

**City of Port Colborne
Regular Committee of the Whole Meeting 01-18
Minutes**

Date: January 22, 2018

Time: 6:30 p.m.

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

Members Present: R. Bodner, Councillor
F. Danch, Councillor
Y. Doucet, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)
J. Mayne, Councillor

Absent: B. Butters, Councillor (due to a conference)
A. Desmarais, Councillor (due to a conference)
D. Elliott, Councillor (due to a work commitment)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. Grigg, Director of Community and Economic Development
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
C. McIntosh, Deputy Clerk (minutes)
P. Senese, Director of Corporate Services

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

Note:

Quorum was temporarily lost during Item No. 12, Regional Councillor's Report. Councillor Y. Doucet and Councillor B. Kenny left the meeting at 7:35 p.m. Mayor Maloney called a temporary recess at 7:35 p.m. Councillor Y. Doucet and Councillor B. Kenny returned to the meeting at 7:40 p.m. Mayor Maloney reconvened the meeting at 7:41 p.m.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. National Anthem:

Joel Longfellow sang O Canada.

3. Introduction of Addendum Items:

Nil.

4. Confirmation of Agenda:

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

That the agenda dated January 22, 2018 be confirmed, as circulated or as amended.
CARRIED.

5. Disclosures of Interest:

Councillor Bodner declared a pecuniary interest with respect to item 24, Sherkston Shores Request to Hold Weekly Fireworks Display Events for 2018, as he owns a business in Sherkston Shores. Councillor Bodner refrained from discussing or voting on this item.

6. Adoption of Minutes:**(a) Regular meeting of Committee of the Whole 26-17, held on December 11, 2017.**

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

(a) That the minutes of the regular meeting of Committee of the Whole 26-17, held on December 22, 2017, be approved as presented.
CARRIED.

7. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 3, 4, 5, 6, 7, 8, 22, 24, 29.

8. Approval of Items Not Requiring Separate Discussion:

Moved by Councillor R. Bodner
Seconded by Councillor Y. Doucet

That Items 1 to 37 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:**2. Fire and Emergency Services Department, Report No. 2018-11, Subject: Port Colborne Operatic Society Pyrotechnics**

Committee of the Whole recommends:

That By-law No. 4989/45/07 Being a By-law for Prohibiting and Regulating the Sale of Fireworks and Setting Off Fireworks in the City of Port Colborne be waived for the Port Colborne Operatic Society for their 2018 production, and further;

That the Port Colborne Operatic Society ensure it meets all of the requirements as set out in Fire and Emergency Services Report 2018-11 as well as any other requirements that may be required to ensure public safety.

9. Engineering and Operations, Engineering Division, Report No. 2018-10, Subject: Port Colborne Operations Centre Equipment Purchase: Mobile Column Lifts

Committee of the Whole recommends:

That Quotation 2017-07, the supply of Six Mobile Column Lifts be awarded to ISN Canada Group Inc., for the total quoted price of \$72,000 (plus any applicable taxes); and
That funding for the equipment be financed under Account 3-500-

33593-3401, Port Colborne Operations Centre Capital Expenditures;
and

That staff be authorized to issue a Purchase Order to ISN Canada Group Inc. for \$72,000.00 (plus any applicable taxes).

10. Community and Economic Development Department, Report No. 2018-02, Subject: Franchise Agreement Renewal – Enbridge Gas Distribution Inc.

Committee of the Whole recommends:

That the Council of The Corporation of the City of Port Colborne ("Council") approves the form of the draft by-law (including the Franchise Agreement forming part thereof), attached hereto, and authorizes the submission thereof to the Ontario Energy Board for approval, pursuant to the provisions of Section 9 of the *Municipal Franchises Act*;

That Council requests the Ontario Energy Board to make an order dispensing with the assent of the municipal electors of the attached draft by-law (including the franchise agreement forming part thereof), pursuant to the provisions of Section 9(4) of the *Municipal Franchises Act*; and

That By-law 733/50/78 and By-law 3665/91/98 be repealed.

11. Corporate Services Department, Clerk's Division, Report No. 2018-13, Subject: Appointments to Boards and Committees

Committee of the Whole recommends:

Canal Days Advisory Committee:

That Betty Konc be appointed to the Canal Days Advisory Committee for a term ending December 31, 2020.

East Village Neighbourhood Improvement Task Force:

That Neal Schoen be appointed to the East Village Neighbourhood Improvement Task Force for a term ending December 31, 2020.

Economic Development Advisory Committee:

That Kate Ostryhon-Lumsden be appointed to the Economic Development Advisory Committee for a term ending December 31, 2020.

Environmental Advisory Committee:

That Beth Palma, Ryan Waines and Tim Hoyle be appointed to the Environmental Advisory Committee for a term ending December 31, 2020.

Port Colborne Historical & Marine Museum:

That the following persons be appointed to the Port Colborne Historical & Marine Museum Board:

1. Amanda Emery for a term ending December 31, 2019;
2. Claudia Brema for a term ending December 31, 2019;
3. Bert Murphy for a term ending December 31, 2019;
4. Brian Heaslip for a term ending December 31, 2021;
5. Cheryl MacMillan for a term ending December 31, 2021;
6. Pamela Koudijs for a term ending December 31, 2021.

Port Colborne Medical Education, Recruitment and Health Services Committee:

That Connie Butler be appointed to the Port Colborne, Medical Education, Recruitment and Health Services Committee for a term ending December 31, 2020.

Senior Citizen Advisory Council:

That Judy Wade, Valerie King and Susan Brown be appointed to the Senior Citizen Advisory Council for a term ending December 31, 2020.

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

12. Corporate Services Department, Corporate Services Division, Report No. 2018-06, Subject: 2016 Audited Financial Statements

Committee of the Whole recommends:

That the 2016 draft audited Financial Report for the year ended December 31, 2016 be approved.

Miscellaneous Correspondence

13. Region of Niagara Re: Commercial and Industrial Sub Class Tax Rate Reductions and Rebates (CSD Report 77-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Commercial and Industrial Sub Class Tax Rate Reductions and Rebates (CSD Report 77-2017), be received for information.

Note: The appendices can be found at the following link:

<https://www.niagararegion.ca/council/Council%20Documents/2017/csc-agenda-nov-29-2017.pdf>

14. Region of Niagara Re: High Level Official Plan Process Framework (PDS Report 41-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: High Level Official Plan Process Framework (PDS Report 41-2017), be received for information.

15. Region of Niagara Re: Niagara Peninsula Conservation Authority "The Living Landscape" Draft Policy Document Review (PDS Report 47-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Niagara Peninsula Conservation Authority "The Living Landscape" Draft Policy Document Review (PDS Report 47-2017), be received for information.

16. Region of Niagara Re: Niagara Region Mid-Year 2017 Growth Monitoring Report (PDS Report 48-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Niagara Region Mid-Year 2017 Growth Monitoring Report (PDS Report 48-2017), be received for information.

17. Region of Niagara Re: Public Meeting Report – Regional Official Plan Amendment No. 13 (ROPA) – Transportation Policies (PDS Report 50-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Public Meeting Report – Regional Official Plan Amendment No. 13 (ROPA) – Transportation Policies (PDS Report 50-2017), be received for information.

18. Region of Niagara Re: Opioid Update: Local Opioid Work (PHD Report 26-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Opioid Update: Local Opioid Work (PHD Report 26-2017), be received for information.

19. Region of Niagara Re: Proposed Operating Budget Niagara Regional Police Service and Police Services Board (BRC-C Report 04-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Proposed Operating Budget Niagara Regional Police Service and Police Services Board (BRC-C Report 04-2017), be received for information.

20. Ministry of Municipal Affairs Re: Update of Bill 59, Consumers First Act (Consumer Protection Statute Law Amendment)

Committee of the Whole recommends:

That the correspondence received from the Ministry of Municipal Affairs Re: Update of Bill 59, Consumer Protection Statute Law Amendment, to allow municipalities to regulate the location and number of pay day loan establishments, be received for information.

21. Charles Sousa, Minister, Ministry of Finance Re: Federal Legalization – A Framework to Govern the Lawful Use and Retail Distribution of Cannabis within the Province

Committee of the Whole recommends:

That the correspondence received from Charles Sousa, Minister, Ministry of Finance Re: Federal Legalization – A Framework to Govern the Lawful Use and Retail Distribution of Cannabis within the Province, be received for information.

23. Memorandum from Carrie McIntosh, Executive Assistant to the CAO on behalf of the Social Determinants of Health Advisory Committee – Everyone Matters Re: City of St. Catharines’ Housing Action Plan 2017

Committee of the Whole recommends:

That the Memorandum from Carrie McIntosh, Executive Assistant to the CAO on behalf of the Social Determinants of Health Advisory Committee – Everyone Matters Re: City of St. Catharines’ Housing Action Plan 2017, be received for information;

That staff be directed to invite a representative from the City of St. Catharines to present its Housing Action Plan 2017 at a future meeting of Port Colborne City Council; and

That staff be directed to review the City of St. Catharines’ Housing Action Plan and develop a plan to suit the needs of Port Colborne.

25. Nancy Salvage and Fatima Shama, Executive Director, The Fresh Air Fund Re: Request for Proclamation of Fresh Air Fund Day, March 20, 2018

Committee of the Whole recommends:

That March 20th, 2018 be proclaimed as “Fresh Air Fund Day” in the City of Port Colborne in accordance with the request received from Nancy Salvage and Fatima Sham, Executive Director, The Fresh Air Fund.

26. Janet Hope, Assistant Deputy Minister, Ministry of Housing Re: Development Charges Rebate Program

Committee of the Whole recommends:

That the correspondence received from Janet Hope, Assistant Deputy Minister, Ministry of Housing Re: Development Charges Rebate Program, be referred to the Director of Planning and Development.

27. St. James and St. Brendan Church, Port Colborne Re: International Women’s Day, March 7, 2018 - Guild Hall, 72 Charlotte Street, Port Colborne

Committee of the Whole recommends:

That the International Women’s Day Event to be held at the Guild Hall, 72 Charlotte Street, Port Colborne on March 7, 2018, is hereby declared a municipally significant event in accordance with the Municipal Alcohol Management Policy.

28. Township of Wainfleet, Town of Grimsby, Town of Lincoln, Town of Pelham and City of Welland Re: Notice of Passing of By-law to Increase Composition of Regional Council – Addition of Member for Township of West Lincoln

Committee of the Whole recommends:

That the resolutions received from the Township of Wainfleet, Town of Grimsby, Town of Lincoln, Town of Pelham and City of Welland regarding the passing of By-law No. 2017-108 of the Regional Municipality of Niagara, being a By-law to Increase the Composition of Regional Council by Adding an Additional Councillor for the Township of West Lincoln, be received for information.

30. City of St. Catharines Re: Niagara Peninsula Conservation Authority – Disclosure of Legal Costs

Committee of the Whole recommends:

That the resolution received from the City of St. Catharines Re: Niagara Peninsula Conservation Authority – Disclosure of Legal Costs, be supported.

31. City of St. Catharines Re: Niagara Peninsula Conservation Authority Requesting the Appointment of a Supervisor

Committee of the Whole recommends:

That the resolution received from the City of St. Catharines Re: Niagara Peninsula Conservation Authority requesting the Appointment of a Supervisor, be received for information.

32. City of St. Catharines Re Women in Local Government

Committee of the Whole recommends:

That the resolution received from the City of St. Catharines Re: Women in Local Government, be received for information.

33. City of St. Catharines Re: Gillian's Place and National Day of Action on Violence Against Women

Committee of the Whole recommends:

That the correspondence received from the City of St. Catharines Re: Gillian's Place and National Day of Action on Violence Against Women, be received for information.

34. Township of Wainfleet Re: Federal Changes to the Municipal Councillor Taxation on Income – Request for Support

Committee of the Whole recommends:

That the resolution received from the Township of Wainfleet Re: Federal Changes to the Municipal Councillor Taxation on Income, be supported.

35. Town of Pelham Re: Town of Pelham's Response to Regional Audit Committee Resolution

Committee of the Whole recommends:

That the resolution received from the Town of Pelham Re: Town of Pelham's response to Regional Audit Committee resolution, be received for information.

36. Town of Pelham in support of City of Port Colborne's Resolution regarding The Region of Niagara Audit Committee recommendation respecting the Town of Pelham

Committee of the Whole recommends:

That the correspondence received from the Town of Pelham regarding the position of the City of Port Colborne regarding the Region of Niagara Audit Committee recommendation respecting the Town of Pelham, be received for information.

37. Township of Wainfleet in support of the City of Port Colborne's Resolution regarding the Region to Continue to Financially Support Community Improvement Program

Committee of the Whole recommends:

That the resolution received from the Township of Wainfleet in support of the City of Port Colborne's resolution regarding the Region to Continue to Financially Support Community Improvement Plan, be received for information.

CARRIED.

9. Presentations:

(a) Recognition of Joanne Ferraccioli for her accomplishments as Health Services Coordinator

Mayor Maloney and Councillor Kenny presented Joanne Ferraccioli with flowers and a certificate of appreciation and wished her well in her future endeavours. A copy of the presentation is attached.

10. Delegations:

(a) Dave and Anne-Marie Lallouet requesting reimbursement of a Minor Variance Application Fee regarding 59R-15865 Lot Lakeshore Road, West (Page No. 17)

Dave Lallouet summarized the information that he provided with respect to his request. A copy of the information is attached.

Moved by Councillor B. Kenny
Seconded by Councillor J. Mayne

That the provisions of By-law 6473/40/17 Being a By-law to Establish Fees for Various Planning and Development Services/Applications be waived and the fee in the amount of \$1,150 for a Minor Variance Application regarding 59R-15865 Lot Lakeshore Road, West, be rescinded.
CARRIED.

(b) Ray Khanna, Kingsway Investments and Aldo Martino of Jaamss Investment Corporation appealing the Fire and Emergency Services Department Inspection Fees charged regarding 224 Mitchell Street, Port Colborne (Page No. 35)

Aldo Martino summarized the information that was provided with respect to the request. A copy of the information is attached.

Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

That the Fire Chief be directed to negotiate a settlement amount with the owner of 224 Mitchell Street with respect to the \$44,927.46 invoiced under By-law 6291/117/15 Being a By-law to Establish Fees for Certain Services Provided by Port Colborne Fire and Emergency Services.
CARRIED.

11. Mayor's Report:

A copy of the Mayor's Report is attached.

12. Regional Councillor's Report:

Regional Councillor Barrick advised that the Police Services Budget will increase by 4.5 percent. Regional Councillor Barrick further advised that at the last meeting of Regional Council, a motion was endorsed as part of the St. Lawrence Great Lakes Cities Initiatives to decrease the amount of phosphorus in Lake Erie in effort to deal with the algae blooms.

13. Councillors' Items:**(a) By-law Complaints versus Proactive Enforcement (Mayne)**

Councillor Mayne enquired about waiting for a complaint versus proactive enforcement of infractions that are obvious such as the plastic bags in the crab apple trees on King Street between Charlotte and Clarence Streets that have been there since before Canal Days. The Director of Engineering and Operations advised that he would enquire with road patrol about the issue.

(b) Winter Patrol Procedures (Mayne)

Councillor Mayne enquired with respect to the effectiveness of the new ticket, tag/tow procedure for the enforcement of on-street parking infractions and the number of purple tags and fines issued. The Director of Engineering and Operations advised that he would schedule a meeting of the Winter Operations Review Committee to review operations and that he would provide to him the number of purple tags and fines issued.

(c) Winter Patrol Procedures (Doucet)

In response to an enquiry from Councillor Doucet, the Director of Engineering and Operations advised that he, supervisors and the By-law Division are working on the logistics of Operations staff assisting with the enforcement of on-street parking infractions during winter patrol.

(d) Pleasant Beach Road Waste Collection and Parking (Bodner)

As a result of the concerns raised by Councillor Bodner, the following motion was put forth:

Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

That the Director of Engineering and Operations and the Director of Planning and Development be directed to review and prepare a report with respect to Pleasant Beach Road and the installation of a roof on the waste collection enclosure, parking, deputizing citizens to issue parking tickets and installation of security cameras.

CARRIED.

(e) Pleasant Beach Road Snow Removal (Bodner)

In response to an enquiry from Councillor Bodner with respect to the turn-around area for snow removal, the Director of Engineering and Operations advised that he would discuss with the City's grader operator.

(f) Directional Signage to Centennial Cedar Bay Beach, Nickel Beach (Bodner)

The Director of Engineering and Operations advised that the signage directing users of Pleasant Beach to other beaches is still being drafted and Councillor Bodner advised that he would like to see the draft.

(g) Centennial Cedar Bay Park (Bodner)

Councillor Bodner enquired about the parking lot and increasing accessibility and appeal of Centennial Cedar Bay Park. The Director of Community and Economic Development advised that the department is identifying issues, will reach out to Councillors for comments and report back with respect to the beach during Budget 2018.

(h) Rural Snow Plow Contractor (Bodner)

Councillor Bodner enquired about the plow for the rural area that does not have a wing on the truck. The Director of Engineering and Operations advised that the contractor installed a wing on the truck for use in the next snow incident.

(i) 2018 Budget (Doucet)

In response to Councillor Doucet's enquiry, the Director of Corporate Services advised that presentation of the 2018 Budget is expected for mid-February.

Staff Responses to Previous Councillor Enquiries:**(a) Fire Safety Messaging (Cartwright)**

The Fire Chief provided a summary of the Fire Safety Program advising that no level of government other than municipal has assisted. The Fire Chief informed that the Fire and Emergency Services Department has written letters to the Premier, the Minister of Community and Correctional Services, Federal MPs and Provincial MPPs and the Opposition Leaders with respect to fire safety messaging. The Fire Chief further informed that eight house fires have occurred in 2018 and noted that last week a smoke alarm installed by the Port Colborne Fire and Emergency Service Department in October 2017 saved the lives of a family.

14. Consideration of Items Requiring Separate Discussion:**1. Chief Administrative Officer, Report No. 2018-12, Subject: Unattached Patient List**

Moved by Councillor B. Kenny
Seconded by Councillor J. Mayne

That staff be directed to transition the patients on the unattached patient list to Health Care Connect and cease maintaining a list of unattached patients.

WITHDRAWN.

Moved by Councillor B. Kenny
Seconded by Councillor J. Mayne

That the Director of Community and Economic Development be directed to contact the people on the City's list of unattached patients to verify the need for a Family Physician in order to assist the process of transitioning the unattached patient list to Health Care Connect.

CARRIED.

3. Planning and Development Department, Planning Division, Report No. 2018-04, Subject: Stopping Up and Closing of Part of Victoria Street

The Director of Planning and Development provided a presentation with respect to this item. A copy of the presentation is attached.

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

That Planning and Development Department, Planning Division, Report 2018-04 with respect to Stopping Up and Closing of Part of Victoria Street be received for information.

CARRIED.

4. Planning and Development Department, Planning Division, Report No. 2018-05, Subject: Affordability/Financial Hardship and Planning Application Fees

Moved by Councillor B. Kenny
Seconded by Councillor F. Danch

That Planning and Development Department, Planning Division, Report 2018-05 with respect to Affordability/Financial Hardship and Planning Application Fees be received for information.

CARRIED.

5. Engineering and Operations Department, Engineering Division, Report No. 2018-01, Subject: Project No.: 2017-02, Municipal Drain Maintenance 2018

Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

That Project 2017-02, Municipal Drain Maintenance and Cleaning, be awarded to Anthony's Excavating Central Inc., of Wellandport, Ontario, for the total tendered price of \$396,258.90, plus applicable taxes. Staff is directed to utilise the bid items as listed within the awarded Tender Document, in such a manner as to complete all works as may be required.

That a contract by-law, whereby the City enters into a Contract Agreement with the contractor be prepared.

That funding for Project 2017-02 be financed on an interim basis, under GL Accounts 3-560-33226-1510, 3-560-33210-1510, 3-560-33236-1510, 3-560-33217-1510, 3-560-33206-1510, 3-560-33220-1510, 3-560-33221-1510, 3-560-33218-1510 and that staff be authorized to initiate billings back to each Municipal Drain's Watershed at the completion of each Watershed's works and upon receipt of the 1/3 Grant from OMAFRA.

CARRIED.

6. Engineering and Operations, Operations Division, Report No. 2018-03, Subject: Request for Proposal 2017-14: Playground Replacement – Rose Shymansky Memorial Park & Sunset Park

Moved by Councillor J. Mayne
Seconded by Councillor Y. Doucet

That Contract 2017-14, Playground Replacement at Rose Shymansky Memorial Park and Sunset Park be awarded to PlayPower LT Canada

Inc. of Paris, Ontario, for the total tendered price of \$138,563.42; applicable taxes not included; and

That the Director of Engineering and Operations be authorized to issue a purchase order to PlayPower LT Canada Inc.; and

That the appropriate by-law be prepared and submitted for execution by the Mayor and City Clerk.

CARRIED.

7. Engineering and Operations, Engineering Division, Report No. 2018-07, Subject: Request for Installation of a Flashing “Children Crossing” Light on Fielden Avenue Near Franklin

Moved by Councillor F. Danch

Seconded by Councillor B. Kenny

That staff be directed to proceed with the installation of a new Playground Ahead warning sign including a signpost and amber flashing beacon on Fielden Avenue approximately 40 metres north of Franklin Avenue and a new Playground Ahead warning sign including a signpost on Fielden Avenue approximately 90 metres south of the Reservoir Park entrance; and

That the approximate cost of \$3,000 for this work be drawn from the 2018 Operating Budget FL 0-500-74220-3215.

CARRIED.

8. Engineering and Operations, Engineering Division, Report No. 2018-08, Subject: Request for Stop Sign Installation – Knoll Street at Highland Avenue

Moved by Councillor F. Danch

Seconded by Councillor B. Kenny

That staff be directed to proceed with the issuance of a Request for Quotation for vehicle and pedestrian counts including recommendations at the intersection of Knoll and Highland for an approximate cost of \$5,000; and

That the approximate cost of \$5,000 for this work be drawn from the 2018 Budget GL 0-540-74610-3205.

That the approximate cost of \$3,000 for this work be drawn from the 2018 Operating Budget GL 0-500-74220-3215.

Moved in deferral by Councillor F. Danch

Seconded by Councillor B. Kenny

That Engineering and Operations, Engineering Division, Report No. 2018-08, Subject: Request for Stop Sign Installation – Knoll Street at Highland Avenue be deferred to the April 23, 2018 regular meeting of Council and that the Chief Administrative Officer be directed to contact the Niagara Regional Police to monitor the intersection of Knoll Street at Highland Avenue.

CARRIED.

22. Memorandum from Vance Badawey, Member of Parliament, Niagara Centre Re: Smart Cities Challenge

Moved by Councillor J. Mayne
Seconded by Councillor B. Kenny

That the memorandum received from Vance Badawey, Member of Parliament, Niagara Centre Re: Smart Cities Challenge be referred to the 2018 Strategic Planning Session.

CARRIED.

24. Sherkston Shores – 490 Empire Road, Port Colborne Re: Request to Hold Weekly Fireworks Display Events for 2018

Moved by Councillor J. Mayne
Seconded by Councillor B. Kenny

That pursuant to section 6.1.1 of By-law 4989/45/07, the Council of The Corporation of the City of Port Colborne authorize Sherkston Shores to hold display fireworks events on the following dates:

- Saturday, June 16th, 2018
- Saturday, June 23rd, 2018
- Saturday, June 30th, 2018
- Saturday, July 7th, 2018
- Saturday, July 14th, 2018
- Saturday, July, 21st, 2018
- Saturday, July 28th, 2018
- Saturday, August 4th, 2018
- Saturday, August 11th, 2018
- Saturday, August 18th, 2018
- Saturday, August 25th, 2018
- Saturday, September 1st, 2018

That such approval be conditional on the issuance of a permit by the Fire Chief, in compliance with By-law 4989/45/07 and payment of the applicable fees;

That the following information be submitted to the Port Colborne Fire and Emergency Services Department for review a minimum of two weeks prior to the holding of the first event:

- A fireworks site plan but not limited to, separation distances to the public and vulnerable areas, location from where the fireworks are being fired, fallout zone, and direction of firing.
- Information concerning the floating platform from which the fireworks are to be fired, including the platform size.
- Event description information is required including description of fireworks, type, size and quantity.
 - firing procedures, manual or electric
 - emergency procedures
 - traffic control plans
- A copy of the Fireworks Operator Certificate with Endorsements.

That Sherkston Shores be advised that as the Authority Having Jurisdiction, the Port Colborne Fire and Emergency Services Department will conduct spot site inspections and may revoke approval for any violation of the *Ontario Fire Code* or the *Explosives Act* prior to or during any one of the scheduled events.

CARRIED.

29. Town of Fort Erie Re: Niagara Parks Commission's Proposed Expansion and Enhancement – Marina and Resort Development at Miller's Creek

Moved by Councillor R. Bodner
Seconded by Councillor J. Mayne

That the resolution received from the Town of Fort Erie Re: Niagara Parks Commission's Proposed Expansion and Enhancement – Marina and Resort Development at Miller's Creek, be received for information.

The following was accepted as a friendly amendment:

That the main motion be amended by striking out "be received for information" and replacing it with "be supported."

The vote was then called on the main motion, as amended, as follows:

That the resolution received from the Town of Fort Erie Re: Niagara Parks Commission's Proposed Expansion and Enhancement – Marina and Resort Development at Miller's Creek, be supported.

CARRIED.

15. Notice of Motion:

Nil.

16. Adjournment:

Moved by Councillor F. Danch
Seconded by Councillor Y. Doucet

That the Committee of the Whole meeting be adjourned at approximately 9:10 p.m.
CARRIED.

CM/

SPEAKING NOTES
JOANNE FERRACCIOLI
JANUARY 22, 2018 COUNCIL MEETING

Ladies and gentlemen, this evening we would like to say thank you to one of our employees, who is leaving us to pursue new ventures in Niagara.

Joanne, can you please come up.

Joanne Ferraccioli has been working with the City of Port Colborne for the past 9 1/2 years as our Health Services Coordinator.

Joanne has worked tirelessly with our local physicians, listening to their needs and the needs of their patients to bring health services to our community.

Joanne has been recognized with the Larkin Award by the Rural Ontario Medical Program for the caliber of training opportunities and outside activities she has worked to provide to medical learners through our annual Rural Medicine Week, pre-clerkship and clerkship programs.

Students from this program often return to Port Colborne later in their clinical placements because of what they experienced during their first year.

Joanne has worked with the DeGroot School of Medicine through McMaster University bringing more medical learners to Port Colborne with our local preceptors.

These positive experiences for medical students are the foundation for showing them why family medicine, especially in small communities, is so important.

Joanne was also awarded the Community Service Award by the Ontario Medical Association for her significant contribution to the health and welfare of the citizens of Port Colborne. She was also awarded the Diamond Jubilee Medal after being nominated by Dr. Jeff Remington.

Joanne is leaving us to work with the Niagara Health System, Walker Family Cancer Centre, again, working to create a positive experience for Niagara patients.

Joanne, thank you and I would like to present these flowers as a token of appreciation.

Would you like to say a few words?



**Mayor's Report to the
January 22, 2018 Council Meeting**

Team Canada's National Sledge Hockey Team will be making the Vale Health & Wellness Centre their home February 5-9, 2018 for a week long Development Camp. On Saturday, February 10, 2018 at 3:00 pm Team Canada will be taking on Team USA in an Exhibition Game, all in preparation for the PyeongChang 2018 Paralympics. Admission to the exhibition game is free and everyone is encouraged to come out, watch, and cheer on Team Canada!

This Exhibition Game also falls on SportsFest Weekend, happening February 9-11, across the City. Registration is now open for a variety of events, including Sno Pitch, Snow Golf, Volleyball, Music Trivia, Soup Cook Off and more. FREE events will also be occurring all weekend for you and your families to PORTicipate, including Swimming, Skating, Lacrosse & Ball Hockey. I would also encourage you to cheer on our Port Colborne Hockey Team as they compete in the Mayor's Cup Invitational Hockey Tournament.

At our last Committee of the Whole meeting, the resolution was considered from the Region of Niagara's Audit Committee in effect censuring the finances of the Town of Pelham. Some of our Council members took umbrage at the matter and not only did not receive the resolution, but sent it back to the Region expressing opposition and in doing so, some Councillors used very strong language, in fact inflammatory comments. In turn, Mr. Barrick, our City's Regional Councillor responded with equally strong inflammatory comments. In the heat of debate strong rhetoric is sometimes used. I feel it is time to acknowledge that there may be differences of opinion but we can express these with less antagonistic verbiage. We don't wish to see our Council meetings recorded like some other municipalities do.

Fw: Lakeshore Road West property

Carrie McIntosh to: [REDACTED]
Cc: Evan Acs, Brenda Heidebrecht

12/14/2017 09:03 AM

Hi Dave,

I will consider this your formal request. Your correspondence has been added to the agenda package being compiled for January 22, 2018 and your name is on the list of delegations.

Carrie McIntosh
Deputy Clerk

*Working smoke and carbon monoxide alarms save lives.
Plan your escape!*

City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8
Telephone: 905-835-2900 x. 308
Fax: 905-835-2969
Email: carriemcintosh@portcolborne.ca

"Serving You to Create an Even Better Community"

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----- Forwarded by Carrie McIntosh/Port_Notes on 2017-12-14 09:02 AM -----

From: Evan Acs/Port_Notes
To: Carrie McIntosh/Port_Notes@Port_Notes
Cc: [REDACTED]
Date: 2017-12-14 08:52 AM
Subject: Fw: Lakeshore Road West property

Carrie,

See email below from Dave (copied on this message).

Regards,

Evan

----- Forwarded by Evan Acs/Port_Notes on 12/14/2017 08:51 AM -----

From: [REDACTED]
To: "planner@portcolborne.ca" <planner@portcolborne.ca>
Date: 12/13/2017 04:41 PM
Subject: Re: Lakeshore Road West property

Evan,

Thanks for contacting Carrie for me. I did indeed speak to her and dropped off my letter. I explained the situation to her and went over the letter with her so she understood what it was all about. She did advise me that this would be on the agenda for January 22nd. She also said I could speak on the matter and I said I would be glad to clarify anything if council had any questions. I know in the past I had to make a formal request to speak during a council meeting will this be necessary this time as well?

If you rather I email Carrie with this question I gladly will if you can forward her email.

Thanks again for all of your help

Dave

From: planner@portcolborne.ca <planner@portcolborne.ca>

Sent: December 13, 2017 4:35 PM

To: Outlook Administrator

Subject: Re: Lakeshore Road West property

Dave,

I understand that Carrie McIntosh called you today to discuss this. I trust this is all taken care of.

Attached is the Notice of Decision from last night's meeting. After the 20-day appeal period your minor varaince will be deemed final and binding and a building permit can be issued. In the meantime, you can apply for a building permit. Because no-one spoke at the meeting last night the chance of any appeal being filed is very very slim.

Regards,

Evan Acs, MA, MSc

Planner

Planning & Development Department

City of Port Colborne

66 Charlotte Street

Port Colborne ON L3K 3C8

Office: 905-835-2900 ext. 502

Fax: 905-835-2939

Working smoke and carbon monoxide alarms save lives.

(See attached file: A32-17-PC NOD.pdf)

[REDACTED]
To: "planner@portcolborne.ca" <planner@portcolborne.ca>

Date: 12/13/2017 07:53 AM

Subject: Lakeshore Road West property

Evan,

Just wondering if you had a chance to brief Ashley about the situation with my property? I have the letter and copies for each councillor ready to be submitted but just wanted to make sure that you had briefed her on what was going on so that she wasn't blind sided.

Dave

To: City of Port Colborne Council

From: Dave & Anne-Marie Lallouet

Date: Nov 27, 2017

Re: 59R-15865 Lot Lakeshore Rd W

We, Dave and Anne-Marie Lallouet, are requesting a reimbursement of a Minor Variance fee in the amount of \$1,150 that we submitted with our application on Nov 15, 2017.

We were not fully informed of the restrictions surrounding the RD zoning of lot 59R-15865 on Lakeshore Rd West that we purchased in August 2017 after an 8 month process.

When we were thinking about purchasing the lot in January 2017, Dave went to the City of Port Colborne Planning Department in order to alleviate any possible concerns about building a home on the property since it was not yet severed. Mr. Dan Aquilina was kind enough to explain the process of the severance application that would be initiated by the seller. The NPCA involvement was also explained to Dave and Mr. Aquilina followed up with an e-mail (see Att 1). Unfortunately, the RD zoning restrictions attachment was not received by us and we were not aware the attachment was missing since there was no mention of it in the email itself.

We were making every attempt to do our due diligence on this purchase. We were much more concerned with the issues surrounding the NPCA. We then made sure our offer (see Att 2) stated that any additional costs for the lot frontage minor variance that was pointed out by Mr. Aquilina and any possible environmental studies required by the NPCA would be incurred by the Seller. If we fully understood the zoning restrictions along with the other frontage minor variance required for severance, we would have written that into our offer as well. The RD zoning restrictions were not brought to our attention by the City, the Seller, the Realtor or the Lawyer up to the time of the final sale.

Even in March 2017, when Dave emailed Mr Aquilina to inquire about the delay in the Seller's severance application, it shows we were clearly unaware of the RD zoning restrictions. We even mentioned the size of the house we were planning to build and our possible concerns (see Att 3).

The final documents we received by The City when the severance was approved also do not outline restrictions associated to the RD zoning (see Att 4). Any restrictions on the RD zoning (ie: maximum 10% lot coverage) should have been outlined at this point. It would be an extremely small single detached dwelling under the current zoning.


The City's conditions that had to be met by the Seller took additional time and the sale was not final until August 2017. Due to these delays we were only able to start our build process in the Fall 2017. We continued to finalize our plans and it wasn't until Nov 6, 2017 (see Att 5) that we were advised of the restrictions on the zoning that conflicted with our plan.

We met with Evan Acs on Nov 10, 2017 in order to start the process of the required minor variance application. He indicated that the zoning restrictions would have been taken care of


within the City wide new zoning bylaw changes and had been expected to be completed in summer 2017. This would have negated our need for a Minor Variance application at this time. The issue is that we are unable to wait for the zoning change to become final due to the NPCA's ability of changing their mind and making the lot unbuildable. They told us there was no guarantee if we waited too long and we would run the risk of losing our permission for development. Once the minor variance is taken care of, we still have to submit our plans to the City and NPCA.

We are requesting the refund as we believe this expense is not ethically ours to incur.

Sincerely,

 dated Nov 29 2017

Dave Lallouet

 dated NOV 29, 2017

Anne-Marie Lallouet

Re: Lakeshore road property

14.1)

Outlook Administrator <d-lall@hotmail.com>

Fri 2017-01-27 4:40 PM

To: danaquilina@portcolborne.ca <danaquilina@portcolborne.ca>;

Dan,

Thanks so much for the quick response. So are you saying that the conservation authority won't be an issue? I have requested that specific language be included in the contract that has been drawn up so that I can build on the lot once it's severed. Speaking of which Mr. Badaway is responsible for all costs for the severance, survey and if a variance is needed he would be responsible for that also as we have agreed on a price that states I must be able to build on the lot when I take possession of the property.

Thanks again

Dave

From: danaquilina@portcolborne.ca <danaquilina@portcolborne.ca>

Sent: January 27, 2017 2:21 PM

To: Outlook Administrator

Subject: Re: Lakeshore road property

Hi Dave,

I should have checked the zoning earlier. The property is presently zoned Residential Development. Looking at the lot frontage requirements, you would also need a minor variance to the lot frontage based on our conversation. A minor variance application can be heard at the same time as the severance. Its normally a \$750 application fee (plus review fees) but when you combine a severance with it, its \$1,550 application (plus review fees). At a preconsultation meeting the agencies will confirm their fees. Just let me know if you would like me to schedule you(or Vance) to a meeting.

Dan Aquilina, MCIP, RPP, CPT

Director of Planning and Development

905-835-2901 Ext. 203

Fax: 905-835-2939

[www.portcolborne.ca]www.portcolborne.ca

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AH.1

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From: [REDACTED]
To: "danaquilina@portcolborne.ca" <danaquilina@portcolborne.ca>
Date: 01/27/2017 01:56 PM
Subject: Lakeshore road property

Dan,

I forgot to ask you what the minimum setback would be from the property line to the closest part of the house? Also thanks again for the insight into the conservation restrictions that may have an affect on the process.

Enjoy the weekend

Thanks

Dave Lallouet



Fw: Lakeshore road property

Dan Aquilina to: Evan Acs, Heather Mahon

11/01/2017 04:21 PM

History:

This message has been forwarded.

Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development
905-835-2901 Ext. 203
Fax: 905-835-2939
www.portcolborne.ca

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----- Forwarded by Dan Aquilina/Port_Notes on 2017-11-01 04:20 PM -----

From: Dan Aquilina/Port_Notes
To: [REDACTED]
Date: 2017-01-27 02:21 PM
Subject: Re: Lakeshore road property

Hi Dave,

I should have checked the zoning earlier. The property is presently zoned Residential Development. Looking at the lot frontage requirements, you would also need a minor variance to the lot frontage based on our conversation. A minor variance application can be heard at the same time as the severance. Its normally a \$750 application fee (plus review fees) but when you combine a severance with it, its \$1,550 application (plus review fees). At a preconsultation meeting the agencies will confirm their fees. Just let me know if you would like me to schedule you(or Vance) to a meeting.



RD ZONE.pdf
Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development
905-835-2901 Ext. 203
Fax: 905-835-2939
www.portcolborne.ca

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Form 124

for use in the Province of Ontario

11-2

BUYER: DAVID LALLOUET & ANNE MARIE LALLOUET

SELLER: [REDACTED]

REAL PROPERTY: PT LT LOT 33 LAKESHORE ROAD, PORT COLBORNE

PORT COLBORNE

In accordance with the terms and conditions of the Agreement of Purchase and Sale dated the 17 day of January 2017, regarding the above property, I/We hereby confirm that I/We have fulfilled the condition(s) which read(s) as follows:

This offer is further conditional upon the Buyer satisfying themselves that the conservation authority will allow the construction of a single family dwelling that is satisfactory to them and if a environment assessment is required the cost will be the responsibility of the Vendor, and a minor variance to the lot frontage that will be required will be the responsibility of the Vendor.

All other terms and conditions in the aforementioned Agreement of Purchase and Sale to remain unchanged.

For the purposes of this Notice of Fulfillment of Condition, "Buyer" includes purchaser, tenant, and lessee, and "Seller" includes vendor, landlord, and lessor, and "Agreement of Purchase and Sale" includes an Agreement to Lease.

DATED at PORT COLBORNE, Ontario, at 7:20 a.m./p.m. this 24 day of MAY 2017

SIGNED, SE [REDACTED] hand and seal:

(Witness)

DATE May 24/17 (Seal)

(Witness)

DATE May 24/17 (Seal)

Receipt acknowledged at 7:30 a.m./p.m. this 24 day of MAY 2017 by:

Print Name: PETER URSACKI

Signature: [REDACTED]

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A41(3)

province. Your surveyor would set the grades of your house and land-you would need to consult with them. Npca comments on severance application and also reviews building permit to ensure your far enough away from the wetland.

Sent from my iPhone

[REDACTED] 9:53 PM, Outlook Administrator <d-
[REDACTED] wrote:

Dan,

Thanks for letting me know the severance hasn't been applied for. I was told by the realtor that he was going to have a meeting with Mr. Badaway about the application tomorrow. I have a question about the severance and building permit. Does Mr. Badaway have to have a grading survey done on the property to sever it? Also will I have to have a grading survey done to obtain a building permit? Seeing as the homes adjacent to mine will be at least 50 feet from mine I don't believe there will be an issue with water run off. I'm just wondering as I want to know how far out of the ground my foundation can be? As this affects what my end plan will be for the home. Will the NPCA need to sign off as to offsets allowed from their property in order to have the property severed or a building permit issued? If so who is responsible for getting this? I'm planning on a home around 1800 sqft. and don't want to end up with a piece of property with offsets that won't suit what I want to build.

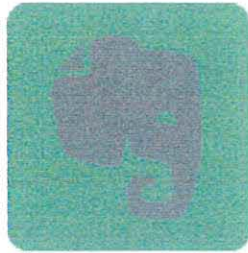
Any info would be greatly appreciated.

Thanks

Dave

Re: Lakeshore Road Property

danaquilina@portcolborne.ca



Reply

Wed 03-08, 7:36 AM

Dave,
No, a grading plan is a building permit requirement. Grading plan needs to be done by a surveyor or engineer. Npca doesn't own any property, they just regulate the wetland on behalf of the



PLANNING AND DEVELOPMENT DEPARTMENT
Planning Division

111(4)

April 6, 2017

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: **Application for Consent B06-17-PC**
Lakeshore Road West
George Badawey

Planning Staff has reviewed the referenced application and offer the following comments for your hearing on Tuesday April 11, 2017.

PURPOSE

IN THE MATTER OF AN APPLICATION by the agent George Badawey for the owners Claudette and George Badawey, for consent under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter P. 13, so as to permit the conveyance of a parcel of land (Part 1) having a lot frontage of 20.11m (65.97ft) on Lakeshore Road West for a total lot area of 858.1m² (9236.81ft²) for a proposed residential use and to retain a parcel of land (Part 2) having a total lot frontage of 122.03m (400.36ft) on Lakeshore Road West for a total lot area of 4.952ha (12.23ac) for an existing residential use.

PUBLIC COMMENTS

Notice of this application was circulated on March 28, 2017 to all properties within 60 metres and a sign was provided to the applicant to post along the frontage of the subject property. No correspondence from the public has been received as of the date of writing of this report.

AGENCY COMMENTS

Notice of this application was circulated on March 28, 2017 to required City Departments and agencies. No correspondence has been received as the date of writing of this report.

PLANNING DIVISION COMMENTS

111(9)

The application proposes to create a building lot for a future residential use. The property is surrounded by single detached dwellings to the east, south and west. The property is shown on the aerial image below.



City of Port Colborne Official Plan

Schedule "A": City Wide Land Use to the City of Port Colborne Official Plan designates the property as **Urban Residential** and **Environmental Protection Area**. Land uses in the Urban Residential designation include residential, neighbourhood commercial and community facilities and institutional uses.

Consents to sever in areas designated Urban Residential must meet the following conditions:

- a) A survey sketch prepared by a registered Ontario Land Surveyor is required.
- b) Lots created through land severance shall have frontage on a public road.
- c) Land severances on private roads are discouraged, except as provided for in the zoning by-law or except on private roads in a registered Plan of Subdivision.
- d) Notwithstanding Policies 3.2.4 (b) and 3.2.4 (c), land severances for technical reasons will be permitted as a boundary adjustment:
 - i. Where a part of a property is being deeded to an adjacent landowner;
 - ii. For easements;
 - iii. For rights-of-way; or The City of Port Colborne Official Plan
 - iv. For any other purpose that does not create a separate lot.

111 (17)

- e) Development of more than three (3) new lots will require a Plan of Subdivision.
- f) Conditions may be imposed on the approval of land severances including but not limited to; execution of a development agreement, payment of development charges, parkland dedication, road widening, provision of water/wastewater servicing, Minimum Distance Separation requirements and/or the requirements of a commenting agency addressing a legitimate concern.

Residential uses are supported in the Urban Residential designation and both lots will have frontage on a public road.

Lands designated **Environmental Protection Area** are those classified as Provincially Significant Wetlands, Provincially Significant Areas of Natural and Scientific Interest, the Significant Habitat of Threatened and Endangered Species and Natural Hazard Areas. The Environmental Protection Area designation recognizes the location of a Provincially Significant Wetland on the northern portion of Part 2. Part 1 is not designated Environmental Protection Area.

City of Port Colborne Zoning By-law 1150/97/81, as amended

The subject property is zoned **Residential Development (RD)** and **Environmental Protection (EP)**. The RD zone permits one single detached dwelling on one lot, uses, buildings and structures accessory to the foregoing permitted use. Uses permitted in the "EP" zone are:

- (a) Agricultural uses, and buildings and structures accessory thereto saving and excepting human habitation.
- (b) Dwellings existing at the date of the passing of this By-law and enlargement thereof and uses, buildings and structures accessory thereto.
- (c) Parks, playgrounds, tennis courts, lawn bowling greens, outdoor natural rinks, athletic fields, golf courses, picnic areas and boat launching ramps, boat houses and docking facilities, together with necessary accessory structures, saving and excepting human habitation.
- (d) Control structures to prevent flooding and/or erosion by water or wind.

The EP zone is limited to a portion of Part 2 and Part 2 is completely within the RD zone.

Part 2 contains an existing single detached dwelling. Part 1 is intended for one single detached and accessory structures, which are permitted uses in the RD zone. Upon review of the application, Planning staff note that the proposed lot does not meet the frontage requirements (30 metres) in the RD zone. Therefore, Planning staff have included the approval of a minor variance for the reduced lot frontage as a condition of the severance.

Discussion

The proposed lot fabric is consistent with the lot fabric in the immediate neighbourhood and the lot can be considered an infill lot.

Planning staff note that a portion of the driveway for 279 Lakeshore Road West is located on Part 1. Planning staff recommend that the driveway be removed from the property as a condition of the severance to remove the existing encroachment or that the applicant obtain approval for an easement.

AH (4)

No negative impacts are anticipated as a result of the severance provided the suggested conditions are required.

RECOMMENDATION

Given the information above, Planning Staff recommend application B06-17-PC be **GRANTED** subject to the following conditions:

1. That the applicant obtain approval of a minor variance for a lot frontage of 20.11 metres on Part 1.
2. That the existing driveway encroachment be removed from Part 1 or an easement be obtained.
3. That a Lot Grading Plan be prepared and submitted to the satisfaction of the City's Drainage Superintendent.
4. 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.
5. 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.
6. That a final certification fee of \$200 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.

For the Following Reasons:

1. The application conforms to the policies of the City of Port Colborne Official Plan and will also comply with the provisions of Zoning By-law 1150/97/81, as amended provided the variance for lot frontage is approved
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.

Prepared by:



Shannon Larocque, MCIP, RPP
Planner, Planning & Development

Approved and Submitted by:



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

Application B06-17-PC

April 13, 2017

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 Lots 1 & 2 Concession 1 in the City of Port Colborne Regional Municipality of Niagara; municipally known as 283 Lakeshore Road West.

AND IN THE MATTER OF AN APPLICATION by the agent George Badawey for the owners Claudette and George Badawey, for consent under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter P. 13, so as to permit the conveyance of a parcel of land (Part 1) having a lot frontage of 20.11m (65.97ft) on Lakeshore Road West for a total lot area of 858.1m² (9236.81ft²) for a proposed residential use and to retain a parcel of land (Part 2) having a total lot frontage of 122.03m (400.36ft) on Lakeshore Road West for a total lot area of 4.952ha (12.23ac) for an existing residential use.

That application B06-17-PC be granted subject to the following conditions:

1. That the applicant obtain approval of a minor variance for a lot frontage of 20.11 metres on Part 1.
2. That the existing driveway encroachment be removed from Part 1 or an easement be obtained.
3. That a Lot Grading Plan be prepared and submitted to the satisfaction of the City's Drainage Superintendent.
4. 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.
5. 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.
6. That a final certification fee of \$200 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.

FINAL AND BINDING
H. Madon
SECRETARY-TREASURER

For the Following Reasons:

1. The application conforms to the policies of the City of Port Colborne Official Plan and will also comply with the provisions of Zoning By-law 1150/97/81, as amended provided the variance for lot frontage is approved
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.

CERTIFIED A TRUE COPY
H. Madon
SECRETARY-TREASURER

DATED AT PORT COLBORNE this 11th day of April, 2017.

DECISIONS SIGNED:

_____ Signature of Member of Committee	"Dan O'Hara" _____ Signature of Member of Committee	"Bea Kenny" _____ Signature of Member of Committee	"John Mayne" _____ Signature of Member of Committee	"Yvon Doucet" _____ Signature of Member of Committee
---	---	--	---	--

A44(5)



CITY OF PORT COLBORNE

Municipal Offices
66 Charlotte Street
Port Colborne, ON L3K 3C8
www.portcolborne.ca

MAYOR'S OFFICE

November 6, 2017



Dear Mr. Lallouët: *Lallouët*

I am trying to wrap my head around the current restrictions impacting the residential development of your property.

I am advised that at the February 9, 2017 pre-consultation meeting and upon the submission of Mr. Badawey's Consent and Minor Variance applications to address the proposed deficient lot frontage, you were informed that the Zoning By-law presently zones the property as Residential Development (RD), which permits the use of a single detached dwelling. However, as with every zone, the RD zone has provisions that regulate lot size, frontage, lot coverage and specific yard setbacks from the dwelling to the property lines. I understand you were provided a copy of the RD zone provisions.

The reduction of the lot frontage to a minimum of 20.11 metres was addressed in the Minor Variance Application of the Badawey's. However, side yard setbacks and lot coverage were not. In the RD zone the minimum side yard setbacks are 5 metres and the maximum lot coverage allowed is 10%. Under this zone, it would only allow a building width of 10.11 metres and lot coverage of 85.79 metres (your property is 20.11 metres X 42.66 metres X 10%). This would result in a small home, which I am not sure is your intent.

As an alternative, Planning staff has proposed to change the subject property from an RD zone to a First Density Residential zone in the City's new Zoning By-law that would reduce side yard setback distance to 1.5 metres and increase lot coverage allowance to a maximum of 40% (see attached excerpts).

The new Zoning By-law was proposed at a Public Meeting before Council this summer and staff are addressing all public and agency comments that were made before this returns to Council for consideration. Staff's intent is to do this before year's end but we may have to be aware of appeals to sections of the By-law that would hold up final enactment of the entire Zoning By-law.

In your recent email you state "as for when I'm going to build, as soon as I can get the plans approved by the City and the Conservation." To date the city has not received any building plans to approve.

AH (5)

November 6, 2017
Dave Lallouet
Lakeshore Road Property

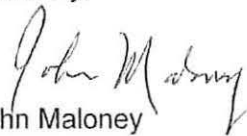
If you wish to proceed with building a dwelling that does not currently meet the requirements of the RD Zone, you have the option of applying for a Minor Variance to address any non-compliant provisions or wait until the new Zoning By-law is approved and no appeals have been made and meet the provisions of the new First Density Residential zone. This latter direction could take some time but would avoid further applications for variance.

You also stated that "you can't proceed with my plans without the drainage plan as my architect is waiting for this so he can proceed and the City is holding this up." A drainage plan was submitted to us by Lanthier & Gilmore Surveying Ltd. dated May 10, 2017 showing an approximate building envelope and this drainage plan (not the building envelope) was approved on June 18, 2017 (copy attached). I'm not sure what further document your architect requires.

On another note, I am advised that Mrs. Mahon did not state that the property was not zoned as a residential building lot. Under the current by-law, the property is in an RD zone which permits residential development provided it meets the zoning requirements. RD zoning is generally used on larger parcels of land.

Finally, I would recommend that you meet with one of the City's Planners to address any further concerns you have.

Sincerely,



John Maloney
Mayor

**224 MITCHELL STREET
PORT COLBORNE**

Fire Department to inspect door

6:00a.m., Noon, 6:00p.m. and midnight

Cost: \$459.45 per day for 74 days totals \$33,999.30



Fire Department Invoices

Inspections Fees:	\$33,999.30
Other charges – hard cost & inspection:	\$10,928.16
Total Charges/invoices- added to property taxes	\$44,927.46



Do Not Enter

By Authority of Port Colborne Fire &
Emergency Services

Entry can be obtained by contacting
Administration at 905-834-4012
Monday - Friday 9:00 am to 4:00 pm

RE: 224 MITCHELL, PORT COLBORNE

MR. MAYOR AND COUNCIL MEMBERS:

MY NAME IS ALDO MARTINO OF JAAMSS INVESTMENT

CORPORATION.

I AM THE MORTGAGEE IN POSSESSION OF 224 MITCHELL STREET

IN PORT COLBORNE ONTARIO.

BEFORE EXPIRY OF THE POWER OF SALE ON 224 MITCHELL

STREET WE INSPECTED THE PROPERTY.

DURING THIS INSPECTON WE FOUND THAT THE SECOND FLOOR

MAIN DOOR WAS BOARDED UP BY THE FIRE DEPARTMENT AS IT

WAS DEEMED THAT THE SECOND FLOOR WAS UNSAFE FOR

RESIDENTIAL USE PENDING REPAIR TO BRING IT TO CODE.

OUR AUTHORIZING AGENT MET WITH THE FIRE DPEARTMENT AND

WE TOOK POSSESSION OF THE SECOND FLOOR. AT THAT TIME,

WE FOUND, TO OUR SURPRISE, THAT THERE WAS AN

OUTSTANDING INVOICE PAYABLE

TO THE FIRE DEPARTMENT FOR HARD COST AND INSPECTIONS

TOTALLING \$44,927.46

I WILL REFER YOU THE ATTACHED HANDOUT. THE NOTICES

INDICATE THAT THE FIRE DEPARTMENT INSPECTED THIS

PROPERTY FOUR TIMES A DAY AT THE TIMES OF 6:00AM; NOON;

6:00PM; AND MIDNIGHT AT A COST OF \$459.45 PER DAY FOR 74

DAYS TOTALLING \$33,999.30.

WE DO NOT FEEL THERE WAS A NEED FOR THE FIRE DEPARTMENT

TO INSPECT THIS PROPERTY (THE DOOR) FOUR TIMES EACH DAY.

WHILE THERE MAY HAVE BEEN A REQUIREMENT, THE

ASSOCIATED COSTS OF DOING SO WERE SO HIGH THAT EITHER
THE FIRST, SECOND OR THIRD MORTGAGEE SHOULD HAVE BEEN
INFORMED.

WE HAVE COMPLETED ALL REQUIRED REPAIRS TO THE MAIN
LEVEL (VIA CONTRACTING FIRMS) IN ORDER TO RETAIN THESE
RESIDENTS.

WE WILL COVER THE OTHER CHARGES NOTED AS HARD COSTS IN
AMOUNT OF \$10,928.16.

BUT ASK THAT YOU WAIVE THESE EXCESSIVE INSPECTION FEES.

THERE ARE NO FUNDS AVAILABLE TO COVER THIS HIGH
EXPENDITURE.

I WILL NOW DEFER TO ALL OF YOU FOR QUESTIONS.

THANK YOU FOR YOUR TIME.

Proposed Stopping Up & Closing a Portion of Victoria Street



Plan 831, now Garlinda Street,
between Sherwood Forest Lane and
Omer Avenue, being all of PIN 64137-
0107 (LT).



