need to ensure compliance with this legislation, as well as the over 200 other provincial statutes that municipal governments are required to follow.

Given this context, AMO requests that the legislation be delayed in coming into force by one or two years, and echoes the recommendation by the City of Toronto that “there be a Ministry website for construction in Ontario for the publication of all notices under the Act and to provide additional information on individual projects”.

This would be helpful to all parties in the construction pyramid and erase the administrative and cost burden of publications required under the Act. If each project in the Province was assigned a ‘Project Identifier’ number, this would further assist the parties in locating all of the information about a project in one place, on one website.”⁴

³ Ministry of Municipal Affairs, 2016 Financial Information Return, Schedule 80. <https://efis.fma.csc.gov.on.ca/fir/>

⁴ City of Toronto, Oral Remarks on *Bill 142: Construction Lien Act Amendment Act, 2017*, October 25, 2017

Conclusion

AMO believes that Bill 142 has in some ways truly struck a balance between the competing asks of all stakeholders, and should be considered an achievement for industry and owner groups.

That said, we hope that the Committee will carefully consider our remarks and those of our member municipalities. These remarks are intended to ensure the modernization of the *Construction Lien Act* will be as successful as possible by avoiding unintended consequences and mitigating against the potentially costly and burdensome impacts of this legislation.

Sent via email: caroline.mulroney@pc.ola.org

March 7, 2019

The Honourable Caroline Mulroney
Attorney General
McMurtry-Scott Building, 11th Floor
720 Bay Street
Toronto, Ontario M7A 2S9

Dear Attorney General Mulroney:

I would like to outline the ongoing concerns that municipal governments have with the *Construction Act, 2017*, and to reiterate my request to meet with you on this item. Without legislative amendments and support from the Ministry for implementation, we do not believe that the prompt payment and mandatory adjudication regimes will work effectively by the time the legislation is to come into force.

AMO, and our members, have always supported the principle of prompt payment, as evidenced by various municipal governments that already have policies in place that protect workers and suppliers. That is why we have played an active role in modernizing the *Construction Lien Act* since the work on prompt payment began.

While the *Construction Act* has been modernized in many respects, we recognize that the most significant pieces of legislation come into force on October 1, 2019. With that date fast approaching, AMO is asking the Ministry to consider four amendments:

1. Owners should be provided more than 14 days to publish a notice of non-payment to ensure that due diligence is done before payment of a proper invoice is required (e.g. 21 business days);
2. The time period between December 24th to January 2nd of each calendar year should be excluded from the calculation of time with respect to Prompt Payment and Adjudication, similar to the recently proposed federal legislation;
3. The date for implementing the Prompt Payment and Adjudication regimes should be postponed from October 1, 2019, to 1-year post-establishment of the Authorized Nominating Authority (ANA); and
4. That the Ministry create and communicate practice guides, interpretation bulletins, and webinars in alignment with Recommendations 97 & 98 of the Expert Panel's Report to educate owners, contractors, and subcontractors on the new regimes.

The proposed 28-day timeline for owners to pay contractors on the receipt of a “proper invoice” does not provide enough time for municipal staff to inspect and certify whether the work has been completed properly. Municipal governments require the ability to certify work before payment is remitted to protect our property taxpayer dollars. This Act essentially prohibits certification before payment, which is problematic and should be reconsidered. Otherwise, the Act leaves municipal taxpayers vulnerable to increasing construction project costs as well as legal fees.

Further, most municipal governments are closed for the holidays or maintain a much reduced staffing level during December 24th to January 2nd. It is important that municipalities are not forced into impossible timelines when those imposed by the legislation are already so tight.

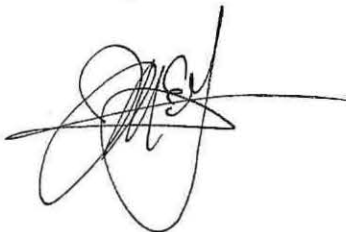
Many details about the Authorized Naming Authority (ANA) are still to be determined. We recognize that the proposed regulations have provided some clarity, and that Expressions of Interest for ANA members were released in January 2019. In order to have the ANA working by October 1st, the Province must develop a certification regime for the adjudicators, ensure that there are sufficient adjudicators to meet demand, and ensure they have all been certified. Only once these details are in place can owners, contractors and subcontractors be educated on how this mechanism will work in practice.

This Act, in its current form, makes Ontario the first jurisdiction in the world to have prompt payment and adjudication regimes run simultaneously. We all need to get it right, and owners are willing to do their part to get ready. To achieve this we strongly encourage the Ministry to create practice guides, interpretative bulletins, and webinars to communicate how to prepare for these regimes prior to coming into force.

One consideration the Ministry should explore is creating a centralized web database hosted for all construction in the province for notices and additional project information. A website commissioned by the Province could have cost-recovery fees and be more affordable than the current proposed vehicle.

I appreciate your thoughtful consideration of these issues, and look forward to meeting to discuss how we can make the *Construction Act* a success for all of Ontario. The Ministry can reach out to AMO staff to clarify any details needed.

Sincerely,



Jamie McGarvey
AMO President
Mayor, Town of Parry Sound

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing

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April 29, 2019

CL 9-2019, April 25, 2019

PEDC 4-2019, April 17, 2019

PDS 17-2019, April 17, 2019

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Niagara Housing Statement: Affordable Housing Data

PDS 17-2019

Regional Council, at its meeting held on April 25, 2019, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 17-2019, dated April 17, 2019, respecting Niagara Housing Statement: Affordable Housing Data, **BE RECEIVED** for information and **BE CIRCULATED** to the Local Area Municipalities.

A copy of PDS 17-2019 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:jg

CLK-C 2019-097

cc: A. Tikky Planner, Planning and Development Services
N. Oakes Executive Assistant to the Commissioner, Planning and Development Services
R. Mostacci Commissioner, Planning and Development Services

Subject: Niagara Housing Statement: Affordable Housing Data

Report to: Planning and Economic Development Committee

Report date: Wednesday, April 17, 2019

Recommendations

1. That Report PDS 17-2019 **BE RECEIVED** for information; and
2. That a copy of Report PDS 17-2019 **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- The purpose of this report is to inform Council of the development of a Niagara Housing Statement database to inform the concurrent studies being undertaken by the Planning and Development Services Department and the Community Services Department. Specifically, the comprehensive review of the Niagara Region's Housing and Homelessness Action Plan and the preparation of a regional housing strategy to inform the policies of the Regional Official Plan.
- An inter-departmental Steering Committee was formed in 2018 to align the concurrent efforts across the Corporation to address issues of housing supply and affordability. The Steering Committee determined that there is a need for a single source of housing-related data that clearly delineates housing need within Niagara Region.
- The Canadian Centre for Economic Analysis (CANCEA) was awarded the project and has prepared a comprehensive database that includes key housing metrics, and detailed demographic and housing trends for Niagara by region and municipality.
- A series of one-on-one consultation meetings was held in March 2019 between local municipal planning staff, Regional staff, and the CANCEA Project Team to discuss the database and emerging trends. Feedback received during these sessions was overwhelmingly supportive of the project deliverables, and indicated an urgent need for this data to be shared in order to inform municipal-level housing studies and related initiatives.
- Following this Committee meeting, Regional staff will distribute the database to local municipal staff, and organise a one-day working session to review the data, identify local and regional trends and identify scenarios that will inform the preparation and implementation of local and regional housing policy.

Financial Considerations

The Niagara Housing Statement project was funded through the 2018 Council Approved Operating Budget with contributions from the Planning and Development Services Department, and the Community Services Department. There are no direct financial implications arising from this report.

Analysis

Background

New Regional Official Plan and Housing and Homelessness Action Plan

Section 26 of the *Planning Act* requires municipalities to undertake regular reviews of their Official Plans in order to align and conform to Provincial planning policy and legislation, including the policies of the Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (2017), the Greenbelt Plan (2017), and the Niagara Escarpment Plan (2017).

Through approval of Report PDS 40-2016, Regional Council endorsed the preparation of a new Regional Official Plan in accordance with the *Planning Act*. Subsequently, Report PDS 41-2017 outlined eight (8) background studies necessary for the development of the new Regional Official Plan. In conformity with Section 2.2.6 of the Provincial Growth Plan (2017), this list of studies includes the preparation of a regional housing strategy, that must, among other things: identify a diverse range and mix of housing options and densities to meet the needs of current and future residents; establish targets for affordable ownership and rental housing; identify land use planning and financial planning tools to support these measures; and align with the Niagara Region 10-Year Housing and Homelessness Action Plan (HHAP) as required under the *Housing Services Act*.

The Niagara Region 10-Year HHAP was developed in consultation with local community members, service providers, local area municipalities, and other stakeholders as per the requirements of the *Housing Services Act*. Action plans play a critical function in setting out how Service Managers, such as the Regional Municipality of Niagara, are to address housing and homelessness locally, including: housing affordability, the co-ordination of homelessness and related support services, and the prevention of homelessness and chronic homelessness. The Plan was approved by Niagara Regional Council in 2013, and came into effect on January 1, 2014.

The *Housing Services Act* stipulates that Service Managers must review their plans at least once every five (5) years to reflect changes in policy and/or shifts in local priorities, as well as to ensure consistency with the Policy Statement: Service Manager Housing

and Homelessness Plans (2016). The review process is an opportunity to consider if any substantial changes have taken place in the local context since its initial creation, particularly in relation to local demographic and economic changes.

This is formally reflected in the Policy Statement: Service Manager Housing and Homelessness Plans (2016), which requires Service Managers to complete an assessment of current and future housing needs. The assessment must be used to inform objectives, targets, and achievements within the updated HHAP, including goals related to the provision of a mix and range of housing by non-profit housing corporations, non-profit cooperatives, and the private sector in order to meet the needs of the local community. The action plan must also reflect a coordinated approach with Ontario's land use planning framework, including the Provincial Policy Statement (2014) and the Provincial Growth Plan for the Greater Golden Horseshoe (2017).

Preparation of the Niagara Housing Statement Database

In 2018, staff members from Niagara Regional Housing, Planning and Development Services, Community Services, and ERMS Departments formed an inter-departmental Steering Committee to coordinate concurrent housing studies, as well as to align efforts being undertaken across the Corporation to address housing supply and affordability within the Niagara Region.

The Steering Committee identified that there was no existing source of data either within or outside the organization that could provide an accurate assessment of the current and future demand for ownership, rental, and affordable housing within the Niagara Region. As such, in recognition of the mutual need for this information, the Planning and Development Services Department and the Community Services Departments prepared a joint Request for Proposal (RFP) for the development of a comprehensive database that would inform the policies of the Niagara Region Housing and Homelessness Action Plan and the Regional Official Plan.

In December 2018 the project was awarded to the Canadian Centre for Economic Analysis (CANCEA), an analytics and data organization with over 15 years experience in the provision of demographic, household, employment, land-use and economic analyses for various municipal and provincial government bodies. The database prepared by CANCEA includes detailed demographic and housing trends, both based on historical data, as well as data projections in conformity with those developed for Niagara 2041 Growth Strategy. The database also includes geographical mapping of income levels, demographic and housing characteristics at the sub-municipal levels, key housing need metrics at the municipal level, and analyses of key sub-groups, including older adults, low-income earners, immigrant and homeless populations, and aboriginal identity.

Local Municipal Consultation

Following a presentation by CANCEA to the inter-departmental Steering Committee on March 25, 2019, a series of one-on-one consultation meetings were held on March 26, 2019 and March 27, 2019 between local planning staff from all twelve (12) area municipalities, staff from Planning and Development Services, Community Services, and Niagara Regional Housing, and the CANCEA Project Team

As part of these consultation sessions, each municipality was provided with data specific to their community, as well as a high-level overview of the housing data collected. The contents and capabilities of the prepared database were presented by the Project Team, followed by a facilitated discussion regarding the results of the preliminary data analysis and its potential implications on municipal housing initiatives.

Feedback from local municipal staff was positive, with few corrections or gaps in the data identified. Several local municipalities indicated that they were in the process of undertaking similar types of housing analyses to address the specific needs of their communities, and that receipt of the prepared database would be critical to determining their scope and direction.

Process and Next Steps

Given the overall response to the database and the urgent nature of select municipal studies, Regional staff have determined that it is imperative that the results of the data analysis be presented to the Committee at this time, so that the Niagara Housing Statement database can be shared with local municipalities to work with.

Following the circulation of the dataset, Regional staff will be working with CANCEA's Project Team to arrange and host a training session for local municipal staff. Regional staff also intend to use this session as a means to facilitate further discussion regarding the specific housing needs of local area municipalities, and to develop specific scenarios for a risk and opportunities analysis that can inform the policies and regional targets within the Niagara Region HHAP and the new Regional Official Plan.

Alternatives Reviewed

The inter-departmental Steering Committee discussed various means of utilizing existing data sources to form the basis of the Region's housing policies and objectives. However, due to the incomplete and disjointed nature of the information available, it would compromise the effectiveness of any recommended tools or metrics. The comprehensive database prepared by CANCEA is necessary for staff to develop evidence-based policies that more accurately reflects the Region's housing needs, as well as to provide consistency between Regional and local municipal housing studies and strategies.

Relationship to Council Strategic Priorities

The new Regional Official Plan will assist in implementing Council's Strategic Priority of Labour-Ready Workforce.

Other Pertinent Reports

N/A

Prepared by:

Alexandria Tikky
Planner
Planning and Development Services

Recommended by:

Rino Mostacci
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was reviewed by Doug Giles, MCIP, RPP, Director, Community and Long-Range Planning.



Gilbert Reid Selbame
RECEIVED
APR 23 2019
CORPORATE SERVICES
DEPARTMENT

April 23, 2019

Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON
L2V 4T7

SENT ELECTRONICALLY

Dear Chair Bradley and Regional Council,

Please be advised that at its regular meeting of April 17, 2019, the Board of Directors of the Niagara Peninsula Conservation Authority adopted the following resolution:

Resolution No. FA-113-19

Moved by Board Member Steele

Seconded by Board Member Foster

WHEREAS the Region of Niagara requested the NPCA, in their March 1st, 2019 letter, for comment regarding the NPCA Board composition and qualifications; and

WHEREAS the Auditor General of Ontario provided recommendations regarding Board skills, experience and training in her September 14th, 2018 report on the NPCA; and

WHEREAS Province of Ontario is currently reviewing regional governments, which could impact the future Board of the NPCA; and

WHEREAS the City of Hamilton appeal regarding the NPCA levy is under review; and

WHEREAS the City of Hamilton, Haldimand County and the Niagara Region agreed to address the composition of the NPCA Board after the NPCA levy review is complete;

THEREFORE, BE IT RESOLVED THAT the NPCA request to the Niagara Region that the twelve temporary members' (or their replacements') terms be extended, until such time as the appeal by the City of Hamilton is complete, and the agreement between the three municipalities is finalized.

FURTHER THAT the NPCA Board and Staff recommend a list of competencies, modelled from the Alberta Public Agencies matrix, to the Region of Niagara in order that the Region can forward the competencies to their municipalities regarding whether they wish to recommend to the Region to appoint an elected or citizen appointees.

CARRIED

Please find attached a copy of the Alberta Public Agencies Board Profile & Competency Matrix Tool for your reference. Any inquiries with respect to this resolution may be directed to Gayle Wood, Interim CAO / Secretary Treasurer of the Niagara Peninsula Conservation Authority at gwood@npca.ca or at 905- 788-3135 ext.251.

Sincerely,

Grant Bivol
Interim Clerk

Attachment: Alberta Public Agencies Board Profile & Competency Matrix Tool

cc: Region of Niagara area municipalities
City of Hamilton
Haldimand County
NPCA Board of Directors
Ron Tripp, CAO, Niagara Region
Gayle Wood, CAO / Secretary Treasurer, NPCA

Board Profile & Competency Matrix Tool

This tool provides a list of critical competencies organized in three major areas. These competencies are intended to balance professional experience, environmental or contextual knowledge and personal attributes and skills.

The competencies listed below are examples that can be used to create an overall board profile for the board, as well as inform the development of a unique competency matrix, recruitment postings and director profiles for specific vacancies. Public agencies are encouraged to tailor the competencies to best suit their needs and accurately reflect the requirements of that board.

Definitions for each of the competencies and the competency matrix tool are included in section 9.1 as part of the recruitment plan.

Competency Area	Critical Competencies	Brief Description
Relevant Professional Experience	<ul style="list-style-type: none"> • Governance • Business/Management • Legal/Regulatory • Human Resources • Accounting/Financial • Risk Management • Public Relations/Media 	The candidate has professional/volunteer experience that is relevant and valuable to the board of the public agency.
Specialized Environmental Knowledge	<ul style="list-style-type: none"> • Government/Public Policy • Community/Stakeholder Relations • Industry/Sector 	The candidate has specialized knowledge of the environment or context affecting the board of the public agency.
Personal Effectiveness Skills	<ul style="list-style-type: none"> • Leadership/Teamwork • Strategic Thinking/Planning • Critical Thinking/Problem Solving 	The candidate has personal skills or attributes of value to the board of the public agency.
Other	Additional competencies may be identified that do not fall within the categories provided above but are essential to the needs of the public agency.	

Relevant Professional Experience

Governance Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, board governance in the private, public, and/or voluntary/non-profit sector. The applicant has a clear understanding of the distinction between the role of the board versus the role of management. Governance experience could be acquired through prior board or committee service or reporting to/or working with a board as an employee.

Business/Management Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, sound management and operational business processes and practices in the private or public sector. This competency may include an understanding of topics such as managing complex projects, leveraging information technology, planning and measuring performance, and allocating resources to achieve outcomes.

Legal/Regulatory Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, legal principles, processes, and systems. This may include interpreting and applying legislation, experience with adjudicative or quasi-judicial hearings or tribunals, or an understanding of the legal dimensions of organizational issues.

Human Resources Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, strategic human resource management. This may include workforce planning, employee engagement, succession planning, organizational capacity, compensation, and professional development. Depending on the public agency, knowledge or expertise in CEO performance management and evaluation may be a related asset.

Accounting/Financial Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, accounting or financial management. This may include analyzing and interpreting financial statements, evaluating organizational budgets and understanding financial reporting.

Risk Management Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, enterprise risk management. This may include identifying potential risks, recommending and implementing preventive measures, and devising plans to minimize the impact of risks. This competency may also include experience or knowledge of auditing practices, organizational controls, and compliance measures.

Public Relations/Media Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, communications, public relations or interacting with the media. This may include knowledge of effective advocacy and public engagement strategies, developing key messages, crisis communications, or social media and viral marketing.

Specialized Environmental Knowledge

Government/Public Policy Knowledge

- The applicant has experience with, or is able to demonstrate knowledge or expertise of, the broader public policy context affecting the public agency. This may include the strategic priorities of government and the relationship between those priorities and the work of the public agency.

Community/Stakeholder Relations Knowledge

- The applicant has experience with, or is able to demonstrate knowledge or expertise of, the community or communities the public agency serves, including the stakeholder landscape affecting the public agency. This may include a demonstrated capacity to build networks and foster trusting relationships with communities and stakeholders.

Industry/Sector Knowledge

- The applicant has experience with, or is able to demonstrate knowledge or expertise of, the industry or sector the public agency operates within. This may include an understanding of particular trends, challenges and opportunities, or unique dynamics within the sector that are relevant to the public agency.

Personal Effectiveness Skills

Leadership/Teamwork Skills

- The applicant demonstrates an ability to inspire, motivate and offer direction and leadership to others. The candidate also demonstrates an understanding of the importance of teamwork to the success of the board. This may include an ability to recognize and value the contributions of board members, staff, and stakeholders.

Strategic Thinking/Planning Skills

- The applicant demonstrates an ability to think strategically about the opportunities and challenges facing the public agency and to engage in short, medium and long-range planning to provide high-level guidance and direction for the public agency.

Critical Thinking/Problem Solving Skills

- The applicant demonstrates an ability to apply critical thinking to creatively assess situations and to generate novel or innovative solutions to challenges facing the board of the public agency.

Board Profile & Competency Matrix Template

GENERAL BOARD MEMBER COMPETENCY MATRIX <i>(*Choose as many competencies as applicable)</i>	<Candidate 1>	<Candidate 2>	<Candidate 3>	<Candidate 4>	<Candidate 5>
Relevant Professional Experience					
Governance Experience					
Business/Management Experience					
Legal/Regulatory Experience					
Human Resources Experience					
Accounting/Financial Experience					
Risk Management Experience					
Public Relations/Media Experience					
Specialized Environmental Knowledge					
Government/Public Policy Knowledge					
Community/Stakeholder Relations Knowledge					
Industry/Sector Knowledge					
Personal Effectiveness Skills					
Leadership/Teamwork Skills					
Strategic Thinking/Planning Skills					
Critical Thinking/Problem Solving Skills					
Other					
<Competency 1>					
<Competency 2>					
<Competency 3>					

**To be completed as part of the recruitment plan, as outlined in section 9.1.*

**City of Port Colborne
Regular Committee of the Whole Meeting 12-19
Minutes**

Date: April 23, 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
A. Grigg, Director of Community and Economic Development
A. LaPointe, Manager of Legislative Services/City Clerk
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
C. McIntosh, Deputy Clerk (minutes)
S. Powell-Baswick, Museum Director/Curator

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:

Withdrawn:

The City Clerk reported that under delegations, Joe Nicholls owner of 57 Oak Street Re: Request a by-law exemption to install a second driveway on his property, was withdrawn at his request.

3. Confirmation of Agenda:

Moved by Councillor R. Bodner
Seconded by Councillor E. Beauregard

That the agenda dated April 23, 2019 be confirmed, as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:**(a) Regular meeting of the Committee of the Whole 11-19, held on April 8, 2019**

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

- (a) That the minutes of the regular meeting of the Committee of the Whole 11-19, held on April 8, 2019, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 2, 3, 4, 5, 8, and 12.

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. Planning and Development Department, Planning Division, Report 2019-59, Subject: Amendment to Westwood Estates Phase II Subdivision Agreement**

Committee of the Whole recommends:

That By-law 6366/46/16, Being a By-Law to Authorize Entering into a Subdivision Agreement with Lester Shoalts Limited (Westwood Estates Phase II), be amended by replacing subdivision agreement drawing "Westwood Phase 2 Subdivision Grade Control Plan 2" (drawing 0493GP2 Rev 9 prepared by Upper Canada Consultants and dated April 23, 2015) with "Westwood Phase 2 Subdivision Grade Control Plan 2" (drawing 0493GP2 Rev 12 prepared by Upper Canada Consultants and dated March 13, 2019).

7. Planning and Development Department, Planning Division, Report 2019-58, Subject: Contract Agreement for Realty Services

Committee of the Whole recommends:

That the City enters into a Contract Agreement with Royal Lepage, attached as appendix A to Planning and Development Department report 2019-58, for the sale of selected municipal property; and

That the by-law attached as appendix B be brought forward for approval.

9. Dewitt Carter Elementary School Re: Request for Use of Picnic Tables for the Schools Fun Night Event on May 16, 2019

Committee of the Whole recommends:

That the correspondence received from Dewitt Carter Elementary School requesting the use of City Picnic Tables for the School's Fun Night Event on May 16, 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 Dewitt Carter Elementary School.

10. Memorandum from Joanne Ferraccioli, Interim Health Services Coordinator Re: Request for Proclamation of Doctor's Day, May 1, 2019

Committee of the Whole recommends:

That May 1, 2019 be proclaimed as "Doctor's Day" in the City of Port Colborne in accordance with the request received from Joanne Ferraccioli, Interim Health Services Coordinator, City of Port Colborne.

11. Memorandum from Thomas B. Cartwright, City Fire Chief Re: Request for Proclamation of Emergency Preparedness Week 2019

Committee of the Whole recommends:

That the week of May 5 – 11, 2019 be proclaimed as "Emergency Preparedness Week" in the City of Port Colborne in accordance with the request received from Thomas B. Cartwright, City Fire Chief.

13. Region of Niagara Re: Memorandum of Understanding for Planning Function and Services between Niagara Region and Local Area Municipalities (PDS 4-2019)

Committee of the Whole recommends:

That the updated Memorandum of Understanding (MOU) for Planning Function and Services between The Regional Municipality of Niagara and the Local Area Municipalities dated March 2019 be approved; and

That the Regional Chief Administrative Officer be notified of the approval.

14. Region of Niagara Re: Statutory Public Meeting for Draft Regional Official Plan Amendment 15 – Exemption Policies (PDS 5-2019)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Statutory Public Meeting for Draft Regional Official Plan Amendment 15 – Exemption Policies, be received for information.

15. Region of Niagara Re: Base and Enhanced Services for Next Collection Contract (PW 20-2019)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Base and Enhanced Services for Next Collection Contract, be received for information.

16. Region of Niagara Re: Managed Competition and Fair Wage Considerations for Waste Collection Contract (PW 22-2019)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Managed Competition and Fair Wage Considerations for Waste Collection Contract, be received for information.

17. Region of Niagara Re: Niagara Region 2018 Employment Inventory Results Report (PDS 6-2019)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Niagara Region 2018 Employment Inventory Results Report, be received for information.

18. Cheryl Gallant, MP, Renfrew-Nipissing-Pembroke Re: Bill C-68 Fisheries Act

Committee of the Whole recommends:

That the correspondence received from Cheryl Gallant, MP, Renfrew-Nipissing-Pembroke Re: Bill C-68 Fisheries Act, be received for information.

CARRIED.

8. Presentations:

- (a) **Nancy Salvage, Jane Nigh of the Fair Trade Committee regarding the Celebrations planned for the City's 10th Anniversary as a Fair Trade City**

Nancy Salvage and Jane Nigh of the Fair Trade Committee announced the City's 10th anniversary as a Fair Trade City would be celebrated on May 10th in front of City Hall and invited the Mayor and Councillors to attend.

(b) Mark Butler regarding Strategic Planning Process

Mark Butler introduced himself as the lead facilitator for the Strategic Planning Process. Mr. Butler advised that City Councillors, staff, and members of the public are invited to take part in the May 6 and 7, 2019 meetings that will be held as an envisioning exercise to build a framework for the City's Strategic Plan.

(c) Scott Luey, Chief Administrative Officer regarding City of Port Colborne Fees and Charges Structure

The Chief Administrative Officer provided a powerpoint presentation regarding City user fees and charges structure. A copy of the presentation is attached.

Moved by Councillor A. Desmarais
Seconded by Councillor M. Bagu

That staff be directed to move forward with the formulation of a City of Port Colborne fees and charges structure and to work in conjunction with each department as they present to Council.

CARRIED.

9. Delegations:

Nil.

10. Mayor's Report:

A copy of the Mayor's Report is attached.

11. Regional Councillor's Report:

Regional Councillor Butters advised that the Province announced that there will be changes to Ontario's Public Health and Emergency Medical Services but the details about the changes have not yet been released. Regional Councillor Butters also advised that the Regional Public Works and Public Health Committees supported installation of a barrier on the Burgoyne Bridge and the issue will be before Regional Council at its April 25th meeting. Regional Councillor Butters provided notice of upcoming Regional meetings: May 2 Committee of the Whole to address Niagara Airports and May 11 to hold a Strategic Planning Session.

12. Councillors' Items:**(a) Ward 2 meet and greet (Desmarais)**

Councillor Desmarais announced that she and Councillor Beauregard will be hosting a meet and greet for Ward 2 residents at the Vale Health & Wellness Centre, Golden Puck room on Saturday, April 27, 2019, 1 – 3 p.m.

(b) Ward 4 gathering (Wells)

Councillor Wells advised that a gathering for Ward 4 residents will be held at the Sherkston Community Centre on Sunday, April 28, 2019, 1 - 3 p.m.

(c) Firearm discharge and noise by-laws (Wells)

Councillor Wells advised that he is working with the Manager of By-law Services to address explosive targets in the the firearm discharge and noise by-laws.

(c) Truck parking at the corner of Catharine and Clarence Street (Bagu)

In response to a concern expressed by Councillor Bagu about restricted sightlines due to trucks parking at the corner of Catharine and Clarence Streets, the Director of Engineering and Operations advised that he will ask Engineering and Operations staff to set up appointments with By-law Services staff at the two affected business locations to discuss possible modifications.

(d) Signage on Killaly Street East (Beauregard)

Councillor Beauregard thanked Engineering and Operations staff for placing signage on Killaly Street East indicating that there is a blind person in the area.

Staff Responses to Previous Councillor Enquiries:

Nil.

13. Consideration of Items Requiring Separate Discussion:**1. Museum, Report 2019-60, Subject: Museum Annual Report, Rates and Fees and 2019 Schedule of Events**

The Director/Curator of the Port Colborne Historical and Marine Museum provided an overview of the Museum's annual report, rates and fees and 2019 schedule of events.

Moved by Councillor E. Beauregard
Seconded by Councillor H. Wells

That Council receive Museum report 2019-60, Museum Annual Report, Rates and Fees and 2019 Schedule of Events; and

That Council proclaim May is Museum Month in Port Colborne.
CARRIED.

2. Community and Economic Development, Parks and Recreation Division, Report 2019-57, Subject: Port Colborne Downtown Cruiser's Association – 2019 Cruise Nights

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That the road closures necessary for the 2019 Downtown Cruise Night event on recurring Thursday evenings, from May 16, 2019 to September 12, 2019, as requested by the Port Colborne Downtown Cruiser's Association, (PCDCA) and outlined in Community and Economic Development, Parks and Recreation Division Report No; 2019-57, be approved;

That the following roads be closed to general vehicular traffic and parking from 5 p.m. to 9 p.m., each Thursday from May 16, 2019 to September 12, 2019:

- Clarence Street, from eastern limit of the western driveway of the Food Basics parking lot, to the western limit of Catharine Street;
- Clarence Street, from the eastern limit of Catharine Street to the western limit of King Street;
- Clarence Street, from the eastern limit of King Street to the western limit of West Street; and
- Market Square;

That Market Square be closed to vehicular traffic on May 16, May 30, July 4, July 11, August 29, 2019 from 1 p.m. to 5 p.m., with the exception of the western access laneway, to be used as an ingress and egress to the CIBC Bank;

That emergency service vehicles, including ambulance, police and fire, as well as public works and public utility vehicles, be exempt from the above noted closures;

That members, qualified participants, and participants of the PCDCA, be exempt from the above noted closures, through the issuance of an authorized permit;

That traffic barricades be supplied by Public Works staff every Thursday, from May 16, 2019 to September 12, 2019, to be delivered before the end of the regular workday at the predetermined locations requiring barricades;

That PCDCA volunteers be responsible for installing appropriate signage at each intersection, stating "Cruise Night Clarence Street Temporarily

Closed – 5 to 9 p.m.”, including Market Square, for the duration of the event;

That PCDCA volunteers be responsible for ensuring road closure barricades are promptly removed and returned to the pick-up points at the end of the event each week;

That the PCDCA 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;

That the fee for a Noise By-law Exemption application, to be submitted to the By-law Enforcement Division, be waived; and

That the appropriate by-law be presented for approval.

CARRIED.

3. Planning and Development Department, Planning Division, Report 2019-52, Subject: Sale of Part of Kinnear Park

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

That Council declares Part 2 on Plan 59R-16309 as surplus to the City's needs; and

That the City enters into an Agreement of Purchase and Sale with Joanie Rebecca King, for the purchase price of \$4,500 (plus HST); and

That the Mayor, Clerk, and City's Solicitor be authorized to sign and execute any and all documents respecting the sale of these lands.

CARRIED.

4. Planning and Development Department, Planning Division, Report 2019-55, Subject: Sale of Lot 25, Plan 882, Janet Street

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

That Council declares Lot 25 on Plan 882 as surplus to the City's needs; and

That the City enters into an Agreement of Purchase and Sale with Kozma Homes Inc. for the purchase price of \$55,500 (plus HST); and

That the Mayor, Clerk, and City Solicitor be authorized to sign and execute any and all documents respecting the sale of this land.

CARRIED.

5. Planning and Development Department, Planning Division, Report 2019-56, Subject: Proposed Development Agreements for Lester Shoalts Ltd., Block 74 Westwood Estates Phase II

Moved by Councillor M. Bagu
Seconded by Councillor F. Danch

That Council enters into two development agreements with Lester Shoalts Ltd and the Niagara Peninsula Conservation Authority; and

That the Mayor and Clerk be authorized to sign and execute said agreement.

CARRIED.

8. Engineering and Operations, Engineering Division, Report 2019-31, Subject: Young and Hopf-Wagner Municipal Drains Third Reading

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

That the Mayor and Clerk be directed to complete the execution of by-law 6526/93/17 to provide third reading and adopt the Young and Hopf-Wagner Municipal Drains Engineer's Report, dated July 27, 2017, with completed revisions from the Agriculture, Food and Rural Affairs Appeal Tribunal's decision dated February 27, 2019, prepared by Mike DeVos, P. Eng. of Spriet Associates London Ltd., under Section 78, Chapter D.17 of the Drainage Act R.S.O. 1990; and

That staff be directed to advance the Young and Hopf-Wagner Municipal Drains Engineer's Report through the tender stage.

CARRIED.

12. Region of Niagara Re: New Official Plan Consultation Timeline Framework (PDS 9-2019)

Moved by Councillor M. Bagu
Seconded by Councillor E. Beauregard

That the correspondence received from the Region of Niagara Re: New Official Plan Consultation Timeline Framework, be received for information.

CARRIED.

14. Notice of Motion:

Councillor Kalailieff provided notice of her intention to introduce a motion at the May 13, 2019 Committee of the Whole/Council meeting with respect to initiating a pilot project making West Street one way.

Councillor Kalailieff also provided notice of her intention to introduce a motion at the May, 13, 2019 Committee of the Whole/Council meeting with respect to adding an

advisory traffic pylon at the pedestrian crossover at Clarence and Catharine Streets in order to augment public safety and awareness.

Councillor Desmarais provided notice of her intention to introduce a motion at the May 13, 2019 Committee/Council meeting with respect to the Port Colborne Quarry site alteration permit.

15. Adjournment:

Moved by Councillor F. Danch
Seconded by Councillor H. Wells

That the Committee of the Whole meeting be adjourned at approximately
8:04 p.m.

CARRIED.

AL/cm

The City of Port Colborne

*User Fee Review
April 23, 2019*

1

User Fees

- Provide revenue of over \$2M annually
- Virtually every City department charges user fees
- Helps to offset property tax increases
- Shift responsibility for payment for services from general levy to individual users

2

User Fees, cont'd

Two schools of thought:

My taxes shouldn't cover services - those who use services should pay the full cost (or some portion).

- OR -

The City already has the materials and employees, why should there be a fee?

3

User Fees, cont'd

Unrealistic to have no user fees at all....

Council needs to give staff direction by implementing a policy identifying:

- a. The City services will be subject to fees.
- b. The manner in which those fees will be calculated.

4

User Fee Policy

- There is no existing policy that guides staff in calculating user fees for Council's approval
- No consistent method applied
- Difficult to justify amount of some user fees

5

User Fee Policy, cont'd

- A policy will provide guidance to staff when calculating fees for Council approval
- A policy will identify which services should be provided for a fee
- A policy will identify services that should be subject to a subsidy
- User fees calculated using the policy will be justifiable to users

6

Policy Principles

1. There is a cost to providing every City service
2. Services that benefit an individual user should be provided on a full cost recovery basis
3. Services that benefit the entire community should be provided at no charge (funded through tax levy)

7

Policy Principles, cont'd

4. Providing a service at less than full cost means that every taxpayer in the City is paying more tax to provide the service at a discount
5. Council may subsidize some services by offering them at less than full cost

8

Policy Principles, cont'd

6. As services are provided, City assets are used up – user fees should include a capital replacement component
7. The City should not be in 'competition' with private sector providers (i.e. undercutting)

9

Policy Implementation

- Staff have attached (next slide) a guide that can be included in the policy to help determine user fees
- Staff recommend adoption of a policy to provide clarity and guidance
- Council can provide input at this meeting and staff can prepare a policy for a future Council meeting

10

User Fees		
Who Benefits	Tax/User Fee Policy Mix	Examples
Community	100% Taxes	- Winter control - City parks
Primarily <i>Community</i> with some Individual benefit	Primarily Taxes with some User Fees	- Fire suppression - Accident responses
Primarily <i>Individual</i> with some Community benefit	Primarily User Fees with some Taxes	- Ice rentals - Community services
Individual	100% User Fees	- Boat launch - Sewer Rodding

11

Consolidated Fee By-law

- Provides a 'one-stop' location for most user fees for users, staff, council
- Council can review individual fees prior to passing
- Can cover multiple years and increase based on a Council approved percentage

12

Questions and Discussion



13

Mayor's Message

We held our annual Easter Eggstravaganza on Saturday at the Vale Health & Wellness Centre and was a huge success. While kids collected eggs, our Fire Fighters were collecting food in support of Port Cares at their annual Easter Food Drive. 505 pounds and \$3,646.53 was collected! Thank you to all staff who made the Easter Weekend a success for our community.

Coming up this week, we have our Parks and Recreation Master Plan public meeting tomorrow, April 24 at 6:30 p.m. The consultants will be sharing the results they have collected from staff and the community.

Interested in becoming a Volunteer Fire Fighter. This Saturday is our Volunteer Fire Fighter Open House from 10 a.m. – 12 p.m. Come visit us to learn more, and if interested, to complete an application.

On Tuesday, May 14 Port Colborne Fire & Emergency Services will be heading to homes in Port for 'Test it Tuesday'. In an effort to ensure every Port Colborne home has working smoke and carbon monoxide alarms, residents are encouraged to PORTicipate by testing their alarms.

Fire Fighters will be visiting neighbourhoods across Port Colborne on Tuesday, May 14, assisting residents with alarm testing and installing working alarms if the homes do not comply.

The Fire Chief and I also want to remind residents – watch this video:

<https://www.youtube.com/watch?v=epQqfGXfQU8>

**City of Port Colborne
Special Committee of the Whole Meeting 13-19
Canal Days Strategic Planning Session
Minutes**

Date: April 30, 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: D. Aquilina, Director of Planning & Development
T. Cartwright, Fire Chief
M. Cuthbert, Corporate Communications Officer
A. Grigg, Director of Community & Economic Development
N. Halasz, Manager of Parks and Recreation
A. LaPointe, Manager of Legislative Services/City Clerk
P. Senese, Director of Corporate Services, City Treasurer
K. Walsh, Executive Administrative Assistant to Director CED

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

1. Call to Order:

Mayor Steele called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

Moved by Councillor E. Beauregard
Seconded by Councillor R. Bodner

That the agenda dated April 30, 2019 be confirmed, as circulated or as amended.
CARRIED.

4. **Disclosures of Interest:**

none

5. **Item(s) for Consideration:**

Julie Welch, MHBC Planning, Urban Design & Landscape Architecture, Bronwynne Wilton, Wilton Consulting Group, and Raymond Osmond, Raymond Consulting facilitated a discussion regarding the future direction of Canal Days. Council and staff were separated into groups to discuss three scenarios including required resources and measures of success.

6. **Adjournment:**

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

That the Special Committee of the Whole meeting be adjourned at approximately 8:32 p.m.
CARRIED.

AL/

**City of Port Colborne
Special Committee of the Whole Meeting 14-19
Minutes**

Date: May 6, 2019 and May 7, 2019

Time: 5:30 p.m.

Place: Roselawn Centre, 296 Fielden Avenue, 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: D. Aquilina, Director of Planning & Development
T. Cartwright, Fire Chief
S. Corr, Manager of Revenue
M. Cuthbert, Corporate Communications Officer
R. Daniel, Manager of Operations
J. Douglas-Kameka, Economic Development Officer
J. Ferraccioli, Health Services Coordinator
B. Garrett, Director of Corporate Services
A. Grigg, Director of Community & Economic Development
N. Halasz, Parks and Rec Manager
S. Hanson, Manager of By-law Services
B. Holinaty Recreation Program Coordinator & Nickel Beach
Supervisor
J. Huppunen, Manager of Engineering Services & Facility
Maintenance
S. Jennings, Engineering Technologist
A. LaPointe, Manager of Legislative Services/City Clerk
C. Lee, Director of Engineering & Operations
S. Luey, Chief Administrative Officer
M. Minor, Supervisor, Sugarloaf Marina
S. Powell Baswick, Museum Director/Curator
P. Senese, Director of Corporate Services
S. Shypowskyj, Manager of Projects & Design
T. Rogers, Chief Building Official
L. Rowe, Events Assistant & Volunteer Coordinator
B. Theal, Events & Seasonal Sports Coordinator

S. Therrien, Director of Library Services
R. Tkachuk, Librarian
M. Turner, Financial Analyst
B. Vanderlaar, Water/Wasterwater Operator
K. Walsh, Executive Assistant to DCED

Note:

The meeting was recessed at 8:20 p.m. and reconvened Tuesday, May 7 at 5:30 p.m.

1. Call to Order:

Mayor Steele called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

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

That the agenda dated May 6 and May 7, 2019 be confirmed, as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Item(s) for Consideration:

1. Strategic Planning Session

Mark Butler facilitated a strategic planning session. Members of Council and staff were separated into groups to build a vision for the future of the City of Port Colborne including establishing core values and goals.

2. Adjournment:

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

That the Special Committee of the Whole meeting be adjourned at approximately 8:50 p.m.

CARRIED.

AL/



**City of Port Colborne
Regular Meeting of Council 14-19
Monday, May 13, 2019
following Committee of the Whole Meeting
Council Chambers, 3rd 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) Special meeting of Council 11-19, held on April 15, 2019.
 - (b) Regular meeting of Council 12-19, held on April 23, 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:**
 - (a) Access Awareness Week, May 31 – June 6, 2019
10. **Minutes of Boards, Commissions & Committees:**
 - (a) Minutes of the Port Colborne Transit Advisory Committee Meeting of January 23, 2019
 - (b) Minutes of the Port Colborne Historical and Marine Museum Board of Management Meeting of March 19, 2019
11. **Consideration of By-laws:**
12. **Adjournment:**

Council Items:

Notes	Item	Description / Recommendation
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>1.</p>	<p>Community and Economic Development Department, Parks and Recreation Division, Report 2019-54, Subject: Proposed New Event – HoofStock</p> <hr/> <p>That the request to host the HoofStock event, in support of Grey’s Haven Farm Sanctuary, on Saturday, August 24, 2019 from 1:00 p.m. to 11:00 p.m., as submitted by Lisa Giganti, and outlined in Community and Economic Development Department, Parks and Recreation Division Report, 2019-54, be approved;</p> <p>That the permit fees for the use of H.H. Knoll Lakeview Park, bandshell, and hydro be waived;</p> <p>That the washroom at H.H. Knoll Lakeview Park remain open until 11:00 p.m., and the after-hours fee be waived;</p> <p>That Parks and Recreation staff install snow fencing at pre-determined locations, and that the fee for installation be waived;</p> <p>That the Event Organizer is granted permission to apply for a Special Occasion Permit to serve alcohol at H.H. Knoll Lakeview Park, and that the Event is hereby designated as being municipally significant;</p> <p>That the Event Organizer is responsible for the provision of security services for the Event, and confirming same with the City in advance of the Event.</p> <p>That the Event Organizer adhere to and comply with the provisions of the City’s Alcohol Management Policy respecting the selling and serving of alcohol.</p> <p>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;</p> <p>That the fee for a Noise By-law exemption, to be submitted to the By-law Enforcement Division, be waived;</p> <p>That funding for the Event be allocated under the “Community Group Events” account under the Community and Economic Development Department budget, at a total approximate cost of \$730.42.</p> <p style="text-align: right;">Continued.....</p>

		<p>That, if successful, that staff be directed to incorporate HoofStock as an annual community event, and budget accordingly (approximately \$750 annually to account for the waiving of associated fees).</p> <p>That the appropriate departments/stakeholders be so notified.</p>
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>2.</p>	<p>Community and Economic Development Department, Parks and Recreation Division, Report 2019-61, Subject: Ninth Annual Port Colborne Art Crawl</p> <hr/> <p>That the request to host the ninth annual Port Colborne Art Crawl on Saturday June 22, 2019 from 12:00 p.m. to 7:00 p.m., as submitted by the Port Colborne Art Crawl Committee, and outlined in Community and Economic Development Department, Parks and Recreation Division Report 2019-61, be approved;</p> <p>That the following roads be closed to general vehicular traffic and parking on Saturday, June 22, 2019 from 10:30 a.m. to 8:00 p.m.:</p> <ul style="list-style-type: none"> • West Street, from the southern limit of Clarence Street to the northern limit of Victoria Street; • Charlotte Street, from the eastern limit of King Street to the western limit of West Street. • Kent Street, from the eastern limit of King Street (with signage indicating “local traffic only”) to the western limit of West Street. <p>That emergency services, including ambulance, police and fire, and public works and public utility vehicles, be exempt from the above noted closures;</p> <p>That qualified participants of the Event be exempt from the above noted closures through the issuance of an authorized permits;</p> <p>That the Engineering and Operations Department install and retrieve road closure barricades at the predetermined locations requiring same;</p> <p>That the Community and Economic Development Department install and retrieve picnic tables and garbage cans at the predetermined locations requiring same;</p> <p>That the Event Organizer be responsible for installing appropriate signage at the predetermined locations stating “Art Crawl - West Street Temporarily Closed – 10:30 a.m. to 8:00 p.m.,”</p> <p style="text-align: right;">Continued.....</p>

		<p>That the Event Organizer be responsible for ensuring road closure barricades are promptly removed and returned to the retrieval points at the conclusion of the Event;</p> <p>That the restrooms at the Harbourmaster Building remain open until 9:00 p.m. for the Event;</p> <p>That the Event Organizer be provided with access to the electrical outlet at the Harbourmaster Building;</p> <p>That a site plan be prepared and submitted to the Community and Economic Development Department for distribution to emergency services and appropriate City departments;</p> <p>That the Event Organizer file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, in advance of the Event;</p> <p>That the fee for a Noise By-law exemption application, to be submitted to the By-law Enforcement Division, be waived;</p> <p>That the appropriate by-law be presented for approval.</p>
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>3.</p>	<p><u>Community and Economic Development Department, Parks and Recreation Division, Report 2019-65, Subject: 2019 Moonlight Flicks at H.H. Knoll Lakeview Park</u></p> <p>That the Moonlight Flicks Event, to be held on Wednesday July 3, 10, 17, 24 and August 7, 2019, as outlined in Community and Economic Development Department, Parks and Recreation Division Report 2019-65, be approved;</p> <p>That fee for the application for a Noise By-law Exemption, to be filed with the By-law Enforcement Division, be waived;</p> <p>That an exemption from Section 4 (Prohibited Hours of Entrance) to By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, be approved;</p> <p>That use of the restrooms until 12:00 a.m. at the H.H. Knoll Lakeview Park Bandshell, be approved;</p> <p>That the Event Organizer 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.</p> <p>That the City's park permit, hydro, and waste receptacle fees, be waived.</p>

<p>WCS MB EB RB GB FD AD DK HW</p>	<p>4.</p>	<p><u>Corporate Services Department, Finance Division, Report 2019-62, Subject: 2019 Final Tax Rates</u></p> <p>That the Council approves the rates of taxation for the year 2019 and the tax rate by-law be executed by the Mayor and City Clerk.</p> <p>That the 2019 final billing for the residential, multi-residential, commercial, industrial, pipeline, farmland, managed forest and farmland awaiting development tax classes have a demand (mailing) date of June 11, 2019 with due dates of July 2 and October 1, 2019.</p>
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>5.</p>	<p><u>Planning and Development, Planning Division, Report 2019-63, Subject: Proposed Development Agreements for Robert & Mary Ann Bosley, e/s Cedar Bay Road</u></p> <p>That two development agreements be entered into with Robert and Mary Ann Bosley for their lots on Cedar Bay Road; and</p> <p>That the Mayor and Clerk be authorized to sign and execute said agreement.</p>
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>6.</p>	<p><u>Department of Chief Administrative Officer, Report 2019-69, Subject: Provincial Modernization Grant</u></p> <p>That Council approve the use of the provincial grant of \$711, 467 for the projects identified in Chief Administrative Officer's Report 2019-69.</p>
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>7.</p>	<p><u>Planning and Development Department, By-law Enforcement Division, Report 2019-67, Subject: By-law Appointment of Municipal Law Enforcement Officers Allison Martin and Amy Dayboll</u></p> <p>That Allison Martin be appointed as a Municipal Law Enforcement Officer special events parking and the Zoning By-law.</p> <p>That Amy Dayboll be appointed as a Municipal Law Enforcement Officer to enforce parking and the Zoning By-law.</p>

<p>WCS MB EB RB GB FD AD DK HW</p>	<p>8.</p>	<p><u>Accessibility Advisory Committee Re: Request for Proclamation of Access Awareness Week, May 31 – June 6, 2019</u></p> <p>That the week of May 31 – June 6, 2019 be proclaimed as “Access Awareness Week” in the City of Port Colborne in accordance with the request received from Carrie McIntosh, Deputy Clerk, on behalf of the Accessibility Advisory Committee.</p>
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>9.</p>	<p><u>Memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee</u></p> <p>That the memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee, be received for information; and</p> <p>That donation/sponsorship requests be approved for a total of \$18,510 for the first allocation for the year 2019 as follows:</p> <p>Air Race Classic Terminus Committee – to assist with costs of the Air Race Classic being held June 19-24 at the Niagara Central Dorothy Rungeling Airport - \$1,300</p> <p>Education Foundation of Niagara - to assist in providing essential items to DSBN students in Port Colborne who experience a high level of need - \$1,500</p> <p>Niagara Health Foundation – to assist with the purchase of a “Spirit Bed” for use at the Port Colborne Site - \$1,900</p> <p>Port Cares – to assist with the purchase of a cargo van for use at the Reach Out Centre - \$2,300</p> <p>Port Colborne Feline Initiative – to assist with program expenses with TNVR (trap-neuter- vaccinate-return); CatSnips; and subsidized spay/neuter program for low income residents of Port Colborne - \$2,500</p> <p>Port Colborne Lions Club – to assist with operating costs including property taxes - \$1,600</p> <p>Port Colborne Operatic Society – to assist with their “Musician in the Pit” program and general upkeep of their storage hall - \$2,150</p> <p style="text-align: right;">Continued.....</p>

				<p>St. James & St. Brendan Church – to assist with Phase Two of the Community Garden including gardens, plantings, benches, water feature, fence, pavilion – \$1,660</p> <p>Women’s Place of South Niagara – to assist in providing emergency shelter and programs for women and children fleeing abuse - \$2,000</p> <p>YMCA of Niagara – to assist with the operation of the Niagara Day Camp program in the City of Port Colborne - \$1,600.</p>
WCS RB AD	MB GB DK	EB FD HW	10.	<p>Memorandum from Vance Badawey, Member of Parliament, Niagara Centre Re: Ontario: Update following meetings with the Province of Ontario</p> <hr/> <p>That the memorandum received from Vance Badawey, Member of Parliament, Niagara Centre Re: Ontario: Update following meetings with the Province of Ontario, be received for information.</p>
WCS RB AD	MB GB DK	EB FD HW	11.	<p>Region of Niagara Re: 2019 Property Tax Policy, Ratios and Rates (CSD 16-2019)</p> <hr/> <p>That the correspondence received from the Region of Niagara Re: 2019 Property Tax Policy, Ratios and Rates, be received for information.</p> <p>Note: Report CSD 16-2019 can be found at the following link: https://bit.ly/2V7MR8u</p>
WCS RB AD	MB GB DK	EB FD HW	12.	<p>Region of Niagara Re: Bill 142 – Construction Lien Amendment Act, 2017 (CSD 29-2019)</p> <hr/> <p>That the correspondence received from the Region of Niagara Re: Bill 142 – Construction Lien Amendment Act, 2017, be received for information.</p>
WCS RB AD	MB GB DK	EB FD HW	13.	<p>Region of Niagara Re: Niagara Housing Statement: Affordable Housing Data (PDS 17-2019)</p> <hr/> <p>That the correspondence received from the Region of Niagara Re: Niagara Housing Statement: Affordable Housing Data, be received for information.</p>

WCS	MB	EB	14.	Niagara Peninsula Conservation Authority Re: NPCA Board Composition
RB	GB	FD		
AD	DK	HW		That the correspondence received from the Niagara Peninsula Conservation Authority Re: Board Composition, be received for information.
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
6679/43/19	Being a By-law to Appoint a Treasurer
6680/44/19	Being a By-law to Appoint a Deputy Clerk
6681/45/19	Being a By-law to Temporarily close Sections of Various Streets to Vehicular Traffic for the Purpose of the Ninth Annual Port Colborne Art Crawl
6682/46/19	Being a By-law to Set and Levy the Rates of Taxation for City Purposes for the Year 2019
6683/47/19	Being a By-law to Authorize Entering into a Development Agreement with Robert and Mary Ann Bosley regarding e/s Cedar Bay Road
6684/48/19	Being a By-law to Appoint Amy Dayboll and Allison Martin as Municipal Law Enforcement Officers
6685/49/19	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 Special and Regular Meetings of May 13, 2019

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The Corporation of the City of Port Colborne

By-law No. 6679/43/19

Being a by-law to appoint a Treasurer

Whereas Subsection 286(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipality shall appoint a Treasurer who is responsible for handling all of the financial affairs of the municipality on behalf of and in the manner directed by the Council of the municipality;

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

1. That Brenda Garrett is hereby appointed Treasurer for the City of Port Colborne;
2. That the following by-laws are hereby repealed;
 - By-law No. 3753/39/99 (Appointment of a Director of Community and Corporate Services: Peter Senese)
 - By-law No. 3754/40/99 (Appointment of a Treasurer: Peter Senese)
 - By-law No. 4100/95/01 (Appointment of an Acting Clerk: Peter Senese)
 - By-law No. 4798/23/06 (Appointment of a Deputy Clerk: Peter Senese)
3. That this by-law shall come into force and take effect on the day of passing;

Enacted and passed this 13th day of May, 2019.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-law no. 6680/44/19

Being a by-law to appoint a Deputy Clerk

Whereas Subsection 228(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipality shall appoint a Clerk;

Whereas Subsection 228(1) of the *Municipal Act, 2001* provides that the municipality may appoint a Deputy Clerk who shall have all the powers and duties of the Clerk.

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

1. That Brenda Garrett is hereby appointed a Deputy Clerk for The Corporation of the City of Port Colborne;
2. That this by-law shall come into force and take effect on the day of passing;
3. That this by-law shall be repealed on the date the appointee ceases to be an employee of the City of Port Colborne.

Enacted and passed this 13th day of May, 2019.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-law No. 6681/45/19

Being a by-law to temporarily close sections of various streets
to vehicular traffic for the purpose of the ninth annual
Port Colborne Art Crawl

Whereas at its meeting of May 13, 2019, the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendation of Community and Economic Development Department, Parks and Recreation Division, Report 2019-61, Subject: Ninth Annual Port Colborne Art Crawl; and

Whereas the municipality has jurisdiction, as defined in Section 28 of the *Municipal Act, 2001, S.O. 2001, c.25*, over the highways known as West Street, Clarence Street, King Street, and Charlotte Street; and

Whereas the municipality is granted the power under Sections 11(3) and 27(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, to pass by-laws with respect to highways within its jurisdiction and to close a highway temporarily for any purpose specified in the by-law; and

Whereas Council is desirous of closing temporarily sections of specified streets to vehicular traffic for purpose of the ninth annual Port Colborne Art Crawl;

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

1. That in this by-law "Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power including muscular power.
2. No person shall park a vehicle to situate on the highways or portions thereof as set out in Schedule "A" attached hereto and made part of this by-law at any time during the hours of 10:30 a.m. to 8:00 p.m. on June 22, 2019.
3. The highways or portions thereof as set out on Schedule "A" attached hereto and made part of this by-law shall be closed to vehicular traffic during the hours of 10:30 a.m. to 8:00 p.m. on June 22, 2019.
4. No person shall permit or cause to permit any vehicle to be driven on the streets or portions of streets as set out in Schedule "A" attached hereto and made part of this by-law during the hours of 10:30 a.m. to 8:00 p.m. on June 22, 2019.
5. The provisions of this by-law shall not apply to ambulances, police or fire service vehicles or public utility emergency vehicles, authorized event vehicles, authorized permit vehicles, or any other vehicles required in the case of emergency.
6. Any person violating the provisions this by-law shall be guilty of an offence and subject to the penalty of not more than \$5,000.00 exclusive of costs to be collected pursuant to the provisions of the *Provincial Offences Act*.
7. This by-law shall take effect on the date and times prescribed and on the placing of proper barricades and signs.

Enacted and passed this 13th day of May, 2019.

William C. Steele
Mayor

Amber LaPointe
City Clerk

Schedule "A" to By-law No. 6681/45/19

<u>Highway</u>	<u>From</u>	<u>To</u>
West Street	Southern limit of Clarence Street	Northern limit of Victoria Street
Charlotte Street	Eastern limit of King Street	Western limit of West Street
Kent Street	Eastern limit of King Street	Western limit of West Street

The Corporation of the City of Port Colborne

By-law No. 6682/46/19

Being a by-law to set and levy the rates
of taxation for City purposes for the year 2019

Whereas the Council of the Corporation of the City of Port Colborne (hereinafter referred to as "the City") shall in each year prepare and adopt a budget including estimates of all sums it requires during the year for the purposes of the City pursuant to Section 290(1) of the *Municipal Act*, 2001, S.O. 2001, C. 25 as amended, (hereinafter referred to as the "*Municipal Act*"); and

Whereas the City passed By-Law No. 6660/24/19 on the 25th day of March, 2019 which approved the 2019 Budget and amounts to be raised by tax levy; and

Whereas the City shall in each year levy a separate tax rate on the assessment in each property class pursuant to Section 312 of the *Municipal Act*; and

Whereas the Regional Municipality of Niagara by by-law, sets the tax rates, tax ratios and the tax rate reductions for prescribed property classes for the 2019 taxation year for the Regional Municipality of Niagara and Waste Management and the Province of Ontario sets the tax rates for Education purposes; and

Whereas the City shall annually raise the amount required for the purposes of a Board of Management (Business Improvement Areas) pursuant to subsection 208(1) of the *Municipal Act*; and

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

1. That the rates of taxation be based on the levy amounts set out in By-Law No. 6660/24/19 of the City of Port Colborne.
2. That in accordance with Section 312 and subsection 208(1) of the *Municipal Act*, the City shall levy upon the property tax classes set out below, the property tax rates applicable thereto.

PROPERTY TAX CLASSES	GENERAL RATE	DOWNTOWN DEVELOPMENT BOARD (BIA)
Residential	0.00861420	n/a
Multi-Residential	0.01696998	n/a
New Multi-Residential	0.00861420	n/a
Commercial -Occupied	0.01494478	0.00103006
-Vacant/Excess	0.01046135	0.00072104
Industrial -Occupied	0.02265536	0.00156151
- Vacant/Excess	0.01585875	0.00109305
Pipelines	0.01466224	n/a
Farmlands	0.00215355	n/a
Managed Forests	0.00215355	n/a
Farmland Awaiting Development I	0.00646065	n/a
Farmland Awaiting Development II	0.00861420	n/a

3. The City will levy on behalf of the Port Colborne Gateway Business Improvement Area an amount of \$10,000 in accordance with By-law No. 6660/24/19. The Commercial occupied rate will be 0.00110029, with no property having an assessment of more than \$5,000 being billed less than \$125.00 or more than \$250.00.

4. That the City of Port Colborne will levy on behalf of the Region of Niagara, Waste Management and the School Boards, the rates set out in Schedule "A" attached hereto and made part of this by-law.
5. That for the year 2019, the City of Port Colborne shall levy upon the assessment of such property classes set out in Schedule "A" attached hereto, the rate of taxation pursuant to current value assessment as returned on the assessment roll from the Municipal Property Assessment Corporation.
6. That the levy provided for in Schedule "A" attached hereto shall be reduced by the amount of the interim levy for 2019.
7. That payments in lieu of taxes due to the City, the actual amount due to the City shall be based upon the assessment roll and the tax rates for the year 2019.
8. That railway rights-of-way taxes due to the City in accordance with the regulations as established by the Minister of Finance, pursuant to the *Municipal Act*, the actual amount due to the City shall be based on the assessment roll and the tax rates for the year 2019.
9. That in accordance with Section 343 of the *Municipal Act*, the demand date shall be June 11th, 2019, effective for the Residential, Commercial, Industrial, Multi-Residential, Pipelines, Farmlands, Managed Forests and Farmland Awaiting Development property classes.
10. That in accordance with Section 343 of the *Municipal Act*, the Treasurer shall send a bill to the taxpayer's residence or place of business or to the premises in respect of which the taxes are payable unless the taxpayer directs the Treasurer, in writing, to send the bill to another address.
11. That in accordance with Section 342 and 346 of the *Municipal Act*:
 - (a) The payment of taxes, including local improvement assessments and other rates as taxes, to be made to the office of the Treasurer in one amount or by installments on the dates of July 2nd, 2019 and October 1st, 2019, on which the taxes or installments are due, and provide for the immediate payment of any installments if earlier installments are not paid on time. The due dates for installments, as mentioned, are effective for the Residential, Commercial, Industrial, Multi-Residential, Pipelines, Farmlands, Managed Forests and Farmland Awaiting Development property classes.
 - (b) The payment of taxes to the Municipality may also be paid by any person to any financial institution within the City of Port Colborne.
 - (c) The payment of taxes be made according to the established preauthorized payment plan on either a due date or monthly plan in the year for which the taxes are imposed to allow taxpayers to spread the payment of taxes more evenly over the year and that monthly payments be made on the 1st of the month from January to December, inclusive.
12. That in accordance with Section 347 of the *Municipal Act*, the Treasurer may accept part payment on account and allocate such payments in accordance with this Section.
13. That in accordance with By-Law No. 6634/89/18, a late payment charge for non-payment of taxes shall be imposed.
14. That in accordance with Section 355 of the *Municipal Act*, where the sum of such taxes would be less than \$5.00, the amount of actual taxes payable shall be zero.

15. Where the sum of taxes would be \$150.00 or less, the amount shall be due and payable in one installment on the same date as the first installment.
16. All monies raised, levied or collected under authority of this by-law shall be paid into the hands of the City Treasurer, to be applied and paid to such persons and corporations and in such manner as the laws of Ontario and the by-laws or resolutions of the Council direct.

Enacted and passed this 13th day of May, 2019.

William C. Steele
Mayor

Amber LaPointe
City Clerk

City of Port Colborne
General 2019 Tax Rates

Property Class	RTC Code	Tax Ratio	2019		Region			TOTAL
			Current Value Assessment	City Tax Rates	Region Tax Rates	Waste Mgmt Tax Rates	Education Tax Rates	
Residential	RT	1.0000	\$1,565,724,605	0.00861420	0.00566267	0.00084155	0.00161000	0.01672842
Multi-Residential	MT	1.9700	\$38,735,625	0.01696998	0.01115546	0.00165785	0.00161000	0.03139329
New Multi-Res	NT	1.0000	\$600,000	0.00861420	0.00566267	0.00084155	0.00161000	0.01672842
Commercial	CT	1.7349	\$107,662,856	0.01494478	0.00982417	0.00146001	0.01030000	0.03652896
Excess Land	CU	1.7349	\$196,550	0.01046135	0.00687692	0.00102200	0.00875500	0.02711526
Vacant Land	CX	1.7349	\$2,371,814	0.01046135	0.00687692	0.00102200	0.00875500	0.02711526
Commercial Other	ST, GT	1.7349	\$16,446,950	0.01494478	0.00982417	0.00146001	0.01030000	0.03652896
Commercial New Const	XT	1.7349	\$6,626,909	0.01494478	0.00982417	0.00146001	0.01030000	0.03652896
Comm new const excess	XU	1.7349	\$1,150	0.01046135	0.00687692	0.00102200	0.00875500	0.02711526
Industrial - New Const.	JT	2.6300	\$11,336,525	0.02265536	0.01489282	0.00221328	0.01030000	0.05006146
Ind - new const excess	JU	2.6300	\$71,275	0.01585875	0.01042498	0.00154929	0.00875500	0.03658802
Industrial	IT	2.6300	\$21,934,563	0.02265536	0.01489282	0.00221328	0.01290000	0.05266146
Excess Land	IU	2.6300	\$351,377	0.01585875	0.01042498	0.00154929	0.01096500	0.03879802
Vacant Land	IX	2.6300	\$7,347,980	0.01585875	0.01042498	0.00154929	0.01096500	0.03879802
Large Industrial	LT	2.6300	\$36,205,039	0.02265536	0.01489282	0.00221328	0.01290000	0.05266146
Excess Land	LU	2.6300	\$1,549,734	0.01585875	0.01042498	0.00154929	0.01096500	0.03879802
Pipelines	PT	1.7021	\$10,224,296	0.01466224	0.00963843	0.00143240	0.01030000	0.03603307
Farmlands	FT	0.2500	\$53,767,874	0.00215355	0.00141567	0.00021039	0.00040250	0.00418211
FAD I	R1	1.0000	\$1,380,350	0.00646065	0.00424700	0.00063116	0.00120750	0.01254632
FAD II		1.0000	\$0	0.00861420	0.00566267	0.00084155	0.00161000	0.01672842
Managed Forests	TT	0.2500	\$857,705	0.00215355	0.00141567	0.00021039	0.00040250	0.00418211
			<u>\$1,883,392,977</u>					
Rounding				51.49%	38.88%		9.62%	

Exempt Properties \$143,089,536

Property Class	RTC Code	Tax Ratio	Current Value		Region			TOTAL
			Assessment	City Tax Rates	Region Tax Rates	Waste Mgmt Tax Rates	Education Tax Rates	
Residential-FULL	RF	1.0000	\$933,750	0.00861420	0.00566267	0.00084155	0.00161000	0.01672842
Residential-GEN	RG	1.0000	\$363,100	0.00861420	0.00566267	0	0.00000000	0.01427687
Commercial-FULL	CF	1.7349	\$11,115,362	0.01494478	0.00982417	0.00146001	0.01030000	0.03652896
Commercial-GEN	CG	1.7349	\$500,000	0.01494478	0.00982417	0	0.00000000	0.02476895
Industrial-HYDRO	IH	2.63	\$76,825	0.02265536	0.01489282	0.00221328	0.01290000	0.05266146
			<u>\$12,989,037</u>					

TOTAL \$2,039,471,550

Schedule A to By-Law 6682/46/19

City Levy	Region Levy	Waste Mgmt Levy	Education Levy	TOTAL LEVY
\$13,487,471	\$8,866,182	\$1,317,636	\$2,520,817	\$26,192,105
\$657,343	\$432,114	\$64,218	\$62,364	\$1,216,039
\$5,169	\$3,398	\$505	\$966	\$10,037
\$1,608,995	\$1,057,696	\$157,189	\$1,108,925	\$3,932,805
\$2,056	\$1,352	\$201	\$1,721	\$5,330
\$24,812	\$16,311	\$2,424	\$20,765	\$64,312
\$245,796	\$161,578	\$24,013	\$169,404	\$600,790
\$99,038	\$65,104	\$9,675	\$68,257	\$242,074
\$12	\$8	\$1	\$10	\$31
\$256,833	\$168,833	\$25,091	\$116,766	\$567,523
\$1,130	\$743	\$110	\$624	\$2,608
\$496,935	\$326,667	\$48,547	\$282,956	\$1,155,106
\$5,572	\$3,663	\$544	\$3,853	\$13,633
\$116,530	\$76,603	\$11,384	\$80,571	\$285,087
\$820,238	\$539,195	\$80,132	\$467,045	\$1,906,610
\$24,577	\$16,156	\$2,401	\$16,993	\$60,127
\$149,911	\$98,546	\$14,645	\$105,310	\$368,413
\$115,792	\$76,117	\$11,312	\$21,642	\$224,863
\$8,918	\$5,862	\$871	\$1,667	\$17,318
\$0	\$0	\$0	\$0	\$0
\$1,847	\$1,214	\$180	\$345	\$3,587
\$18,128,975	\$11,917,341	\$1,771,080	\$5,051,000	\$36,868,397
	\$1	\$0	\$0	\$1
\$18,128,975	\$11,917,342	\$1,771,080	\$5,051,000	\$36,868,398

49.17% 37.13% 13.70% 100.00%

City Levy	Region Levy	Waste Mgmt Levy	Education Levy	TOTAL LEVY
\$8,044	\$5,288	\$786	\$1,503	\$15,620
\$3,128	\$2,056	\$0	\$0	\$5,184
\$166,117	\$109,199	\$16,229	\$114,488	\$406,033
\$7,472	\$4,912	\$0	\$0	\$12,384
\$1,740	\$1,144	\$170	\$991	\$4,046
\$186,501	\$122,599	\$17,184	\$116,983	\$443,267

\$18,315,476 \$12,039,942 \$1,788,264 \$5,167,983 \$37,311,665

The Corporation of the City of Port Colborne

By-law No. 6683/47/19

Being a by-law to authorize entering into a development agreement with Robert and Mary Ann Bosley regarding e/s Cedar Bay Road

Whereas the Council of The Corporation of the City of Port Colborne is desirous of entering a development agreement with Robert and Mary Ann Bosley regarding e/s Cedar Bay Road in the City of Port Colborne in the Regional Municipality of Niagara;

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

1. That The Corporation of the City of Port Colborne enters into a Development Agreement with Robert and Mary Ann Bosley, which development agreement is attached hereto as Schedule "A";
2. That the Mayor and the Clerk are hereby authorized and directed to sign the said development agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 13th day of May, 2019.

William C. Steele
Mayor

Amber LaPointe
City Clerk

THIS DEVELOPMENT AGREEMENT made this ____ day of _____, 2019.

BETWEEN:

ROBERT & MARY ANN BOSLEY
hereinafter referred to as the "OWNER";

and

THE CORPORATION OF THE CITY OF PORT COLBORNE
hereinafter referred to as the "CITY";

WHEREAS the Owner desires to develop the lands described in Schedule "A" attached hereto (hereinafter referred to as the "Lands");

AND WHEREAS on January 9, 2019 the Committee of Adjustment for the City approved the creation of one residential building lot (Application B01-19-PC);

AND WHEREAS the Regional Municipality of Niagara (hereinafter referred to as the "Region") requires a Development Agreement between the Owner and the City regarding specific conditions and processes to be followed during development of the Lands;

NOW THEREFORE the parties hereto agree as follows:

1. The Owner hereby warrants that it is the registered Owner of the Lands described in Schedule "A" to this Development Agreement.
2. The Owner agrees that upon the execution of this Development Agreement, the Lands shall be charged with the performance of the terms of this Development Agreement and that the performance of such terms shall be binding upon the Owner, its executors, administrators, successors, assigns, heirs, and successors in title.
3. The Owner shall indemnify and save harmless the City from and against all actions, causes of action, interest, claims, demands, costs, charges, damages, expenses, and loss, which the City may at any time bear, incur, be liable for, sustain or be put to for any reason of, or on account of, or by reason of, or in consequence of, the City, as the case may be, entering into this Development Agreement.
4. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport and [owner's archaeological consultant] shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Tourism, Culture and Sport and [owner's archaeological consultant].
5. That the private water supply (wells or cisterns) is to be located in the front yard (westerly end of the property) and the septic bed be located in the rear yard (easterly end of the property).
6. That additional treatment (tertiary) be included with the septic system design.
7. The Owner agrees and acknowledges that the City shall register this Development Agreement on title to the Lands and that such registration may only be removed with the written consent of the City and the Region.

SIGNED, SEALED & DELIVERED
IN THE PRESENCE OF:

OWNER

Witness

Robert Bosley

Witness

Mary Ann Bosley

THE CORPORATION OF THE CITY
OF PORT COLBORNE

William C Steele, Mayor

Amber LaPointe, Clerk

DRAFT

SCHEDULE "A" – THE LANDS

Part 1 on Plan 59R-16386
On the East Side of Cedar Bay Road
In the City of Port Colborne
In the Regional Municipality of Niagara

DRAFT

THIS DEVELOPMENT AGREEMENT made this ____ day of _____, 2019.

BETWEEN:

ROBERT & MARY ANN BOSLEY
hereinafter referred to as the "OWNER";

and

THE CORPORATION OF THE CITY OF PORT COLBORNE
hereinafter referred to as the "CITY";

WHEREAS the Owner desires to develop the lands described in Schedule "A" attached hereto (hereinafter referred to as the "Lands");

AND WHEREAS on January 9, 2019 the Committee of Adjustment for the City approved the creation of one residential building lot (Application B02-19-PC);

AND WHEREAS the Regional Municipality of Niagara (hereinafter referred to as the "Region") requires a Development Agreement between the Owner and the City regarding specific conditions and processes to be followed during development of the Lands;

NOW THEREFORE the parties hereto agree as follows:

1. The Owner hereby warrants that it is the registered Owner of the Lands described in Schedule "A" to this Development Agreement.
2. The Owner agrees that upon the execution of this Development Agreement, the Lands shall be charged with the performance of the terms of this Development Agreement and that the performance of such terms shall be binding upon the Owner, its executors, administrators, successors, assigns, heirs, and successors in title.
3. The Owner shall indemnify and save harmless the City from and against all actions, causes of action, interest, claims, demands, costs, charges, damages, expenses, and loss, which the City may at any time bear, incur, be liable for, sustain or be put to for any reason of, or on account of, or by reason of, or in consequence of, the City, as the case may be, entering into this Development Agreement.
4. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport and [owner's archaeological consultant] shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Tourism, Culture and Sport and [owner's archaeological consultant].
5. That the private water supply (wells or cisterns) is to be located in the front yard (westerly end of the property) and the septic bed be located in the rear yard (easterly end of the property).
6. That additional treatment (tertiary) be included with the septic system design.
7. The Owner agrees and acknowledges that the City shall register this Development Agreement on title to the Lands and that such registration may only be removed with the written consent of the City and the Region.

**SIGNED, SEALED & DELIVERED
IN THE PRESENCE OF:**

OWNER

Witness

Robert Bosley

Witness

Mary Ann Bosley

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

William C Steele, Mayor

Amber LaPointe, Clerk

DRAFT

SCHEDULE "A" – THE LANDS

Part 2 on Plan 59R-16386
On the East Side of Cedar Bay Road
In the City of Port Colborne
In the Regional Municipality of Niagara

DRAFT

The Corporation of the City of Port Colborne

By-Law no. 6685/49/19

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 Special and Regular Meetings of May 13, 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 Special and Regular Meetings of May 13, 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 13th day of May, 2019.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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The Corporation of the City of Port Colborne

By-law no. 6684/48/19

Being a by-law to appoint Amy Dayboll and Allison Martin as
Municipal Law Enforcement Officers

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;

Whereas at its meeting of May 13, 2019 the Council of The Corporation of the City of Port Colborne approved the recommendations of the Department of Planning and Development, By-law Enforcement Division Report 2019-67, Subject: By-law Appointment of Municipal Law Enforcement Officers Amy Dayboll and Allison Martin

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

1. That Amy Dayboll be and is hereby appointed as a Municipal Law Enforcement Officer for the City of Port Colborne;
2. That Allison Martin be and is hereby appointed as a Municipal Law Enforcement Officer for the City of Port Colborne;
3. This by-law shall come into force and take effect on the date of passing.

Enacted and passed this 13th day of May, 2019.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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PORT COLBORNE

WHEREAS, the City of Port Colborne supports organizations and individuals committed to raising awareness about important issues and advocacy that affect all Canadians. Through education, fundraising and support, the health and well-being of our communities are improved; and

WHEREAS, National Access Awareness Week is a week for Canadians to promote inclusion and accessibility in our communities and workplaces, to celebrate our progress and to be inspired to further break down accessibility barriers; and

WHEREAS, We need to change the way we think, talk and act about barriers to participation and accessibility and we need to do it right from the start, not as an afterthought. An inclusive Canada is one where all Canadians can participate and have an equal opportunity to succeed in their workplaces and communities.

National Access Ability Week aims to bring this perspective to the forefront for Canadians, and highlight some of the important initiatives the government and its partners are undertaking to bring about this change.

NOW THEREFORE, I, Mayor William C. Steele, at the request of the Accessibility Advisory Committee and on behalf of the Council of the City of Port Colborne, do hereby proclaim May 31 - June 6, 2019 as "Access Awareness Week" in the City of Port Colborne

William C. Steele
Mayor

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**City of Port Colborne
Regular Meeting of Council 12-19
Minutes**

Date: April 23, 2019

Time: 8:06 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
A. LaPointe, Manager of Legislative Services/City Clerk
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
C. McIntosh, Deputy Clerk (minutes)

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:

3. Confirmation of Agenda:

No. 71 Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

That the agenda dated April 23, 2019 be confirmed, as circulated
or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:

No. 72 Moved by Councillor G. Bruno
Seconded by Councillor E. Beauregard

- (a) That the minutes of the special meeting of Council 09-19, April 8, 2019, be approved as presented.
- (b) That the minutes of the regular meeting of Council 09-19, April 8, 2019, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

Nil.

7. Approval of Items Not Requiring Separate Discussion:

No. 73 Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

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.

CARRIED.

Motions Arising from Committee of the Whole Meeting Presentations:

- (a) **Scott Luey, Chief Administrative Officer regarding City of Port Colborne Fees and Charges Structure**

Council resolved:

That staff be directed to move forward with the formulation of a City of Port Colborne fees and charges structure and to work in conjunction with each department as they present to Council.

Items:

- 1. **Museum, Report 2019-60, Subject: Museum Annual Report, Rates and Fees and 2019 Schedule of Events**

Council resolved:

That Council receive Museum report 2019-60, Museum Annual Report, Rates and Fees and 2019 Schedule of Events; and

That Council proclaim May is Museum Month in Port Colborne.

2. Community and Economic Development, Parks and Recreation Division, Report 2019-57, Subject: Port Colborne Downtown Cruiser's Association – 2019 Cruise Nights

Council resolved:

That the road closures necessary for the 2019 Downtown Cruise Night event on recurring Thursday evenings, from May 16, 2019 to September 12, 2019, as requested by the Port Colborne Downtown Cruiser's Association, (PCDCA) and outlined in Community and Economic Development, Parks and Recreation Division Report No; 2019-57, be approved;

That the following roads be closed to general vehicular traffic and parking from 5 p.m. to 9 p.m., each Thursday from May 16, 2019 to September 12, 2019:

- Clarence Street, from eastern limit of the western driveway of the Food Basics parking lot, to the western limit of Catharine Street;
- Clarence Street, from the eastern limit of Catharine Street to the western limit of King Street;
- Clarence Street, from the eastern limit of King Street to the western limit of West Street; and
- Market Square;

That Market Square be closed to vehicular traffic on May 16, May 30, July 4, July 11, August 29, 2019 from 1 p.m. to 5 p.m., with the exception of the western access laneway, to be used as an ingress and egress to the CIBC Bank;

That emergency service vehicles, including ambulance, police and fire, as well as public works and public utility vehicles, be exempt from the above noted closures;

That members, qualified participants, and participants of the PCDCA, be exempt from the above noted closures, through the issuance of an authorized permit;

That traffic barricades be supplied by Public Works staff every Thursday, from May 16, 2019 to September 12, 2019, to be delivered before the end of the regular workday at the predetermined locations requiring barricades;

That PCDCA volunteers be responsible for installing appropriate signage at each intersection, stating "Cruise Night Clarence Street Temporarily Closed – 5 to 9 p.m.", including Market Square, for the duration of the event;

That PCDCA volunteers be responsible for ensuring road closure barricades are promptly removed and returned to the pick-up points at the end of the event each week;

That the PCDCA 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;

That the fee for a Noise By-law Exemption application, to be submitted to the By-law Enforcement Division, be waived; and

That the appropriate by-law be presented for approval.

3. Planning and Development Department, Planning Division, Report 2019-52, Subject: Sale of Part of Kinnear Park

Council resolved:

That Council declares Part 2 on Plan 59R-16309 as surplus to the City's needs; and

That the City enters into an Agreement of Purchase and Sale with Joanie Rebecca King, for the purchase price of \$4,500 (plus HST); and

That the Mayor, Clerk, and City's Solicitor be authorized to sign and execute any and all documents respecting the sale of these lands.

4. Planning and Development Department, Planning Division, Report 2019-55, Subject: Sale of Lot 25, Plan 882, Janet Street

Council resolved:

That Council declares Lot 25 on Plan 882 as surplus to the City's needs; and

That the City enters into an Agreement of Purchase and Sale with Kozma Homes Inc. for the purchase price of \$55,500 (plus HST); and

That the Mayor, Clerk, and City Solicitor be authorized to sign and execute any and all documents respecting the sale of this land.

5. Planning and Development Department, Planning Division, Report 2019-56, Subject: Proposed Development Agreements for Lester Shoalts Ltd., Block 74 Westwood Estates Phase II

Council resolved:

That Council enters into two development agreements with Lester Shoalts Ltd and the Niagara Peninsula Conservation Authority; and

That the Mayor and Clerk be authorized to sign and execute said agreement.

6. Planning and Development Department, Planning Division, Report 2019-59, Subject: Amendment to Westwood Estates Phase II Subdivision Agreement

Council resolved:

That By-law 6366/46/16, Being a By-Law to Authorize Entering into a Subdivision Agreement with Lester Shoalts Limited (Westwood Estates Phase II), be amended by replacing subdivision agreement drawing "Westwood Phase 2 Subdivision Grade Control Plan 2" (drawing 0493GP2 Rev 9 prepared by Upper Canada Consultants and dated April 23, 2015) with "Westwood Phase 2 Subdivision Grade Control Plan 2" (drawing 0493GP2 Rev 12 prepared by Upper Canada Consultants and dated March 13, 2019).

7. Planning and Development Department, Planning Division, Report 2019-58, Subject: Contract Agreement for Realty Services

Council resolved:

That the City enters into a Contract Agreement with Royal LePage, attached as appendix A to Planning and Development Department report 2019-58, for the sale of selected municipal property; and

That the by-law attached as appendix B be brought forward for approval.

8. Engineering and Operations, Engineering Division, Report 2019-31, Subject: Young and Hopf-Wagner Municipal Drains Third Reading

Council resolved:

That the Mayor and Clerk be directed to complete the execution of by-law 6526/93/17 to provide third reading and adopt the Young and Hopf-Wagner Municipal Drains Engineer's Report, dated July 27, 2017, with completed revisions from the Agriculture, Food and Rural Affairs Appeal Tribunal's decision dated February 27, 2019, prepared by Mike DeVos, P. Eng. of Spriet Associates London Ltd., under Section 78, Chapter D.17 of the Drainage Act R.S.O. 1990; and

That staff be directed to advance the Young and Hopf-Wagner Municipal Drains Engineer's Report through the tender stage.

9. Dewitt Carter Elementary School Re: Request for Use of Picnic Tables for the Schools Fun Night Event on May 16, 2019

Council resolved:

That the correspondence received from Dewitt Carter Elementary School requesting the use of City Picnic Tables for the School's Fun Night Event on May 16, 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 Dewitt Carter Elementary School.

10. Memorandum from Joanne Ferraccioli, Interim Health Services Coordinator Re: Request for Proclamation of Doctor's Day, May 1, 2019

Council resolved:

That May 1, 2019 be proclaimed as "Doctor's Day" in the City of Port Colborne in accordance with the request received from Joanne Ferraccioli, Interim Health Services Coordinator, City of Port Colborne.

11. Memorandum from Thomas B. Cartwright, City Fire Chief Re: Request for Proclamation of Emergency Preparedness Week 2019

Council resolved:

That the week of May 5 – 11, 2019 be proclaimed as "Emergency Preparedness Week" in the City of Port Colborne in accordance with the request received from Thomas B. Cartwright, City Fire Chief.

12. Region of Niagara Re: New Official Plan Consultation Timeline Framework (PDS 9-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: New Official Plan Consultation Timeline Framework, be received for information.

13. Region of Niagara Re: Memorandum of Understanding for Planning Function and Services between Niagara Region and Local Area Municipalities (PDS 4-2019)

Council resolved:

That the updated Memorandum of Understanding (MOU) for Planning Function and Services between The Regional Municipality of Niagara and the Local Area Municipalities dated March 2019 be approved; and

That the Regional Chief Administrative Officer be notified of the approval.

14. Region of Niagara Re: Statutory Public Meeting for Draft Regional Official Plan Amendment 15 – Exemption Policies (PDS 5-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: Statutory Public Meeting for Draft Regional Official Plan Amendment 15 – Exemption Policies, be received for information.

15. Region of Niagara Re: Base and Enhanced Services for Next Collection Contract (PW 20-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: Base and Enhanced Services for Next Collection Contract, be received for information.

16. Region of Niagara Re: Managed Competition and Fair Wage Considerations for Waste Collection Contract (PW 22-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: Managed Competition and Fair Wage Considerations for Waste Collection Contract, be received for information.

17. Region of Niagara Re: Niagara Region 2018 Employment Inventory Results Report (PDS 6-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: Niagara Region 2018 Employment Inventory Results Report, be received for information.

18. Cheryl Gallant, MP, Renfrew-Nipissing-Pembroke Re: Bill C-68 Fisheries Act

Council resolved:

That the correspondence received from Cheryl Gallant, MP, Renfrew-Nipissing-Pembroke Re: Bill C-68 Fisheries Act, be received for information.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

Nil.

9. Proclamations:

No. 74 Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

(a) **Doctors' Day - May 1, 2019**

Whereas Doctors' Day was founded in 2011 after the Honourable Reza Moridi, Minister of Research and Innovation and MPP for Richmond Hill, introduced a motion in the Ontario Legislature to create a special day that would recognize the work of Ontario's 28,000 Physicians; and

Whereas May 1st was chosen as Doctors' Day in Ontario to mark the birthday of Dr. Emily Stowe, Canada's first female practicing physician; and

Whereas our physicians work hard every day to save lives and put patients first. They are leaders who tirelessly work to improve access to health care and ensure our system is effective, efficient and sustainable;

Now therefore, I, Mayor William C. Steele proclaim May 1st, 2019 as "Doctors' Day" in the City of Port Colborne to officially recognize and celebrate each and every one of our physicians.

(b) Emergency Preparedness Week – May 5 – 11, 2019

Whereas over the course of their lives, many Canadians will face severe weather, fire, floods or other unforeseen events that may affect their quality of life; and

Whereas by understanding the risks inherent to where they live and work and by taking actions to reduce those risks, Canadians can limit the extent to which an emergency may affect them; and

Whereas in the case of a community emergency Canadians should be prepared to take care of themselves and their families for a minimum of 72 hours; and

Whereas this year marks the 24th annual Emergency Preparedness Week from May 5 – 11, 2019 with the theme of "Are You Ready":

- Know the Risks
- Make a Plan
- Get a Kit

Whereas during Emergency Preparedness Week another Province wide test of the Alert Ready System will take place on Wednesday, May 8, 2019;

Now therefore, I, Mayor William C. Steele proclaim the week of May 5 – 11, 2019 as "National Emergency Preparedness Week" in the City of Port Colborne and I urge all citizens to make a plan, prepare an Emergency Kit and know what to do so that they and their families can be better prepared for an emergency.

(c) May is Museum Month

Whereas throughout our community, museums, art galleries, and heritage sites reflect our local history and culture and contribute to our development; and

Whereas this month provides an opportunity to increase awareness of our community's museums and celebrate the contributions these institutions make to quality of life, education, and economic development; and

Whereas museums, galleries, and heritage sites welcome visitors and tourists to our community; and

Whereas these museums, galleries and heritage sites are valuable resources for education and learning, and are important community hubs;

Now therefore I, Mayor William C. Steele, do hereby proclaim May 2019 as "May is Museum Month" in Port Colborne, and encourage all residents and tourists to visit our local museum in May.

CARRIED.

10. Minutes of Boards, Commissions & Committees:

No. 75 Moved by Councillor E. Beauregard
Seconded by Councillor D. Kalailieff

- (a) That the minutes of the Port Colborne Downtown Business Improvement Area Board of Management Meetings of December 2017, January 8, 2018, March 12, 2018, April 6, 2018, May 14, 2018, be received.
- (b) That the minutes of the Port Colborne Public Library Board Meeting of March 5, 2019, be received.
- (c) That the minutes of the Grant Policy Committee Meeting of July 30, 2018, be received.

CARRIED.

11. Consideration of By-laws:

No. 76 Moved by Councillor E. Beauregard
Seconded by Councillor R. Bodner

That the following by-laws be enacted and passed:

- 6669/33/19 Being a By-law to Appoint a Deputy Clerk (Commissioner for taking Affidavits)
- 6670/34/19 Being a By-law to Appoint a Deputy Clerk (Commissioner for taking Affidavits)

- 6671/35/19 Being a By-law to Amend By-Law 6638/02/19, Being a By-law to Establish Fees and Charges for Various Services and to Repeal and/or amend various by-laws
- 6672/36/19 Being a By-law to Temporarily Close Sections of Various Streets to Vehicular Traffic for the Purpose of the Port Colborne Downtown Cruise Nights
- 6673/37/19 Being a By-law to Authorize Entering Into an Agreement of Purchase and Sale with Joanie Rebecca King respecting part of Block O, Plan 775 being Part 2 on Plan 59R-16309
- 6674/38/19 Being a By-law to Authorize Entering Into an Agreement of Purchase and Sale with Kozma Homes Inc. respecting Lot 25, Plan 882, Janet Street
- 6675/39/19 Being a By-law to Authorize Entering into a Development Agreement with Lester Shoalts Ltd. regarding Block 74 Westwood Estates
- 6676/40/19 Being a By-law to Amend by-law 6366/46/16 Being a By-law to Authorize Entering into a Subdivision Agreement with Lester Shoalts Limited (Westwood Estates Phase II) with a revised grade Control plan
- 6677/41/19 Being a By-law to Prove for a Section 78 Engineer's Report for a Drainage Works in the City of Port Colborne in the Regional Municipality of Niagara Known as the Young and Hopf-Wagner Municipal Drains
- 6678/42/19 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 April 23, 2019

CARRIED.

12. Council in Closed Session

Motion to go into Closed Session – 8:11 p.m.

No. 77 Moved by Councillor G. Bruno
Seconded by Councillor A. Desmarais

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: March 25, 2019.
- (b) Verbal report from Tammy Morden, Human Resources Coordinator, concerning the performance appraisal of the Chief Administrative Officer, 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 without report – 8:44 p.m.

No. 78 Moved by Councillor D. Kalailieff
Seconded by Councillor H. Wells

13. Disclosures of Interest Arising from Closed Session:

Nil.

14. Reports/Motions Arising from Closed Session:

The City Clerk reported that Council received the presentation and related material provided from the Human Resources Coordinator for information in accordance with *the Municipal Act, 2001*.

15. Adjournment:

No. 79 Moved by Councillor E. Beauregard
Seconded by Councillor A. Desmarais

That the Council meeting be adjourned at approximately 8:45 p.m.
CARRIED.

William W. Steele
Mayor

Amber LaPointe
City Clerk

AL/cm

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**City of Port Colborne
Special Council Meeting 11-19
Minutes**

Date: April 15, 2019

Time: 5:30 p.m.

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

Members Present: M. Bagu, Councillor
E. Beauregard, Councillor (5:45 p.m.)
G. Bruno, Councillor (6 p.m.)
R. Bodner, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Staff Present: A. LaPointe, Manager of Legislative Services/City Clerk
C. Lee, Director of Engineering & Operations
P. Senese, Director of Community & Corporate Services
D. Suddard, Environmental Compliance Supervisor

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:

Nil.

3. Confirmation of Agenda:

No. 67 Moved by Councillor H. Wells
Seconded by Councillor M. Bagu

That the agenda date April 15, 2019 be confirmed, as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Delegations:

Nil.

6. Items for Consideration:**1. Engineering and Operations Department, Operations Division, Report 2019-53, Subject: 2019-2029 Port Colborne Distribution System Financial Plan**

Presentation provided by Darlene Suddard, Environmental Compliance Supervisor, Peter Senese, Director of Corporate Services, and Chris Lee, Director of Engineering & Operations

No. 68 Moved by Councillor R. Bodner
Seconded by Councillor D. Kalailieff

That Council, as the Owner of the Port Colborne Distribution System, approve the City of Port Colborne Distribution System Financial Plan #073-301 attached as Appendix A to Engineering and Operations Department, Operations Division report 2019-53, 2019-2029 Port Colborne Distribution System Financial Plan; and

That staff submit the City of Port Colborne Distribution System Financial Plan #073-301 to the Province by April 23, 2019 in compliance with Ontario Regulation 453/07.

CARRIED.

7. Consideration of By-laws:

No. 69 Moved by Councillor G. Bruno
Seconded by Councillor M. Bagu

That the following by-laws be enacted and passed:

6668/32/19 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 Special Meeting of April 15, 2019

CARRIED.

8. Adjournment:

No. 70 Moved by Councillor F. Danch
Seconded by Councillor H. Wells

That the Council meeting be adjourned at approximately 6:50 p.m.
CARRIED.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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MAY 02 2019

CORPORATE SERVICES
DEPARTMENT

**PORT COLBORNE TRANSIT ADVISORY COMMITTEE MEETING
WEDNESDAY, JANUARY 23, 2019
COMMITTEE ROOM 2 ENGINEERING & OPERATIONS CENTRE**

Attendance:

Melissa Bigford, Dave Stuart, Jim Huppunen, Peter Senese, Stephen Corr, Yvon Doucet, Janice Peyton, Gary Bruno (portion of the meeting)

Regrets:

Scott Mathieson, Eric Beauregard

Melissa called the meeting to order at 3:05 p.m.

1. Adoption of Agenda

Moved by Y. Doucet
Seconded by D. Stuart

That the agenda dated January 23, 2019 be accepted as presented.
CARRIED.

2. Disclosures of Interest

Nil.

3. Approval of Minutes of October 17, 2018

Moved by Y. Doucet
Seconded by D. Stuart

That the minutes of Oct 17, 2018 be approved as presented.
CARRIED.

4. Actions Arising from Previous Minutes**a) Regional Transit Update**

Dave provided an update on Regional Transit. Dave advised that with the government changes to the rules around post-secondary ancillary fees, everyone is a bit nervous that students having the ability to "opt out" of transit services would dramatically reduce transit revenues generated from Niagara College and Brock University Upass sales. If it is determined that transportation is an essential mandatory service, there will be no "opt-out" option for transit, and transit revenue will not be affected. Dave advised that there is a meeting next week at which time this issue will be discussed further.

Dave advised that Regional Transit is continuing to work on accommodating everyone and on uploading the Port Colborne and Fort Erie links.

b) Ridership Stats of Link Revision Additional Trips

Dave provided P.C. Link and P.C. Community Ridership statistics (attached to the minutes).

P.C. Link Bus

From 2017 to 2018 there was an 11.4% increase in ridership on the Link. The early morning ridership seems to be really paying off. There is a 13.9% estimated increase from January 2018 to January 2019.

Peter requested a breakdown of the Region's ridership and the City's ridership on the Link.

P.C. Community Bus

From 2017 to 2018 there has been a 0.50% decrease in ridership on the P.C. Community. The Community ridership is independent of the Link and, because of timing; the Community bus does not offer the early morning trips. Peter is hoping that if the Region takes over the Link that the funds that were spent on the Link can then be used towards the Community Bus trips.

Peter advised that he has asked Community Services to consider funding a bus shelter at Vale Health and Wellness Centre.

Dave supplied new rider's guides for distribution.

5. Information Items

- a) Report 2018-146, Welland Transit Renewal Agreement for Port Colborne Transit Services

Report 2018-146 was provided for information.

- b) Report 2018-148, Port Colborne Welland LINK Proposed Bus Schedule Change

Report 2018-148 was provided for information.

6. Other Business

a) Budget

Peter advised that the additional trips, which are currently offered as a pilot project, have been included in the budget for the entire year so that at the end of the pilot project they will continue to be offered if proven successful.

b) Fare Boxes

Dave advised that there have been some problems with the fare boxes and that the problems are currently being sorted out.

c) Amalgamation

Gary expressed concern for transit services should there be an amalgamation of cities. Dave commented that he does not feel that the Region would take away existing services if there were a full amalgamation.

d) New Fare Passes

Dave advised that Welland has two new passes for 2019 (information attached to the minutes). In the near future Dave will be asking Port Colborne to follow, in order to be consistent with Welland fares.

Next Meeting

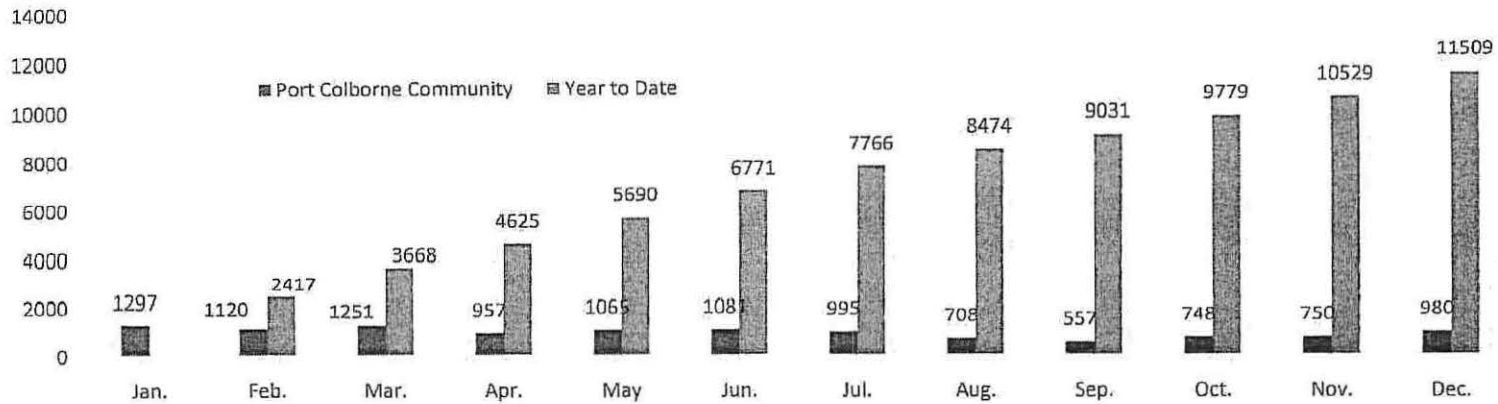
The next meeting of the Transit Advisory Committee will be held on Wednesday, March 27, 2019 at 3:00 p.m.

Adjourn

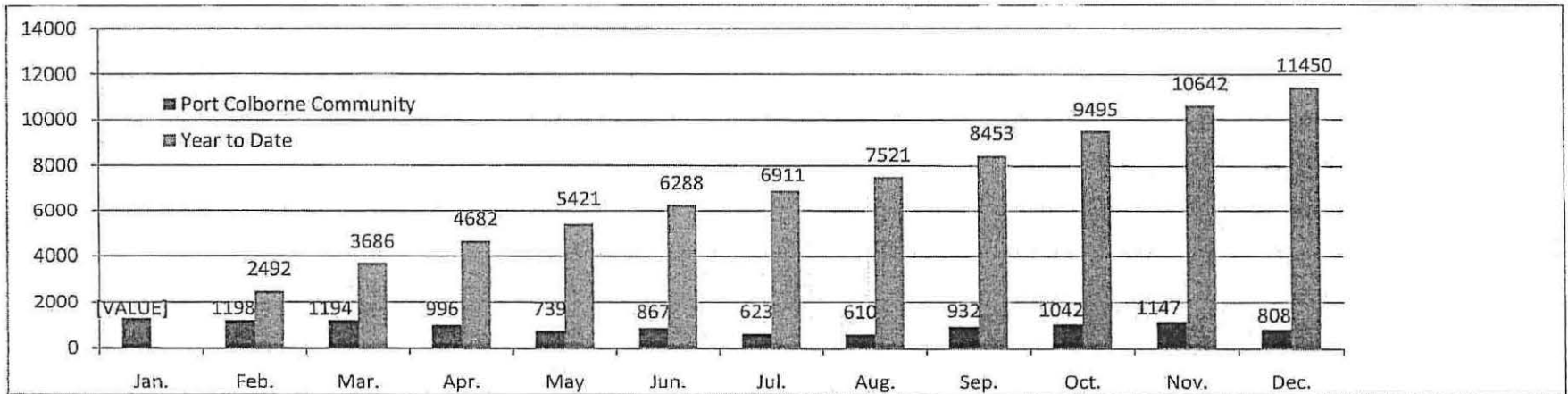
Moved by Y. Doucet
Seconded by G. Bruno

That there being no further business to discuss, the meeting be adjourned at 4:15 p.m.

Port Colborne Community Ridership '17

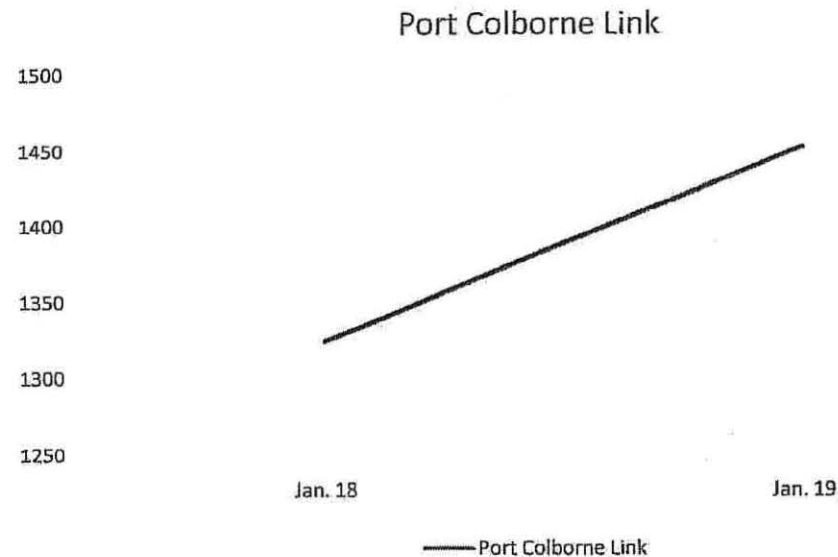


Port Colborne Community Ridership '18



From 2017 to 2018 there has been a 0.50% decrease in ridership on the P.C. Community.

Port Colborne Link Projection '19



In January of 2018 ridership on the Link was 1324. From January 7th to January 22nd of 2019 the ridership is 879. Average per day since the addition of the extra trips is 63. With 8 days of service left in the month we can project to hit a total of 1507 for the month. Which would be a 13.9% increase from January '18 to January '19.

WELLAND*transit*
GOING YOUR WAY

2 NEW PASSES FOR 2019

10 Ride Pass / 31 Day Pass

**No Fare
Increase on
new passes!**



**31 Day Pass
valid for
31 Days!**

**Accepted on
WellTrans!**

Econo Punch Passes will be accepted until June 30, 2019

www.welland.ca



Port Colborne Historical & Marine
MUSEUM
...more than a museum!



A meeting of the Board of Management of the Port Colborne Historical and Marine Museum was held March 19, 2019 at 7 p.m. at the L.R. Wilson Heritage Research Archives.

Present: Stephanie Powell Baswick, Pam Koudjjs, Donna Abbott, Claudia Brema, Bert Murphy, Margaret Tanaszi, Brian Heaslip, Bonnie Johnston, Marcia Turner, Terry Huffman, Jeff Piniak and Abbey Stansfield.

Regrets: Alexander Fazzari, Councillor Eric Beauregard, Cheryl MacMillan.

Minutes of Last Meeting

Moved by: Claudia Brema

Seconded by: Margaret Tanaszi

To: Approve the Minutes of the Board of Management from February 19, 2019.

Motion Carried.

Business Arising From Minutes:

No Report.

Correspondence:

Stephanie Powell Baswick displayed the newsletters and magazines received from heritage institutions and societies.

Curator Report:

Stephanie Powell Baswick circulated the draft copy of the Museum's 2018 Annual Report. She explained that she will be addressing council to go over the museum's rates and fees. She will also use this opportunity to showcase what the museum does within the community for our new council. Stephanie reviewed the 2018 Annual Report with the board and highlighted the inclusion of the new vision statement, the partnerships that were undertaken within the community, and the Celebration of Arabella's Tearoom 40th anniversary.

Stephanie requested that the board have a photo taken of the entire board this year as usually it is too busy at events to get a picture of everyone. This would make it available for use in publications like the annual report. It was suggested that this be done in June before the board meeting.

Auxiliary Report:

Bonnie Johnston reported the next Auxiliary annual general meeting will be held on April 15, 2019 to prepare for the upcoming season. Items from the agenda include the recruitment of new volunteers for the tearoom and housekeeping practices.



Port Colborne Historical & Marine
MUSEUM
...more than a museum!

Program Committee Report:
No Report

Fundraising Committee Report:

Donna Abbott reported that a fundraising committee meeting that was held. The committee decided that they would pursue sponsorship for different pieces of events to offset museum costs.

Donna also reported that the committee has taken on the task of Towpath Treasures for Arabella's Pie Social and History Fair. Committee members will be responsible for advertising set up, selling and take down of the flea market.

Stephanie Powell Baswick spoke on the tree that was taken down by the museum. With the wood that was generated the museum has had community volunteers come forward and commit to make items out of the wood that the museum can use for fundraisers (one idea was a bench). Terry Huffman felt that live edged shelves would make good use of the wood for a fundraiser. Stephanie reported that the city would aid in the removal of the tree stump once the wood has been collected on April 2.

Building and Property Committee Report:

Brian Heaslip reported that he has contacted six different companies to get quotes for a mature tree. Out of those companies only one still provides this service. When Brian was asking for suggestions for types of trees he was told that due to current issues Ash was not a good choice and that a Tulip tree would do well there. Margaret Tanaszi volunteered to speak to an arborist contact she has and get some advice as to what would work best for the museum. Brian will talk to the company and express our interest in going forward. The approximate cost will be \$600- \$800 for a mature 25 foot tree. Further discussion of details was referred to the building and property committee.

Brian called a building and property committee meeting for April 1 at 5:00. If the weather is nice enough the committee will do the property walkabout.

Finance Committee Report:

Stephanie Powell Baswick reported when the museum budget was passed it was conditional to the City receiving their OMTP funding. The City has now received their funding and while it was not as much as it has been in the past but it was decided that the approved budgets would remain and the balance of funds would come from City funds. Stephanie explained that this means that the budget has passed officially and that the museum can start making required purchases.

Membership Committee Report

Bonnie Johnston reported that for the 2019 membership year the museum has 31 families which include 47 people and 3 new life patrons. Bonnie reported that one member who lives in



Port Colborne Historical & Marine
MUSEUM
...more than a museum!

Chicago sent a letter with her membership dues saying what a nice job the museum does and how much enjoyment she gets out of reading her newsletters.

Accession Committee Report:

The next meeting will be held on Monday March 25, 2019 at 6:30 PM.

Policy Report:

Stephanie Powell Baswick reported on behalf of Councillor Eric Beauregard that there would be a policy committee meeting held before the next board meeting. The committee will bring forward policy revisions on bequests for the board to approve.

New Business:

Stephanie Powell Baswick reported that she is working on getting a quote for the Cedar shingles on the Tearoom. It was an idea that was put forward when it was determined that the tearoom would need a new roof. This would ensure that the tearoom roof matches the roofs on the other historic buildings. The Museum Auxiliary Executive met and the idea was approved and now is being pursued. Stephanie noted that there are not many people who are in the business of doing cedar roofs and therefore there may not be the three quotes that are normally gathered as there may not be three companies that do this kind of work.

Motion to Adjourn: Brian Heaslip

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