

City of Port Colborne
Regular Committee of the Whole Meeting 10-19
Minutes

Date: March 25, 2019

Time: 6:38 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
M. Evely, Recording Clerk
A. Grigg, Director of Community & Economic Development
S. Hanson, Manager of By-law Services
A. LaPointe, City Clerk
S. Luey, Chief Administrative Officer
P. Senese, Director of Corporate Services
S. Shypowskyj, Manager of Projects & Design
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. National Anthem:

Those in attendance stood for O Canada.

3. Introduction of Addendum Items:

Nil.

4. Confirmation of Agenda:

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

That the agenda dated March 25, 2019 be confirmed, as circulated or as amended.

CARRIED.

5. Disclosures of Interest:

Councillor Wells declared a pecuniary interest regarding item 1 as it could affect the value of his property. Councillor Wells left the Council Chambers during discussion on Item 1.

6. Adoption of Minutes:

- (a) **Special meeting of Committee of the Whole 02-19, held on January 21, 2019.**
- (b) **Special meeting of Committee of the Whole 03-19, held on January 23, 2019.**
- (c) **Special meeting of Committee of the Whole 05-19, held on February 4, 2019.**
- (d) **Special meeting of Committee of the Whole 08-19, held on March 4, 2019.**
- (e) **Regular meeting of Committee of the Whole 07-19, held on March 11, 2019.**

Moved by Councillor M. Bagu
Seconded by Councillor G. Bruno

- (a) That the minutes of the special meeting of Committee of the Whole 02-19, held on January 21, 2019, be approved as presented.
- (b) That the minutes of the special meeting of Committee of the Whole 03-19, held on January 23, 2019, be approved as presented.
- (c) That the minutes of the special meeting of Committee of the Whole 05-19, held on February 4, 2019, be approved as presented.
- (d) That the minutes of the special meeting of Committee of the Whole 08-19, held on March 4, 2019, be approved as presented.
- (e) That the minutes of the regular meeting of Committee of the Whole 09-19, held on March 11, 2019, be approved as presented.

CARRIED.

7. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 4, 8, 10, and 13

8. Approval of Items Not Requiring Separate Discussion:

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

That Items 1 to 22 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:

2. Planning and Development Department, Planning Division, Report 2019-35, Subject: Downtown CBD CIP Expansion

Committee of the Whole Recommends:

That staff be directed to process an application to consider the inclusion of 176 Elm Street in the Central Business District Community Improvement Plan.

3. Planning and Development Department, By-law Enforcement Division, Report 2019-40, Subject: 2019-02 By-law Enforcement Services – Refuse/Debris Removal & Property Grass Mowing – 4 year contract

Committee of the Whole Recommends:

That Council award Tender 2019-02 By-law Services - Refuse and Debris Removal & Property Grass Mowing – 4 year contract to Greenside Landscaping & Lawn Service Inc. of Port Colborne, Ontario, for the total tendered price of \$7,185.00 plus applicable taxes.

That this report be approved as presented and the Clerk be authorized to execute the contract Agreement.

5. Memorandum from Peter Senese, Director of Corporate Services Re: 2019 Ontario Municipal Partnership Fund (OMPF) Budget Allocation

Committee of the Whole Recommends:

That Council approve the reduction of the OMPF funding amounting \$47,900 reduce the budgeted allocation to the Downtown CIP from \$100,000 to \$52,100. Any required funding for the difference to the Downtown CIP project to be funded from the Capital Infrastructure Reserve Fund.

**6. Corporate Services Department, Finance Division, Report 2019-36,
Subject: Statement of Remuneration and Expenses 2018**

Committee of the Whole Recommends:

That the Report on Remuneration and Expenses for 2018 be received for information purposes as per Sections 283 and 284 of the Municipal Act, 2001, as amended.

7. Engineering and Operations Department, Engineering Division, Report 2019-39, Subject: Application for Bulk Water Haulage Agreement – Village Enterprises Water Haulage

Committee of the Whole Recommends:

That the Council of the City of Port Colborne authorize entering into a Bulk Water Sales Agreement with:

Village Enterprises Water Haulage
3645 Carver Street
Stevensville, ON L0S 1S0

And that the Mayor and Clerk be authorized to sign the agreement.

9. Engineering and Operations Department, Operations Division, Report 2019-33, Subject: 2018 Sherkston Community Centre Cistern System Annual Drinking Water Quality Report

Committee of the Whole Recommends:

That Council accept report 2019-33, Sherkston Community Centre Annual Drinking Water Quality Report, prepared in accordance with O.Reg. 170/03, for information.

11. Memorandum from Richard Daniel, Manager of Operations Re: Request for Proclamation of April 2019 as Dig Safe Month

Committee of the Whole Recommends:

That the month of April 2019 be proclaimed as "Dig Safe Month" in the City of Port Colborne in accordance with the request received from Richard Daniel, Manager of Operations, City of Port Colborne.

12. Vance Badawey, Member of Parliament, Niagara Centre Re: Update on the Investing in Canada Infrastructure Program

Committee of the Whole Recommends:

That the correspondence received from Vance Badawey, Member of Parliament, Niagara Centre Re: Update on the Investing in Canada Infrastructure program be received for information.

14. Region of Niagara Re: Provincial Review of Regional Government

Committee of the Whole Recommends:

That the letter received from the Region of Niagara regarding a letter from the Local Area Municipal Mayors, dated March 6, 2019 respecting Provincial Review of Regional Government, for consideration by respective Councils, be supported.

15. Region of Niagara Re: Notice of Passing of By-law to Amend By-law 112-2013 Being a By-law to Protect Children and Vulnerable Persons from Exposure to Outdoor Second-Hand Smoke – Triple Majority Requirement – PHD Report 02-2019 – January 8, 2019

Committee of the Whole Recommends:

That Council consent to the update of Regional By-law No. 112-2013 to harmonize with the Smoke Free Ontario Act to include vaping and cannabis, as an interim measure for consistency, with an appropriate sunset clause.

16. Region of Niagara Re: 2019 Budget-Waste Management Services Operating Budget and Requisition (CSD Report 7-2019)

Committee of the Whole Recommends:

That the correspondence received from the Region of Niagara Re: 2019 Budget-Waste Management Services Operating Budget and Requisition, be received for information.

17. Region of Niagara Re: 2019 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition (CSD Report 8-2019 Revised)

Committee of the Whole Recommends:

That the correspondence received from the Region of Niagara Re: 2019 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition (CSD Report 8-2019), be received for information.

18. Region of Niagara Re: Environmental Planning Function Overview (PDS Report 2-2019)

Committee of the Whole Recommends:

That the correspondence received from the Region of Niagara Re: Environmental Planning Function Overview (PDS Report 2-2019), be received for information.

19. Region of Niagara Re: Development Applications Monitoring Report - 2018 Year End (PDS Report 3-2019)

Committee of the Whole Recommends:

That the correspondence received from the Region of Niagara Re: Development Applications Monitoring Report – 2018 Year End, be received for information.

20. Region of Niagara Re: Update on Natural Environment Work Program – New Regional Official Plan (PDS Report 10-2019)

Committee of the Whole Recommends:

That the correspondence received from the Region of Niagara Re: Update on Natural Environment Work Program – New Regional Official Plan, be received for information.

21. Niagara Regional Housing Re: Quarterly Report – October 1 to December 31, 2018

Committee of the Whole Recommends:

That the correspondence received from Niagara Regional Housing Re: Quarterly Report – October 1 to December 31, 2018, be received for information.

22. City of Guelph Re: Maintaining the Voters' List for Municipal Elections

Committee of the Whole Recommends:

That the resolution received from the City of Guelph Re: Maintaining the Voters' List for Municipal Elections, be received for information.

CARRIED.

9. Presentations:

Lori Kleinsmith, Co-Chair (Social Determinants of Health Committee – Everyone Matters), provided a report including considerations for Council in 2019 including a housing strategy, action against poverty, and a living wage policy.

Delegations:

(a) Patty Moss,

Patty Moss spoke regarding the impact of herbicide spraying in ditches and requested the creation of a by-law to keep vegetation alive in ditches and waterways on City owned lands. Sherry Hanson, Manager of By-law Services, and Steve Shypowskyj, Manager of Projects & Design provided details about the City of Port Colborne's Drainage by-law.

10. Mayor's Report:

Mayor Steele informed Council that the Welland Canal has officially opened. He thanked the Fair Trade Committee and other local businesses for their contributions. Mayor Steele met with Member of Parliament Vance Badawey, and members from local and regional government, the chamber of commerce, and local business owners to discuss strong trade corridors. Mayor Steele added that the City of Port Colborne's Spring and Summer Leisure Guide has been released and registration is opened.

11. Regional Councillor's Report:

Regional Councillor Butters informed Council of the Smarter Niagara Incentive Program which includes grants and loans for Local Area Municipalities.

12. Councillors' Items:

(a) Welland Humane Society (Desmarais)

Councillor Desmarais requested the Planning & Development Department contact the Welland Humane Society to request they deliver a presentation to Council regarding enforcement capacities following a recent court ruling.

(b) Governance Review (Desmarais)

Councillor Desmarais reminded Council to complete the governance review survey provided by Member of Provincial Parliament, Sam Oosterhoff.

(c) Property Standards Repeat Offenders (Desmarais)

Councillor Desmarais requested an in camera update of repeat property standard offenders from Sherry Hanson, Manager of By-law.

(d) Strategic Planning (Desmarais)

Councillor Desmarais requested that Council meet with staff to discuss strategic planning. Mayor Steele suggested that Council plan the meeting once budget is approved.

(e) Council Composition Committee (Desmarais)

Councillor Desmarais requested an update from staff and Council regarding the formation of a Council Composition Committee. Mayor Steele suggested discussion should begin once reports have been provided from the Provincial government.

(f) Construction on Main Street (Bruno)

Councillor Bruno informed Council that a resident asked how long haul ramming will occur at the North West corner of Main Street West and West Side Road. He contacted the contractor and informed Council that they are expecting to conclude haul ramming the week of April 8. Haul ramming will then resume in the last two weeks of July in efforts to install piping and gas lines for the proposed gas station.

(g) Ward 2 Meeting (Beauregard)

Councillor Beauregard informed Council that Council Desmarais and himself will be hosting a Ward 2 meeting in the Golden Puck Room at the Vale Health & Wellness Centre on April 27th from 1 to 2 p.m.

(h) Main Street BIA Meeting (Danch)

Councillor Danch notified Council that there will be a Main Street BIA meeting held at City Hall on March 26, 2019 at 7 p.m.

(i) Crosswalk Signal at Clarence Street and Catharine Street (Kalalief)

Councillor Kalalief enquired about adding a traffic stake in the middle of the crosswalk at Clarence Street and Catharine Street, in efforts to draw attention to

potential need to stop. Steve Shypowskyj, Manager of Projects and Design, suggested leaving the crosswalk as designed as it complies with design standards from the Niagara Region.

(j) Downtown BIA Meeting (Kalalieff)

Councillor Kalalieff stated that there will be a Downtown BIA meeting held at the United Steel Workers Hall on March 26, 2019 at 6:30 p.m.

(k) Grading Roads in Ward 4 (Bodner)

Councillor Bodner requested an update from the Engineering and Operations Department regarding grading of roads in Ward 4. He also asked staff for an estimate cost to pave the roads versus annual grading costs. Steve Shypowskyj, Manager of Projects and Design, informed Council that staff will begin grading roads once the frost has melted and agreed to provide estimate costs to pave roads in Ward 4. Councillor Wells requested a schedule displaying which roads are being graded and when, be posted on the City's website.

Staff Responses to Councillor's Enquiries

(a) Wayne Lukacs, 32 Carter Street, Encroachment Application

Sherry Hanson, Manager of By-law Services, informed Council that she met with Mr. Lukacs. Mr. Lukacs has provided an encroachment application and is willing to enter into a licensing agreement. She added that his fence is in a low risk portion of City property and she is willing to approve his application pending Council approval. Council agreed in consensus to move forward with Mr. Lukacs application.

13. Consideration of Items Requiring Separate Discussion:

1. Planning and Development Department, Planning Division, Report 2019-38, Subject: Site Alteration Permit Additional Review – Port Colborne Quarries

David Sisco, IBI Group, and Steve Desrocher, Golder Associates Ltd., representing the Port Colborne Quarries Inc., presented to Council viable options for fill in the Port Colborne Quarry and informed Council of Federal and Provincial regulations applicable to the Quarry.

Dave Henderson presented information regarding filling materials to Council. He opposed the possible hazardous filling options in the Quarry. He also presented recommendations to Council. Mr. Henderson's presentation is attached.

Jack Hellinga presented information regarding filling materials to Council. He proposed amendments to the recommendation in report 2019-38. His presentation is attached.

Moved by Councillor R. Bodner
Seconded by Councillor A. Desmarais

That Council approve a Site Alteration Permit for Port Colborne Quarries for the placement of approved MECP Table 1 clean inert fill in Pit 1 for a 20-year period subject to the following conditions:

- i) That the Ministry of Natural Resources' consent to change the type of rehabilitation program.
- ii) That Port Colborne Quarries follow Golder's Soil Management Plan.
- iii) That Port Colborne Quarries work with applicable agencies to ensure a portion of the ANSI remains exposed and to help create a form of public access for educational purposes.
- iv) That a Site Alteration Permit fee of \$1,420 be submitted to the Department of Planning and Development.
- v) That a \$2500 retainer be submitted by PCQ to cover any costs related to complaints received.
- vi) That any future MECP guideline be in compliance prior to the placement of fill.

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

That consideration of Report 2019-38, Subject: Site Alteration Permit Additional Review – Port Colborne Quarries be referred to the Director of Planning & Development to consider the proposed amendments to the recommendation made by staff.

CARRIED.

4. Corporate Services Department, Finance Division, Report 2019-37, Subject: 2019 Operating/Capital Budget

Moved by Councillor D. Kalalief
Seconded by Councillor H. Wells

That Council hold a Committee of the Whole meeting to further discuss the 2019 budget.

LOST.

Moved by Councillor D. Kalalief
Seconded by Councillor A. Desmarais

That the Corporate Services Department, Finance Division Report 2019-37 be approved; and

That Council confirm and approve, that in compliance with Ontario regulation 284/09, the 2019 budget was developed using the cash basis and has excluded the following accrual expenses: a portion of the amortization expense which amounts to approximately \$1,124,154 and the amount of post-employment benefits expense which amounts to approximately \$247,000.

That the 2019 Budget be approved as presented with the City's net overall levy for 2019 at \$18,167,975 (Operating levy of \$15,970,715 and Capital levy of \$2,197,260).

That the operating expenditures of \$25,025,858 operating revenues/fees/reserves/OMPF funds of \$9,055,143 and capital expenditures of \$5,654,095 with capital revenues from reserves/grants of \$3,456,835 be approved.

That the Storm Sewer budget be approved to be funded through an established flat fee schedule to include an operating/capital budget raising approximately \$740,800 annually to fund operations, the current storm sewer debt and establish a storm sewer capital reserve for future infrastructure.

That the Mayor and City Clerk be authorized to execute the appropriate By-law for the budget estimates for all sums required for the operations for the year 2019.

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

That the Storm Sewer budget be reduced by \$171,000 in the 2019 capital budget.

LOST.

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

That the Corporate Services Department, Finance Division Report 2019-37 be approved; and

That Council confirm and approve, that in compliance with Ontario regulation 284/09, the 2019 budget was developed using the cash basis and has excluded the following accrual expenses: a portion of the amortization expense which amounts to approximately \$1,124,154 and the amount of post-employment benefits expense which amounts to approximately \$247,000.

That the 2019 Budget be approved as presented with the City's net overall levy for 2019 at \$18,167,975 (Operating levy of \$15,970,715 and Capital levy of \$2,197,260).

That the operating expenditures of \$25,025,858 operating revenues/fees/reserves/OMPF funds of \$9,055,143 and capital expenditures of \$5,654,095 with capital revenues from reserves/grants of \$3,456,835 be approved.

That the Storm Sewer budget be approved to be funded through an established flat fee schedule to include an operating/capital budget raising approximately \$740,800 annually to fund operations, the current storm sewer debt and establish a storm sewer capital reserve for future infrastructure.

That the Mayor and City Clerk be authorized to execute the appropriate By-law for the budget estimates for all sums required for the operations for the year 2019.

LOST.

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

That Council's decision on the matter of Corporate Services Department, Finance Division Report 2019-37, made at the March 25, 2019 Committee of the Whole meeting, be reconsidered.

CARRIED.

Council proceeded with consideration of the motion previously considered at the March 25, 2019 Committee of the Whole meeting as follows:

That the Corporate Services Department, Finance Division Report 2019-37 be approved; and

That Council confirm and approve, that in compliance with Ontario regulation 284/09, the 2019 budget was developed using the cash basis and has excluded the following accrual expenses: a portion of the amortization expense which amounts to approximately \$1,124,154 and the amount of post-employment benefits expense which amounts to approximately \$247,000.

That the 2019 Budget be approved as presented with the City's net overall levy for 2019 at \$18,167,975 (Operating levy of \$15,970,715 and Capital levy of \$2,197,260).

That the operating expenditures of \$25,025,858 operating revenues/fees/reserves/OMPF funds of \$9,055,143 and capital expenditures of \$5,654,095 with capital revenues from reserves/grants of \$3,456,835 be approved.

That the Storm Sewer budget be approved to be funded through an established flat fee schedule to include an operating/capital budget raising

approximately \$740,800 annually to fund operations, the current storm sewer debt and establish a storm sewer capital reserve for future infrastructure.

That the Mayor and City Clerk be authorized to execute the appropriate By-law for the budget estimates for all sums required for the operations for the year 2019.

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

That \$30,000 for Firefighters memorial be removed from the 2019 budget.
CARRIED.

Moved in amendment by Councillor H. Wells
Seconded by Councillor D. Kalalief

That \$45,000 for Canal Days be removed by from the 2019 budget.
LOST.

Moved in amendment by Councillor H. Wells
Seconded by Councillor D. Kalalief

That the 2019 budget reserve be increased by \$3000 to include an entrance fee to the Napa Annual Classic Car Show.
LOST.

Moved in amendment by Councillor M. Bagu
Seconded by Councillor D. Kalalief

That \$9,000 for a new entrance sign at the Vale Health & Wellness Centre be removed from the 2019 budget.
CARRIED.

Moved in amendment by Councillor M. Bagu
Seconded by Councillor D. Kalalief

That \$15,000 for waste receptacles at the Marina be removed by the 2019 budget.
LOST.

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

That \$15,000 for generator notification upgrade for City Hall, the City of Port Colborne Fire Hall, and Vale Health & Wellness Centre be removed from the 2019 budget.
LOST.

Moved in amendment by Councillor D. Kalalief
Seconded by Councillor H. Wells

That \$5,000 for electrical installations on West Street be removed from the 2019 budget.
LOST.

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

That the Corporate Services Department, Finance Division Report 2019-37 be approved, as amended with the removal of \$39 000; and

That Council confirm and approve, that in compliance with Ontario regulation 284/09, the 2019 budget was developed using the cash basis and has excluded the following accrual expenses: a portion of the amortization expense which amounts to approximately \$1,124,154 and the amount of post-employment benefits expense which amounts to approximately \$247,000.

That the 2019 Budget be approved as presented with the City's net overall levy for 2019 at \$18,128,975 (Operating levy of \$15,970,715 and Capital levy of \$2,158,260).

That the operating expenditures of \$25,025,858 operating revenues/fees/reserves/OMPF funds of \$9,055,143 and capital expenditures of \$5,615,095 with capital revenues from reserves/grants of \$3,456,835 be approved.

That the Storm Sewer budget be approved to be funded through an established flat fee schedule to include an operating/capital budget raising approximately \$740,800 annually to fund operations, the current storm sewer debt and establish a storm sewer capital reserve for future infrastructure.

That the Mayor and City Clerk be authorized to execute the appropriate By-law for the budget estimates for all sums required for the operations for the year 2019.

CARRIED.

8. Engineering and Operations Department, Operations Division, Report 2019-32, Subject: Port Colborne Distribution System Annual Summary Report

Moved by Councillor E. Beauregard
Seconded by Councillor A. Desmarais

That Council accepts report 2019-32, Port Colborne Distribution System Annual Summary Report, prepared in accordance with O.Reg. 170/03 for information.

CARRIED.

10. Community and Economic Development Department, Parks and Recreation Division, Report 2019-41, Subject: Facilitated Strategic Planning Session Respecting the Canal Days Marine Heritage Festival

Moved by Councillor A. Desmarais
Seconded by Councillor F. Danch

That the Director of Community and Economic Development be directed to coordinate with the City Clerk to schedule a facilitated strategic planning session for City Council (via a special Council meeting) regarding the Canal Days Marine Heritage Festival at the earliest possible date, as outlined in Community & Economic Development, Parks & Recreation Division, Report 2019-41, Subject: Facilitated Strategic Planning Session Respecting the Canal Days Marine Heritage Festival; and

That the Director be authorized to secure the services of MHBC for the purpose of facilitating the above noted strategic planning session, at a cost of \$5,500, excluding taxes, as part of the preparation of the City's Parks and Recreation Master Plan to be funded with surplus funds from the completed Arts and Culture Master Plan which the Director of Corporate Services has advised are available.

CARRIED.

14. Region of Niagara Re: Status of Niagara Region Incentives and Grants Programs

Moved by Councillor G. Bruno
Seconded by Councillor F. Danch

That the correspondence received from Doug Giles, Director of Community & Long Range Planning, Region of Niagara Re: Status of Niagara Region Incentives and Grants Programs, be received for information.

CARRIED.

15. Notice of Motion:

Councillor Frank Danch provided a notice of motion for the April 8, 2019 regular meeting of Council to redelegate the site plan approval process for 399 Killaly Street West.

Councillor Eric Beaugard provided a notice of motion for the April 8, 2019 regular meeting of Council regarding an Informal Residential Care Facility Licensing By-law.

16. Adjournment:

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

That the Committee of the Whole meeting be adjourned at approximately
10:27 p.m.
CARRIED.

AL/me



MAYOR'S REPORT – MARCH 25, 2019

TOP HAT CEREMONY

On Friday, the Welland Canal officially opened and we celebrated with our traditional Top Hat Ceremony. I would like to thank the members of the Fair Trade Committee for providing a great pancake breakfast and to Bremfields, Smokin' Buddha and the Green Apple Café for their contributions. Special thanks to the students from McKay Public School for providing musical entertainment as well as assisting with the breakfast.

Captain Croucher of the Algoma Spirit was our guest of honour being the first downbound vessel. I understand that he received a second Top Hat for being the first vessel to enter Hamilton Harbour. He had a busy weekend.

The Welland Canal is at the forefront of Niagara's transportation infrastructure.

Going forward we want to return Port Colborne to an important location within the Seaway, where marine related businesses can flourish and young adults can look to the marine business to make their living as our forefathers did many years ago.

Through strong partnerships with those in the marine industry we continue to create opportunities for marine related development within the Seaway trade corridor and within our City.

ROUNDTABLE WITH MP VANCE BADAWEY

We recently hosted a roundtable discussion with MP Vance Badawey and members from local and regional government, businesses and chamber of commerce.

Through discussion, we determined we need to move forward to develop strong trade corridors that will benefit businesses in our communities.

All participants are eager to continue the discussion and to move forward with a Niagara Trades Corridor Strategy and the creation of the Port of Niagara.

The City of Port Colborne takes seriously our responsibility to work with the marine industry to enable them to move their goods through the marine system in an efficient and economical manner.

News of our meeting has reached the Chamber of Marine Commerce on-line news and the Great Lakes St. Lawrence Seaway Review magazine.

GREAT LAKE PROFESSIONAL PILOTS ASSOCIATION

I would like to extend my appreciation to Mike Kilpatrick of the Great Lakes Professional Pilots Association for the invitation to attend their annual dinner last Friday.

They have offered their support of our initiatives in creating a Port of Niagara.

NIAGARA PENINSULA CONSERVATION AUTHORITY

As discussed at our last meeting, I spoke with the Acting CAO of the Niagara Peninsula Conservation Authority, Gayle Woods, about timing for replies to applications from the City. Ms. Woods has assured me that she will be implementing changes for all parties in order that we can make informed decisions in a timely manner on all planning applications.

LEISURE GUIDE

Our Spring and Summer Leisure Guide has just been released and registration is open for all programs. Copies were delivered last week in the newspaper and are available at all City facilities.

These programs fill up quickly so don't delay – get out and PORTicipate!

NEW FUNDING

Last week we received notification from the Federal and Provincial Governments that we will be receiving one time funds. The Ontario Ministry of Municipal Affairs and Housing fund is \$711,467 and the Federal Gas Tax Fund is \$586,822.

These funds must be used for new initiatives such as service delivery, infrastructure, sharing partnerships that will help reduce costs to our ratepayers.

I met with senior staff on Friday and asked them to investigate projects that fit with the government's initiatives and bring back a report that we can discuss in order to move forward.

RATIONALE FOR THE DEVELOPMENT OF SOIL AND GROUND WATER STANDARDS FOR USE AT CONTAMINATED SITES IN ONTARIO

April 15, 2011

Prepared by:
Standards Development Branch
Ontario Ministry of the Environment

PIBS 7386e01

Soil Components for Table 2 - Full Depth, Potable Water Scenario													
Fine - Medium Textured Soil	Industrial/Commercial Land Use (ug/g)												
Chemical Parameter	MOE Soil RL	Mass. PQL	Ont. Sol Bkgrd	Plants & Soil Org.	Mammals & Birds	Soil Contact S2 Risk	Soil Contact S3 Risk	Soil Leaching		Indoor Air S-IA	Indoor Air Odour	Outdoor Air	Free Phase Threshold
								S-GW1	S-GW3				
Trichlorobenzene, 1,2,4-	0.05		0.05	30		2200	22000	63	48	16	30000	290	5300
Trichloroethane, 1,1,1-	0.05		0.05	44	39000	440000	1500000	27	12	42	33000	12000	5500
Trichloroethane, 1,1,2-	0.05		0.05	200		19	720	0.73	150	0.11		2.9	5700
Trichloroethylene	0.05		0.05	250	390	85	160	0.76	360	0.61	15000	24	6000
Trichlorofluoromethane	0.05		0.25	40		66000	66000	33	58				6800
Trichlorophenol, 2,4,5-	0.1		0.1	10		470	470	13	30				14000
Trichlorophenol, 2,4,6-	0.1		0.1	10		72	470	2.9	4.2				15000
Uranium	1		2.5	2000	33	300	300						64000
Vanadium	10		86	250	18	160	160						11000
Vinyl Chloride	0.02		0.02	8.5	12	0.79	29	0.25	380	0.25	38000	14	8400
Xylene Mixture	0.05		0.05	210	47000	44000	88000	170	30	140	17000	4900	3400
Zinc	30		290	800	340	47000	47000						24000
Electrical Conductivity (mS/cm)			0.57	1.4									
Chloride	5		210					35000	430				5100
Sodium Adsorption Ratio			2.4	12									
Sodium	50		1300										


S-GW1 IS THE
VALUE MECP
USES TO
DETERMINE WHETHER
THERE ARE RISKS
TO AQUIFERS

NOTE THERE
ARE NO
VALUES FOR
EC AND
SAR IN
THE
S-GW1
COLUMN

3. Aquatic Protection

Chemical Name	Aquatic Protection Value (ug/L)	Basis	Source
Trichlorophenol, 2,4,5-	130	LOEL. 12d reduced growth in rainbow trout.	Neville, 1995 from MADEP 2008.
Trichlorophenol, 2,4,6-	18	LOEL divided by 10. 48h LC50 in medaka, red killifish.	Yoshioka, et al., 1986 from MADEP 2008.
Uranium	33	LOEL. IC25 for reproduction in <i>Ceriodaphnia dubia</i> .	Vizon SciTec Inc., 2004
Vanadium	20	LOEL. 3d-cell division in <i>Chlorella pyrenoidosa</i> .	Meisch and Benzschawell, 1978. LOEL from ECOTOX database.
Vinyl Chloride	35,600	LOEL divided by 10. 48h-LC50 of 356,000 ug/L in golden orfe <i>Leuciscus idus</i> .	Juhnke and Ludemann, 1978. LC50 from ECOTOX database.
Xylene Mixture	330	LOEL divided by 10. 96h-LC50 of 3,300 ug/L in rainbow trout.	Mayer and Eilersieck, 1986. LC50 from ECOTOX database.
Zinc	89	Criterion Continuous Concentration (hardness @ 70 mg/L as CaCO ₃).	Hardness-based equation from USEPA 2008.
Electrical Conductivity (mS/cm)	No Value		
Chloride	180,000	LOEL. 7-d IC50 of 180,000 ug/L for reduced reproduction in <i>Ceriodaphnia dubia</i> .	Degreave et al., 1992 from Cantox Environmental Inc., 2007b
Sodium Adsorption Ratio	No Value		
Sodium	180,000	Substitute chloride value as chloride is less toxic than Na	Mount et al. 1997
APVs in bold indicate value updated from MOE 1996b. ECOTOX database integrates three previously independent databases - AQUIRE, PHYTOX, and TERRETOX (see text for details).			

AQUATIC PROTECTION VALUES ARE INTENDED TO PROTECT SURFACE WATER FROM IMPAIRMENT BY GROUNDWATER

	<i>Subject:</i> Importation of Inert Fill for the Purpose of Rehabilitation	<i>Policy No.:</i> A.R. 6.00.03	<i>New:</i> No
<i>Compiled by – Branch:</i> Lands & Waters	<i>Section:</i> Aggregate & Petroleum Resources	<i>Date Revised:</i> April 14, 2008	

Guiding Principle

Historically, legislation has allowed the practice of importing inert material (e.g. topsoil, overburden) for the purpose of rehabilitation (i.e. to create required slopes), where there was insufficient topsoil/overburden existing on the site. This practice is allowed to continue, provided that the site plan allows its use. In situations where the site plan is silent (i.e. importation activity not specifically addressed), a minor site plan amendment is required to allow the activity to occur.

Policy

The management of inert fill to be brought onto a particular site is governed by Regulation 347 of the *Environmental Protection Act* (EPA), which defines inert as earth or rock fill or waste of a similar nature that contains no putrescible material or soluble or decomposable chemical substance. If the results from a bulk analysis meet the criteria in Table 1 of the Ministry of the Environment's (MOE) "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*", as amended, the material is considered as "inert fill". This material may be used for sloping and/or backfilling purposes provided that the site plan allows its use. However, alternative criteria may be acceptable on a case-by-case basis with prior approval. If the material meets the definition of inert fill, no Certificate of Approval (C of A) is required from the MOE for disposing of the material.

For the purposes of pit/quarry rehabilitation, the soil quality standards for sodium adsorption ratio (SAR) and electrical conductivity (EC) specified in Tables 1, 2, and 3 under Part XV.1 of the EPA are intended to ensure good plant growth. Since plant growth is affected primarily by surface soil, the soil standards document does not include SAR and EC standards for subsurface soil (i.e. Tables 4 and 5 in the soil quality standards). Subsurface soil means soil that is more than 1.5 metres beneath the soil surface. Consequently, there is no need to apply the SAR and EC standards in Table 1, or any other table, for soil that is being deposited as a subsurface soil. The subsurface would be defined based on the final grade after rehabilitation.

Note: In situations where there is an existing condition on a site plan requiring the licensee/permittee to meet Table 1 criteria for imported fill being used for rehabilitation purposes, the licensee/permittee may request that the condition be modified to reflect the above discussion regarding SAR and EC criteria. The condition is to be modified through a minor site plan amendment to add Condition 2 in the Sample Wording for Site Plan Conditions (see below).

In 1990, the regulations under the ARA allowed the importation of material without requiring a site plan amendment where material was insufficient on the site. No further consent from the Ministry of Natural Resources was required. Consequently, many site plans remained silent on the importation of material. In 1997, the regulations were changed; this provision was removed and replaced by site plan standards within the Aggregate Resources of Ontario Provincial

Standards. Specifically, site plans for new applications must provide details regarding rehabilitation including whether inert material will be used to facilitate rehabilitation. For new applications, the operational plan must ensure, where possible, that sufficient materials are available on-site for rehabilitation and address how slopes and final elevations are to be achieved upon completion of extraction activities.

If the site plan does not address the importation of material and the licensee/permittee wishes to bring material on-site, provided that there is insufficient topsoil and/or overburden to create the necessary slopes as defined on the site plan, a minor amendment should be approved to allow this activity. The onus is on the licensee/permittee to demonstrate to MNR that material is lacking on the site to facilitate rehabilitation.

If the site plan has been approved to backfill the entire site or a portion of the site to the original grade, the licensee/permittee has the authority, provided that the material meets Table 1 (with the exceptions for SAR and EC criteria as described above) and proper monitoring or sampling of truck loads or the source occurs. However, alternative criteria may be acceptable on a case-by-case basis with prior approval.

If a licensee/permittee has no prior approval and wishes to backfill the entire site or a portion of the site to the original grade, this change in rehabilitation should be processed as a major site plan amendment (see A.R. 2.03.00 and A.R. 4.04.00). The importation of material to facilitate rehabilitation must be described on the site plan.


Sample Wording for Site Plan Conditions

1. Clean inert fill (e.g. topsoil, overburden) may be imported to facilitate pit/quarry rehabilitation. Only sufficient material to create a 3:1 / 2:1 (horizontal: vertical) grade may be imported. At the request of MNR, the licensee/permittee will conduct random sampling of the imported material to ensure that it meets the Ministry of the Environment's (MOE) criteria under Table 1 of MOE's "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*". Sampling results will be provided to MNR upon request.
2. Notwithstanding Condition 1, where the imported material is not being placed within 1.5 metres of the surface, the criteria under Table 1 for sodium adsorption ratio and electrical conductivity do not have to be met.

OR

3. Clean inert fill may be imported to facilitate the establishment of 3:1 / 2:1 (horizontal: vertical) slopes on the pit/quarry faces. The licensee/permittee must ensure that the material is tested at the source, before it is deposited on-site, to ensure that the material meets the Ministry of the Environment's (MOE) criteria under Table 1 of MOE's Soils, Ground Water and Sediment Standards for use under Part XV.1 of the *Environmental Protection Act*. Sampling results will be provided to MNR upon request.
4. Notwithstanding Condition 1, where the imported material is not being placed within 1.5 metres of the surface, the criteria under Table 1 for sodium adsorption ratio and electrical conductivity do not have to be met.

Proposed Excess Soil Regulatory Package – New Proposed Regulation and Amendments to Existing Regulations

- a) *Excess soil* that is or may be elevated in parameters (e.g. Sodium Absorption Ratio/Electrical Conductivity) that are typically associated with their application for road and sidewalk safety under conditions of snow or ice, may be reused in the following locations,
- i. A location where it is reasonable to expect that the *soils* at that location are or will be affected by the same parameters as a result of application for road and sidewalk safety under conditions of snow or ice,
 - ii. In industrial and commercial areas,
 - iii. Despite the above, not in a location:
 1. Within 120m of a waterbody,
 2. Within 100m from a water well, or 
 3. On agricultural lands being used for or planned to be used for growing crops and pasturing livestock.

Agricultural Lands

- a) The portion of agricultural land being used for, or planned to be used for, growing crops or pasturing livestock, will only be used as a *receiving site for excess soil* if the following criteria are met:
- i. No *excess soil* will be placed on top of existing *topsoil*, unless the *soil* is *topsoil*, and
 - ii. One of the following apply:
 1. The *excess soil* meets Table 1 under the Ministry's Soil, Ground Water and Sediment Standards and, if the area from which the *excess soil* originated was an APEC, the requirements outlined below regarding Soil Originating from an APEC are met, or
 2. The *excess soil* is from a project area that is an agricultural property with no PCAs.

Please note that the Ministry of Agriculture, Food and Rural Affairs (MNRF) has released a fact sheet for farmers who may be receiving soil onto their properties, which is available at:

<http://www.omafra.gov.on.ca/english/engineer/facts/16-055.htm>

Local Background Concentrations

- a) An *excess soil* quality standard is deemed not to have been exceeded if a QP demonstrates, with evidence, that the standard is exceeded in the *excess soil* due to naturally occurring conditions found within the municipality/unorganized territory or an adjacent municipality/unorganized territory.

PCQ Site Alteration Permit

March 25, 2019

Questions March 11th?

1. Is Port Colborne aware "Survey of Municipal Soil By-laws" **NO**
2. Has Port Colborne heard or been in contact with the Ontario Soil Regulation Task Force? **NO**
3. Management of Excess Soil - "A Guide for Best Management Practices by MOECC" **NO**
4. Does Port Colborne have a Fill By-law? **YES**
5. Is Port Colborne's by-law adequate? Does it meet the recommendations of OSRTF. **NO**
6. Is Port Colborne aware of the problems faced by other municipalities with CLEAN FILL DUMP SITES? **NO**
7. Do we have any vulnerable aquifers in Port Colborne? **YES**

Questions March 25th.

Have the following experts reviewed the Site Alteration Application for PCQ and do you have a written formal response:

- MTO (Ministry of Transportation)
- NMRF (Ministry of Natural Resources and Forestry)
- MECP(Ministry of Environment Conservation and Parks)
- NPCA (Niagara Peninsula Conservation Authority)

Is PCQ proposal compliant with:

- Port Colborne Official Plan
- Niagara Regional Policy Statement
- Provincial Policy Statement

POLICY: CORPORATE ACCOUNTABILITY AND TRANSPARENCY

1. Purpose:

The **MUNICIPAL ACT, 2001** (the Act) provides that:

- (a) It is the role of Council "to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality. (The **MUNICIPAL ACT, 2001**, Section 224(d.1)); and
- (b) That municipalities must adopt and maintain a policy with respect to "the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public." (The **MUNICIPAL ACT, 2001**, Section 270(1) para. 5.)

The purpose of this policy is to provide guidance to the delivery of the City's activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the Act to comply with section 270.

Recommendations:

The following 14 items should be in place before the approval of PQC's Site Alteration Application:

1. City's solicitor's statement that the Site Plan Agreement (SPA) between the City of Port Colborne and Port Colborne Quarries (PCQ) is not enforceable. Staff made this claim regarding the solicitor's statement in an early planning report on this matter, but never provided the a copy of the statement.
2. Written acknowledgement from the Ministry of Natural Resources and Forests (MNRF) that the SPA is not a condition of the current licensing #4444 for Pits 2 and 3 and the responsibility for ensuring rehabilitation is the City's through the SPA.
3. MNRF acceptance that the rehabilitation of Pit 1 by placement of inert fill for a final use other than the original prime agricultural use is comparable to rehabilitation as a passive recreational lake and is consistent with the Aggregate Resources Act policies AR 6.00.00. 0.
4. Ministry of Environment Conservation and Parks (MECP) acknowledgement and approval of the fill management plan is required.

5. MECP acknowledgement and approval of the plan to protect and make available the identified Area of Natural and Scientific Interest (ANSI) in the west wall of Pit 1.
6. A ground water management plan and storm water management plan acceptable to and approved by the MECP to ensure protection of the ground water.
7. A fill management plan that ensures every source is sampled prior to shipment and upon receipt for conformance to MECP Table 1 Fill Criteria prior to placement. The current plan allows for the sampling of one truck in every 50 trucks, which means material from sources with less than 50 trucks could be received without being sampled on receipt.
8. Regional acknowledgement that this is consistent with the Regional Policy Statement for agricultural land uses.
9. NPCA acknowledgement that the storm water and ground water management plan is acceptable and consistent with their source and water policies.

10. MTO acknowledgement and acceptance for the anticipated increased vehicle traffic.
11. Formation of a Community Advisory Panel (CAP) and MECP approval of the CAP composition and functionality.
12. The establishing of a Property Value Protection Plan (PVPP) with approval of the first CAP and City's solicitor.
13. PCQ's agreement to withdraw their request for the rezoning and the revoking of by-law 6007/113/13 that is in place to consider zoning Pit 1 for EI-373-H Concrete Product Manufacturing.
14. Amend the Fill By-Law to include reasonable permit fees and financial assurances to protect the municipality in the event of non compliance issues.
 - ie. \$2000.00 Application fee
 - \$20,000.00 Deposit to cover cost of hiring expert reviewers.
 - \$50,000.00 Security line of credit to cover non compliance issues.

THIS ABOUT DUE DILIGENCE

RECOMMENDATION

That Council approve a Site Alteration Permit for Port Colborne Quarries for the placement of approved MECP Table 1 clean inert fill in Pit 1 for a 20-year period subject to the following conditions:

i) That the Ministry of Natural Resources' (and Forestry) consent to change the type of rehabilitation program. **ADD "for Pit 1".**

ii) That Port Colborne Quarries follow Golder Associates' Soil Management Plan **ADD "with the following amendments:**

- a) **That the SAR and EC exemption to MECP Table 1 not be in effect until after an acceptable Groundwater Risk Assessment has confirmed the high vulnerable aquifer is not at risk from being in contact with SAR and EC exceedance of Table 1.**
- b) **That a baseline investigation be conducted to ensure that the composition of the fill does not degrade the existing receiving site.**
- c) **That the frequency of Receiving Site sampling match the Source Site sampling requirements in Table 2 for stockpiled material such that it ensures sampling occurs for material received from every site.**

iii) That Port Colborne Quarries work with applicable agencies to ensure **(DELETE) a portion of** the ANSI remains exposed and to help create a form of public access for educational purposes.

iv) That a Site Alteration Permit fee of \$1420 be submitted to the Department of Planning and Development. **ADD "on Council's approval of the acceptable Site Alteration Bylaw, that a retroactive renewal fee of \$1,000.00 be collected for every 6 month period already expired since filling commenced, and that a renewal fee of \$1,000. or as amended by Bylaw 5528/125/10 be submitted semi-annually to the Department of Planning and Development, and the permit be extended for a further 6 months, subject to satisfactory performance in accordance with the Site Alteration Bylaw requirements."**

ADD

v) **That this Site Alteration permit apply only to Pit 1.**

vi) **That at this time and until the Site Alteration is considered to be complete, no change in zoning be contemplated for the Progressive and Final Rehabilitation of Pit 1 as intended by Clause 23 of the Site Plan Agreement.**