

**City of Port Colborne
Regular Committee of the Whole Meeting 03-18
Minutes**

Date: February 26, 2018

Time: 6:30 p.m.

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

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

Absent: J. Maloney, Mayor (due to vacation)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. Grigg, Director of Community and Economic Development
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. McIntosh, Deputy Clerk (minutes)
M. Minor, Marina Supervisor (for consideration of item 2)
P. Senese, Director of Corporate Services
S. Shypowskyj, Acting Director of Engineering and Operations

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

1. Call to Order:

Deputy Mayor Danch called the meeting to order.

2. National Anthem:

Joel Longfellow sang O Canada.

3. Introduction of Addendum Items:

Addition:

The addition of item 10(a), Delegation: Jack Hellinga with respect to a request for a Public Meeting regarding the proposed new Comprehensive Zoning By-law.

Confirmation of Agenda:

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

That the agenda dated February 26, 2018 be confirmed, as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:

(a) Regular meeting of Committee of the Whole 02-18, held on February 12, 2018.

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

(a) That the minutes of the regular meeting of Committee of the Whole 02-18, held on February 12, 2018, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 2, 3, 7, 10.

7. Approval of Items Not Requiring Separate Discussion:

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

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:

1. Fire and Emergency Services, Report No. 2018-18, Subject: Emergency Management Program

Committee of the Whole recommends:

That the proposed Emergency Management Program and updated Emergency Management Plan attached to Fire and Emergency Services Department Report No. 2018-18 be adopted by by-law; and

That By-law No. 4524/55/04 be repealed.

4. Corporate Services, Clerk's Division, Report No. 2018-21, Subject: Committee of the Whole/Council Meeting Schedule for October and December 2018

Committee of the Whole recommends:

That the regular meeting of Committee of the Whole/Council on October 22, 2018 be cancelled and the Clerk be directed to advertise such cancellation in accordance with the Procedural By-law; and

That the regular meeting of Committee of the Whole/Council for the month of December 2018, be scheduled for Monday, December 10, 2018, and that the City Clerk be instructed to issue public notice accordingly.

5. Planning and Development, Planning Division, Report No. 2018-20, Subject: Province of Ontario's Development Charges Rebate Program Expression of Interest

Committee of the Whole recommends:

That staff be directed to partner with the Niagara Region in submitting an Expression of Interest application to the Development Charges Rebate Program.

6. Planning and Development, Planning Division, Report No. 2018-22, Subject: Reimbursement and Waiving of Fees for Gateway Residential – 569 King Street

Committee of the Whole recommends:

That Planning and Development Department, Planning Division Report No. 2018-22 in respect of the request by Gateway Residential & Community Support Services to refund and waive fees be received and that no further action be taken; and

That the Director of Planning and Development be directed to notify Gateway Residential & Community Support Services.

8. Engineering and Operations, Operations Division, Report No. 2018-25, Subject: Port Colborne Distribution System Annual Inspection

Committee of the Whole recommends:

That Engineering and Operations Department, Operations Division Report No. 2018-25 with regard to the Port Colborne Distribution System Annual Inspection Report be received for information.

Outside Resolutions – Requests for Endorsement:

9. Association of Municipalities of Ontario Re: AMO Policy Update: Call to Action – Fire Medic Protection Needed for Municipal Governments (Resolution)

Committee of the Whole recommends:

That the correspondence received from the Association of Municipalities of Ontario Re: AMO Policy Update: Call to Action – Fire Medic Protection Needed for Municipal Governments, be received for information; and

That the following motion be approved:

Whereas Bill 160, the *Strengthening Quality and Accountability for Patients Act* amended the *Ambulance Act* to permit the Ministry of Health and Long Term Care to enable two pilot projects hosted by willing municipal governments to allow fire fighters, certified as paramedics, to treat patients while on duty with a fire department; and

Whereas the Government of Ontario is committed to proceeding with the pilots and enabling the fire-medic model despite the absence of objective evidence to show that it would improve patient outcomes or response times; and

Whereas the current interest arbitration model, particularly in the fire services sector, allows arbitrators to impose awards on unwilling employers that directly impact the employer's ability to determine how it will deploy its workforce, as evidenced by the experience of many municipalities in regards to the 24-hour shift; and

Whereas in the absence of legislative protection, unwilling municipalities may be forced to enter into a pilot or adopt a fire-medical model as a result of interest arbitration; and

Whereas the Association of Municipalities of Ontario and its municipal members have called on the Government of Ontario to introduce legislative amendments to the *Fire Protection and Prevention Act, 1997* and the *Ambulance Services Collective Bargaining Act* to preclude arbitrators from expanding the scope of work for fire fighters and paramedics respectively through interest arbitration awards;

That the correspondence received from the Association of Municipalities of Ontario Re: AMO Policy Update: Call to Action – Fire Medical Protection Needed for Municipal Governments, be received for information; and

Whereas there is precedent for a restriction on the scope of jurisdiction of arbitrators in section 126 of the *Police Services Act* which precludes arbitrators from amending the core duties of police officers; and

Whereas the Government of Ontario has committed that no unwilling municipal government will have a fire-medical pilot or program imposed upon them.

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

1. The City of Port Colborne calls on the Government of Ontario to act immediately so that legislative amendments, that will protect unwilling municipalities from being forced by arbitrators to have a fire medical pilot or program, are placed within the upcoming Budget Bill before the Ontario Legislature rises for the provincial election.
2. A copy of this resolution be forwarded to Premier Kathleen Wynne, Office of the Premier; Hon. Dr. Eric Hoskins, Minister of Health and Long Term Care; Hon. Marie-France

Lalonde, Minister of Community Safety and Correctional Services; Hon. Kevin Flynn, Minister of Labour, Hon. Bill Mauro, Minister of Municipal Affairs; Cindy Forster, Member of Provincial Parliament; and the Association of Municipalities of Ontario.

11. Town of Fort Erie Re: Request for Financial Assistance in Development of a Human Trafficking Program

Committee of the Whole recommends:

That the resolution received from the Town of Fort Erie Re: Request for Financial Assistance in the Development of a Human Trafficking Program, be referred to the 2018 Budget.

12. City of Welland and City of St. Catharines Re: City of Welland's Resolution regarding Appointment of Representatives to the Niagara Peninsula Conservation Authority

Committee of the Whole recommends:

That the resolution received from the City of Welland and supported by the City of St. Catharines Re: City of Welland's Resolution regarding Appointment of Representatives to the Niagara Peninsula Conservation Authority, be supported.

13. Township of Wainfleet Re: Fair Workplaces, *Better Jobs Act* - Bill 148

Committee of the Whole recommends:

That the resolution received from the Township of Wainfleet in support of the resolution from the Township of Muskoka Lakes Re: Fair Workplaces, *Better Jobs Act* – Bill 148, be received for information.

14. Township of Wainfleet Re: Gillian's Place and National Day of Action on Violence Against Women

Committee of the Whole recommends:

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

15. Township of Wainfleet Re: Women in Local Government

Committee of the Whole recommends:

That the resolution received from the Township of Wainfleet Re: Women in Local Government, be received for information.

16. Township of Wainfleet Re: Niagara Peninsula Conservation Authority – Disclosure of Legal Costs

Committee of the Whole recommends:

That the resolution received from the Township of Wainfleet in support of the resolution from the City of St. Catharines, be received for information.

17. Township of Wainfleet Re: Health Care Services in Niagara Region

Committee of the Whole recommends:

That the resolution received from the Township of Wainfleet in support of the resolution from the Town of Fort Erie, be received for information.

18. Town of Niagara-on-the-Lake Re: Long Term Care Facilities – Increased Funding

Committee of the Whole recommends:

That the resolution received from the Town of Niagara-on-the-Lake in support of the resolution of the City of St. Catharines Re: Long Term Care Facilities – Increased Funding, be received for information.

19. Town of Essex Re: Offering School Property to Municipalities

Committee of the Whole recommends:

That the resolution received from the Town of Essex Re: Offering School Property to Municipalities, be supported.

Responses to City of Port Colborne Resolutions:

20. Region of Niagara Re: City of Port Colborne Resolution respecting Passage of Regional By-law 2017-21 (Inter Municipal Transit)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara regarding the City of Port Colborne Resolution respecting Passage of Regional By-law 2017-21 – Inter Municipal Transit and the appointing of Chief Administrative Officer Scott Luey to the Inter Municipal Transit Working Group, be received for information.

21. City of Hamilton in Support of the City of Port Colborne’s Resolution regarding Request for Provincially Appointed Supervisor of the Niagara Peninsula Conservation Authority

Committee of the Whole recommends:

That the resolution received from the City of Hamilton in support of the City of Port Colborne’s resolution regarding request for Provincially Appointed Supervisor of the Niagara Peninsula Conservation Authority, be received for information.

22. Town of Pelham Re: Niagara Parks Commission’s Proposed Expansion and Enhancement – Marina and Resort Development at Miller’s Creek

Committee of the Whole recommends:

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

CARRIED.

8. Presentations:

- (a) **Will Murray, Welland & District Slo-pitch Tournament Convener, Lee Vanderlann, Pinty’s Delicious Foods Inc. and Joe Zuvic, presenting a cheque to the Fire and Emergency Services Department for the Smoke Alarm Program from a Snow Pitch Tournament held during Sportsfest**

Deputy Mayor Danch and Fire Chief Cartwright accepted the cheque and thanked the organizers and participants of the Snow Pitch tournament

held during Sportsfest for their donation to the Fire and Emergency Services Department's smoke alarm program.

9. Delegations:

(a) Jack Hellinga Re: Request for a Public Meeting regarding – Proposed New Comprehensive Zoning By-law

Jack Hellinga provided a verbal presentation requesting that Council consider holding another public meeting with respect to the proposed new comprehensive zoning by-law. A copy of the presentation is attached.

Moved in reconsideration by Councillor R. Bodner
Seconded by Councillor B. Butters

That Council's decision on the matter of Planning and Development, Planning Division, Report No. 2018-14, Subject: Recommendation Report – Proposed New Comprehensive Zoning By-law, made at the February 12, 2018 meeting of Council, be reconsidered.

CARRIED.

Council proceeded with consideration of the motion approved at the February 12, 2018 meeting of Council as follows:

That By-law 1150/97/81, being the existing Zoning By-law and any and all amendments thereto be hereby rescinded;

That Schedule "A7" to the draft Comprehensive Zoning By-law be changed for 679 Elm Street from R4 zoning to R2 zoning.

That the by-law approving the draft Comprehensive Zoning By-law, attached as Appendix A and B to Planning and Development Report 2018-14, be approved, as amended;

That pursuant to the provisions of Section 34(17) of the *Planning Act*, no further notice of public meeting be required;

That pursuant to Section 34(10.0.0.2) of the *Planning Act*, applications for an amendment to the by-law are allowed before the second anniversary of the day on which the Council approves the Comprehensive Zoning By-law.

Moved in amendment by Councillor B. Butters
Seconded by Councillor R. Bodner

That the main motion be amended by striking out paragraph four "That pursuant to the provisions of Section 34(17) of the *Planning Act*, no further notice of public meeting be required;" and replacing it with "That the Director of Planning and Development be directed to hold a second public meeting in March with respect to the Proposed New Comprehensive Zoning By-law and to provide a report including public comments and changes at a future meeting of Council"; and

That the decision with respect to the matter of Planning and Development, Planning Division, Report No. 2018-14, Subject: Recommendation Report – Proposed New Comprehensive Zoning By-law be deferred until after the public meeting.

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

That the Director of Planning and Development be directed to hold a second public meeting in March with respect to the Proposed New Comprehensive Zoning By-law and to provide a report including public comments and changes at a future meeting of Council;" and

That the decision with respect to the matter of Planning and Development, Planning Division, Report No. 2018-14, Subject: Recommendation Report – Proposed New Comprehensive Zoning By-law be deferred until after the public meeting.

CARRIED.

10. Mayor's Report:

Nil.

11. Regional Councillor's Report:

Nil.

12. Councillors' Items:

(a) Eagle March Drain Work (Mayne)

In response to an inquiry from Councillor Mayne, the Acting Director of Engineering and Operations advised that he would provide an update with respect to the timeline for the Engineer's report and work on the Eagle Marsh Drain.

(b) Killaly Street West Railway Crossing (Kenny)

In response to a request by Councillor Kenny, the Acting Director of Engineering and Operations advised that he would contact the Niagara Region and Trillium Railway for an update with respect to the repair of the railway tracks on Killaly Street West.

(c) Potholes at Killaly Street and Clarence Street Bridges (Desmarais)

In response to an inquiry by Councillor Desmarais, the Acting Director of Engineering and Operations advised that the St. Lawrence Seaway Management Corporation was contacted to request repair of the potholes at the Killaly Street and Clarence Street bridges.

(d) Line Painting at the Corner of Charlotte and Elm Streets (Elliott)

In response to an inquiry from Councillor Elliott, the Acting Director of Engineering and Operations informed that the line painting will occur between the end of March and early June and the painting of the centre and stop lines at the corner of Charlotte and Elm Streets can be done in-house as soon as the sand is cleaned off of the road.

(e) Purchasing and Procurement Agreement between the Cities of Thorold and Welland (Elliott)

In response to an inquiry from Councillor Elliott, the Director of Corporate Services advised that he will discuss shared purchasing and procurement with the area Treasurers at their next meeting. The Director of Corporate Services and the Chief Administrative Officer advised that the City of Port Colborne participates in the purchasing of through the Niagara Public Purchasing Committee. The Chief Administrative Officer further advised that there are a number of ways the City seeks favourable pricing and that he will discuss shared purchasing and procurement at the next meeting of the Regional Chief Administrative Officers.

Staff Responses to Previous Councillor Enquiries:

Nil.

13. Consideration of Items Requiring Separate Discussion:**2. Community and Economic Development, Sugarloaf Marina Division, Report No. 2018-29, Subject: Sugarloaf Marina Dredging Project – Status Update**

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

That the Director of Community and Economic Development be directed to proceed with issuing a Request for Proposal for professional engineering services to manage the Marina dredging project; and

That the request for the allocation of \$100,000 to the Marina dredging project be referred to budget deliberations.

CARRIED.

3. Corporate Services, Finance Division, Report No. 2018-28, Subject: Ontario Community Infrastructure Fund (OCIF) Intake Two – Nickel Area CSO Control Program Amending Agreement

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

That The Corporation of the City of Port Colborne enter into an Amending Agreement with Her Majesty the Queen, as represented by the Minister of Agriculture, Food and Rural Affairs; and

That the Mayor and the Clerk be authorized and directed to sign said agreement, together with any documents necessary to complete the conditions of said agreement, and the Clerk be authorized to affix the Corporate Seal thereto.

CARRIED.

7. Planning and Development, Planning Division, Report No. 2018-23, Subject: Amendment to Westwood Estates Phase II Subdivision Agreement

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

That By-law 6366/46/16, Being a By-Law to Authorize Entering into a Subdivision Agreement with Lester Shoalts Limited (Westwood Estates Phase II), be amended by replacing subdivision agreement drawing "Westwood Estates Phase 2 Subdivision Grade Control

Plan 1" (drawing 0493GP1 Rev 9 prepared by Upper Canada Consultants and dated April 23, 2015) with "Westwood Estates Phase 2 Subdivision Grade Control Plan 1" (drawing 0493GP1 Rev 12 prepared by Upper Canada Consultants and dated July 10, 2017).

CARRIED.

10. Region of Niagara Re: Town of Pelham Resident and Ratepayer Petition

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

That the Council of The Corporation of the City of Port Colborne hereby notifies Niagara Regional Council that it is strongly opposed to the resolution requesting the Minister of Municipal Affairs to order a Municipal Audit of the financial affairs and business dealings of the Town of Pelham.

That this resolution be circulated to Local Area Municipalities, local MPPs, the Office of the Ontario Ombudsman and the Auditor General.

CARRIED.

14. Notice of Motion:

Nil.

15. Adjournment:

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

That the Committee of the Whole meeting be adjourned at approximately 7:18 p.m.
CARRIED.

CM/

Port Colborne Council Meeting – February 26, 2018

Thank You

Port Colborne DRAFT Comprehensive Zoning Bylaw Update 2018

Last Comprehensive Zoning Bylaw 20 + years ago

Compass for the direction of the City for the next 20 years

Too important to decide in a shoot-out

Suggest it should be advertised and receive input in a Public Forum

Examples of changes: Agriculture and Rural zones have had AR and RR designations added around residences, Residential Development RD have had R1 designations added around residences, Extractive Industrial has been changed to Mineral Aggregate Operation with new definition and potentially new permitted uses that have not been clearly defined

The average person needs to seek expert opinions on changes and there has been little time

Should be discussed in two-way dialogue

Final Approval won't be unanimous, but will be much more defensible if it isn't just a Council decision.

Respectfully Presented,

JACK S HELLINGA