

**City of Port Colborne
Regular Committee of the Whole Meeting 16-18
Minutes**

Date: July 23, 2018
Time: 6:30 p.m.
Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

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

Absent: Y. Doucet, Councillor (due to vacation)
J. Mayne, Councillor (leave of absence)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. Grigg, Director of Community and Economic Development
N. Halasz, Manager of Parks and Recreation
A. LaPointe, Manager of Legislative Services/City Clerk (minutes)
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
P. Senese, Director of Corporate Services

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

1. Call to Order:

Mayor Maloney called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

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

That the agenda dated July 23, 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 15-18, held on July 9, 2018**

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

- (a) That the minutes of the regular meeting of the Committee of the Whole 15-18, held on July 9, 2018, be approved as presented.

CARRIED.

6. **Determination of Items Requiring Separate Discussion:**

The following items were identified for separate discussion:

Items 1, 2.

7. **Approval of Items Not Requiring Separate Discussion:**

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

That items 1 to 7 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:

3. **Corporate Services Department, Clerk's Division, Report 2018-109,
Subject: Leave of Absence from Council**

Committee of the Whole recommends:

That a leave of absence be approved for Councillor John Mayne for a period ending November 30, 2018, or until he resumes attendance, whichever occurs first.

4. **Corporate Services Department, Finance Division, Report 2018-108,
Subject: Development Charge Reserve Funds – January 1, 2017 to
December 31, 2017**

Committee of the Whole recommends:

That report Corporate Services Department, Finance Division report 2018-108 with respect to Development Charge Reserve Funds January 1, 2017 to December 31, 2017 be received for information.

5. **Cynthia B. Skinner, Member of The Friends of Port Colborne Lighthouses Re: Request for Proclamation of Lighthouse Day, August 7, 2018**

Committee of the Whole recommends:

That August 7, 2018 be proclaimed as "Lighthouse Day" in the City of Port Colborne in accordance with the request received from Cynthia B. Skinner, Member, The Friends of Port Colborne Lighthouses.

6. **Region of Niagara Re: Comments of Province's Draft Agricultural Impact Assessment Guidance Document (PDS Report 29-2018)**

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Comments on Province's Draft Agricultural Impact Assessment Guidance Document (PDS Report 29-20178), be received for information.

7. **Niagara Central Airport Commission Re: 2nd Quarter Report 2018 for the Niagara Central Dorothy Rungeling Airport**

Committee of the Whole recommends:

That the correspondence received from Richard Rybiak, Chair, Niagara Central Airport Commission Re: Niagara Central Airport Commission 2nd Quarter Report for the Niagara Central Dorothy Rungeling Airport, be received for information.

CARRIED.

8. **Presentations:**

Nil.

9. **Delegations:**

(a) **Cynthia B. Skinner, Member of The Friends of Port Colborne Lighthouses regarding a proclamation request for International Lighthouse Day, August 7, 2018**

Cynthia Skinner presented a request for Council to proclaim August 7, 2018 as International Lighthouse Day. A copy of the presentation is attached.

(b) **Dianna M. Carle regarding a request for an exemption to By-law 1117/64/81, Section 3.2.2 for 1056 Steele Street to Allow for a Second Curb/Driveway Cut**

Dianna Carle presented a request for Council to provide exemption to By-law 1117/64/81 to allow for a second curb cut for a driveway on her property. A copy of the presentation is attached.

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

That Council grants an exemption of By-law 1117/64/81, Section 3.2.2, for 1056 Steele Street to allow for a second curb cut and driveway.

CARRIED.

10. **Mayor's Report:**

A copy of the Mayor's Report is attached.

11. **Regional Councillor's Report:**

Nil.

12. **Councillors' Items:**

a) **Left turn pavement marking – Intersection of Elm Street and Main Street (Danch)**

In response to a concern expressed by Councillor Danch about the left turn lane pavement marking that was not re-painted on the north side of Elm Street turning onto Main Street, the Director of Engineering and Operations advised that he forwarded the concern to the Region and would continue to pursue the issue with the Region. Mayor Maloney advised that he would also address the issue with the Region.

b) **Railway tracks on Killaly Street (Kenny)**

In response to an inquiry from Councillor Kenny about a date when the tracks would be repaired the Director of Engineering and Operations advised that staff is continuing discussions with Trillium Railway and the Region and is attempting to expedite the repairs.

c) **Niagara Regional Police and concerns within the community (Desmarais)**

Councillor Desmarais expressed concerns with respect to harassing behavior and drug paraphernalia in City parks and the East Village and the request for police to address the issues. Councillor Desmarais requested contact information to provide to residents so they can report drug paraphernalia in order that it can be properly cleaned up. The Chief Administrative Officer advised that he spoke to the Staff Sergeant at the Port Colborne Niagara

Regional Police detachment to apprise him of the concerns within the City related to criminal activity, drugs and traffic violations. The Chief Administrative Officer also advised that Staff Sergeant LaPlante intends to attend a future meeting of Council. Finally the Chief Administrative Officer advised residents to report every concern to the police. The Director of Community and Economic Development advised that Parks and Recreation Division staff have an ongoing dialogue with the NRPS with respect to safety and prohibited uses of trails and parks and police presence in City parks and the Vale Health & Wellness Centre. The Manager of Parks and Recreation advised that sharps disposal containers have been installed in City facilities and if sharps are located on City property, staff will be dispatched to dispose of the items when report can be made to the City.

Staff Responses to Previous Councillor Enquiries:

a) Community Based Risk Assessment (Luey)

The Chief Administrative Officer advised that the Mayor mailed the Minister of the Environment with respect to resolution of the more than 20 years process to address the chemicals of concern in the soil created by historic emissions from the former Inco plant. The Chief Administrative Officer reported that Ministry staff advised that due to the changeover in government and the requirement to brief new elected officials and staff, the meeting between Ministry staff, Vale staff and City staff has been delayed and is expected to take place in September.

b) Conviction for Fire Code violations, 53 Nickel Street (Cartwright)

The Fire Chief advised that the fines against the owners of 53 Nickel Street in the amount of \$100,000 are divided as such: \$50,000 to the Niagara Region and \$50,000 divided on a per capita basis amongst the 12 Niagara municipalities

c) Fire Station phone issues (Cartwright)

The Fire Chief advised that the Fire Station is experiencing issues with its phone system that the City's IT staff and Bell Canada are working to fix the issues. In the meantime, anyone attempting to call the Fire Department who has difficulty getting through should call City Hall and they will be transferred.

d) Signage on Pleasant Beach (Aquilina)

The Director of Planning and Development advised that the signage incorrectly advising that dogs can be off leash located at Pleasant Beach was removed.

13. Consideration of Items Requiring Separate Discussion:

1. Planning and Development Department, Planning Division, Report 2018-105, Subject: Recommendation Report for Official Plan Amendment D09-01-18 & Zoning By-law Amendment D14-02-18, n/s Killaly Street West

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

That the Official Plan Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix A be approved, adding a special policy to the Highway Commercial designation to support the use of warehousing on the property; and

That the Zoning By-law Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix B be approved, rezoning the land from "HC – Highway Commercial" to "HC-48"; and

That staff be directed to prepare the Notice of Passing in accordance with the *Planning Act* and circulate to all applicable parties.

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

That the motion be amended by adding thereto the following:

"That the Director of Planning and Development be directed to bring forward the site plan agreement for Council's consideration."

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

That the Official Plan Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix A be approved, adding a special policy to the Highway Commercial designation to support the use of warehousing on the property; and

That the Zoning By-law Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix B be approved, rezoning the land from "HC – Highway Commercial" to "HC-48"; and

That staff be directed to prepare the Notice of Passing in accordance with the *Planning Act* and circulate to all applicable parties; and

That the Director of Planning and Development be directed to bring forward the site plan agreement for Council's consideration.

CARRIED.

2. Engineering and Operations Department, Engineering Division, Report 2018-103, Subject: Wignell, Michener, Port Colborne and Beaverdam Municipal Drains Engineer Appointment

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

That the appointment of Paul Smeltzer P. Eng. of AMEC(FW) be rescinded as per Section 39(2) Chapter D.17 of the *Drainage Act R.S.O. 1990*; and

That Paul Marsh P. Eng. of EWA Engineers Inc. be appointed under Section 78(1) Chapter D.17 of the *Drainage Act R.S.O. 1990*, and that this appointment become effective once the conditions of Section 78(2) have been met; and

That staff be authorized to execute a petition under Section 4 Chapter D.17 of the *Drainage Act R.S.O. 1990* to initiate/incorporate any new works related to municipal roads and/or property; and

That Paul Marsh P. Eng. of EWA Engineers Inc., be appointed under Section 8 Chapter D.17 of the *Drainage Act R.S.O. 1990* for the new works contemplated and any additional petitions under Section 4, related to the Wignell, Michener Port Colborne and Beaver Dam Drains, that may come forward during the Drainage Act process; and

That the Mayor and Clerk be authorized to sign the requisite Engineering Services Agreement for the preparation of new engineer(s) reports for the Wignell, Michener, Port Colborne and Beaverdam Municipal Drains.

CARRIED.

14. Notice of Motion:

Nil.

15. Adjournment:

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

That the Committee of the Whole meeting be adjourned at approximately 7:31p.m.

CARRIED.



**Mayor's Report to the
July 23, 2018 Council Meeting**

Canal Days

Canal Days will be upon us in only 11 days. We are busy putting the final touches on the city to get things ready to welcome thousands of visitors to one of Ontario's Top 100 Festivals.

Many exciting events are planned with top Canadian music artists joining us.

There are a few new restrictions in place this year that I want to remind you about tonight.

There will be no parking on the laneways between Sugarloaf Street and Clarence Street as well as no parking on the east side of Elm, Fielden and Steele Streets.

These restrictions are needed to ensure the safety of everyone during the festival.

The boat ramp will be closed all day Friday, August 3th and Saturday, August 4th.

Special rates for docking at the marina are available so you can have access to the lake during the day and a great spot to hear the concerts at night.

Melissa's Playground at H.H. Knoll Lakeview Park, which includes the Discovery Spray Pad will be closed each day, Friday and Saturday, from 4 pm to 7 am the next morning.

Families will still have access on Saturday 7:00 am to 4:00 pm before the main concert begins.

We want everyone to have a safe weekend and we thank you for your patience with these restrictions.

Visit from Minister Catherine McKenna

Last week we hosted Minister of the Environment and Climate Change Canada, Catherine McKenna as she visited Port Colborne to announce \$8.95 million in funding over four years for 36 local on-the-ground projects under the Great Lakes Protection Initiative.

The Initiative supports projects across the Great Lakes Basin, which will help restore areas of concern, prevent toxic and nuisance algae, reduce the release of harmful chemicals, engage the public through citizen science, and engage Indigenous Peoples.

While funding wasn't specifically made available to local municipalities, all efforts to clean the Great Lakes are important.

Trillium Railway

I'd like to extend my appreciation to Trillium Railway for the recent repaving of the crossing on Fielden Avenue. It is a great improvement. We look forward to them beginning work on the Killaly Street crossing just east of King Street.

International Lighthouse Day Request

It is good to return to the council chambers and request that the city recognize International Lighthouse Day here in Pt Colborne on the occasion of the 40th anniversary of Canal Days festivities.

Lighthouse Day is recognized internationally on Aug 7th. As tourist interest continues to grow in lighthouses, more cities, home to Lighthouses are coming on board to recognize the importance that lighthouses played in their history, culture and economy.

Once again, our small group will man our stations for 4 days of non-stop tours. And I would be remiss if I didn't acknowledge the Goodwill shown us by making the Pavilion at the Marina available as our land base of operations. Additionally, we benefit from the Canal Days co-op advertising.

On behalf of our lighthouse tour efforts, I have been an exhibitor at Dunnville Days. Here the visitors express much interest in our Lighthouses. Some relate stories of having known former Keepers - others, stories of having visited it back in the day. This summer I also attended a Morgan Pt event. Here it was obvious that they feel a connection to our lighthouses and much interest shown in our tours.

And Cheryl Fortin also does marketing for our group. She is often found on market day in front of Gould Hall with her friends and souvenirs.

We are not alone in our struggle to obtain more and better access to lighthouses. Hamilton now has a plot and a plan to have their light open to visitors down the road. That is good news for us, too. We will reap the ripple effect of nearby visitable lighthouses.

And in future, perhaps we can develop a plot and plan to participate in International Ham Radio Lighthouse weekend later in Aug. On this weekend, Ham Radio groups worldwide broadcast from lighthouses - not necessarily from up in them - but from the adjacent space. Currently the nearest participant is ^{at Dunkerkill} just across the lake. And Niagara currently has a vibrant Ham Radio group.

The more access we have to the lighthouses all summer, the more steady flow of tourists - leaving happy and leaving money in our merchants' coffers.

And a last Thankyou for raising our lighthouse flag over city hall for this event.

Thankyou

Cynthia B Skenner

PRESENTATION BY DIANNA M. CARLE TO
THE CITY COUNCIL OF PORT COLBORNE
FOR AN EXCEPTION TO THE
REQUIREMENTS OF SECTION 3.2.2. OF
BY-LAW 1117/64/81, RELATIVE TO 1056
STEELE STREET, PORT COLBORNE, TO
BE PRESENTED AT JULY 23, 2018
COUNCIL MEETING.

SUBMISSION TO CITY COUNCIL OF PORT COLBORNE, ONTARIO FOR AN EXCEPTION TO THE REQUIREMENTS OF SECTION 3.2.2 OF BY-LAW 1117/64/81 TO ALLOW FOR A SECOND CURB/DRIVEWAY CUT ON THE PROPERTY MUNICIPALLY KNOWN AS 1056 STEELE STREET, PORT COLBORNE.

I HAVE BEEN INFORMED THAT WE ARE 2 METERS (6.74 feet) SHORT OF THE REQUIREMENT TO HAVE A SECOND CURB/DRIVEWAY CUT UNDER THE TERMS OF THE BYLAW PASSED ON JULY 27, 1981 AND CURRENTLY IN PLACE . FOLLOWING ARE THE DETAILS OF MY REQUEST.

My name is Dianna Carle and together with my son, Bryan L'Ecuyer, I purchased the property municipally known as 1056 Steele Street, Port Colborne in November, 2016. I am requesting the subject by-law exception for the following reasons :-

- I am 74 years of age and I am mobility impaired due to severe arthritis and require a cane for stability when walking. My condition is compounded by two autoimmune disorders and elevated pain levels are a continuous part of my daily living.
- PICTURE 1 is taken from the opposite side of the street and shows our frontage and the residence, which was originally built in 1946 and expanded on at a date not known to us. On the left side of the picture you will see a set-back room with a large window and ground-level entry door to the premises.....this was the original garage prior to the previous owners expanding the residence to the right of the living quarters with a breezeway, double garage and driveway.
- PLEASE NOTE that the "breezeway" door does not provide entry to the home...it is merely a means of access from the front yard to the back yard.
- PLEASE NOTE that the area between the left side of the house (proposed driveway access) and the neighbouring residence is a substantial distance and a car coming and going as infrequently as I use my vehicle would not impose any undue noise or disturbance on the neighbours....indeed, this was for many years the original driveway in use at all times.
- PLEASE NOTE that the picture of the property currently available on Google is outdated. Since we have owned the home we have, among other upgrades, added two trees to the front lawn....these trees are not visible in older pictures.

- With the move of the garage to the right side of the house you will note that the front-porch handrail, which would normally be on the right (and was when the house was in its original configuration), is now on the left for anyone coming from the driveway and ascending the stairs. While this may not create difficulty for many it creates a great deal of difficulty for me. My left side is significantly weaker than my right and it is almost impossible to two-handedly “haul” myself up the steps if attempting to utilize the left-side railing. Therefore, as my right side is much stronger and, hence, my “working side” and although sounding and looking very awkward, I ascend the steps by placing my right hand and arm on the brick of the front of the house on the right side of the stairs and pull myself up.....needless to say this is inherently risky and very hard on my right hand and clothing.
- You will see my yellow vehicle in the position in which it is always parked in order to allow my son access to the left garage door to remove his personal vehicle when required....this provides a visual reference as to how long a walk making the continual trips back and forth to the house with parcels/groceries is for me.
- PICTURE 2 is a picture of the steps leading up to the front porch. As you will see they fall far from being built to code and present a very real hazard to a mobility challenged person.....both sets of stairs are the same.
- I would ask you now to attempt to visualize the difficulty I have gaining access to my home, particularly if bringing any packages (i.e. groceries) home. On that note, I cannot carry heavy bags and for a grocery order that many might handle with four bags, I will need at least eight. Winter weather and rain make this already difficult procedure a virtual “living hell” for me....I am soaked by either snow or rain and in constant fear of taking a debilitating fall.

Upon arrival home and parking my vehicle I must make numerous trips from the car to the steps with my grocery bags, which I pile on the steps to the left (railing side) as I need a clear area to the right to pull myself up along the brick wall. After these trips are made and my vehicle secured I proceed to pull myself up on the brick wall and unlock the front door. Following this I must make a number of trips back to the steps to retrieve my grocery bags and bring them into the house. I am very anxious when doing this as I am bending over picking up the bags which have been placed on the left-hand side of the stairs and fear that I will tumble down the steps some day.

All of the foregoing is a physically punishing and dangerous undertaking. If a curb/driveway cut were made where the driveway was originally located I could pull my

vehicle straight in, right up to the house....exit my vehicle....retrieve parcels and enter the home on ground level, totally eliminating using the stairs and the incredible difficulty I am presently experiencing by having to do so.

- Several suggestions have been presented to me as a means to alleviate my problem without the requested curb/driveway cut. None of those will offer any assistance to me at all, as outlined below.....

Suggestion 1....put in a ramp. I do not use a wheelchair or a walker and hope that this will not become necessary in the foreseeable future. A ramp would provide no relief to the distance I must travel due to the number of trips I must make back and forth from my vehicle to carry in parcels and I would still need to push myself up using the brick wall. In fact, a ramp would be inherently more dangerous in wet conditions due to the increased potential for a slip and debilitating fall.

Suggestion 2....run a sidewalk from the driveway across the front lawn in front of the garden and swing it round to the ground-level room. This would accomplish nothing to assist me in accessing the home in an efficient manner as it substantially increases the distance I would have to walk while ferrying parcels from my vehicle to the far door. The longer the walk, the greater the chance of a slip and fall and a marked escalation in my pain levels.

Suggestion 3....enlarge the existing driveway by cutting it across the front lawn and swinging it round to face the ground-level room which would allow me immediate access to the ground-level room. This suggestion would be, in my opinion, very unsightly and would, more importantly, be completely unmanageable for me. If the addition was to be placed low in the present driveway it would require two approximately 90-degree turns for me to end up facing the house and continue to the ground-level room. With the addition of the two trees on the front lawn any addition farther up the existing driveway would require a meandering course between the trees. In either of these scenarios backing out to the street when leaving the residence would be a complete impossibility for me as I have limited ability to turn my neck due to the degenerative progress of my condition.

- I would ask that Council consider the demographics of aging in Niagara, since the passing of the subject by-law in 1981. In 1981 I was 37 years old.....in the ensuing 37 years the breakdown by age of Niagara's population is now shown as follows :-

“If Niagara was a village of 100 people...21 would be 0 - 19 years old....23 would be 20 - 39 years old....35 would be 40 - 64 years old and 21 would be 65+ years old” <https://www.niagararegion.ca/health/statistics/demographics/default.aspx>)

It's very clear from the above figures to see that in the not so distant future the 65+ number will be a combination of the 40-64 year old group and the present 65+ group and the majority of this very large number of seniors is going to require some type of assistance in their daily living. Given the move to keep as many seniors in their homes and out of our hospitals, due to the devastating lack of long-term care availability in the Region, anything that can be done to facilitate arrangements to do so should be of great importance to any municipality.

IN CLOSING I would like to ask that Council members, when considering my request, take into consideration the needs of its aging population and how a simple exception, such as the one I am requesting, can manifestly improve the quality of life of your older residents.

Relative to my personal issues, that consideration be given to how difficult getting in and out of my own home is for me because of a mere 6.74 feet (2 meters) and how simply this could be rectified by the granting of the subject exception which would not have any impact on “visibility” or create any “operational problems” (3.2.2.) by so granting.

I thank Council members for their time and consideration.

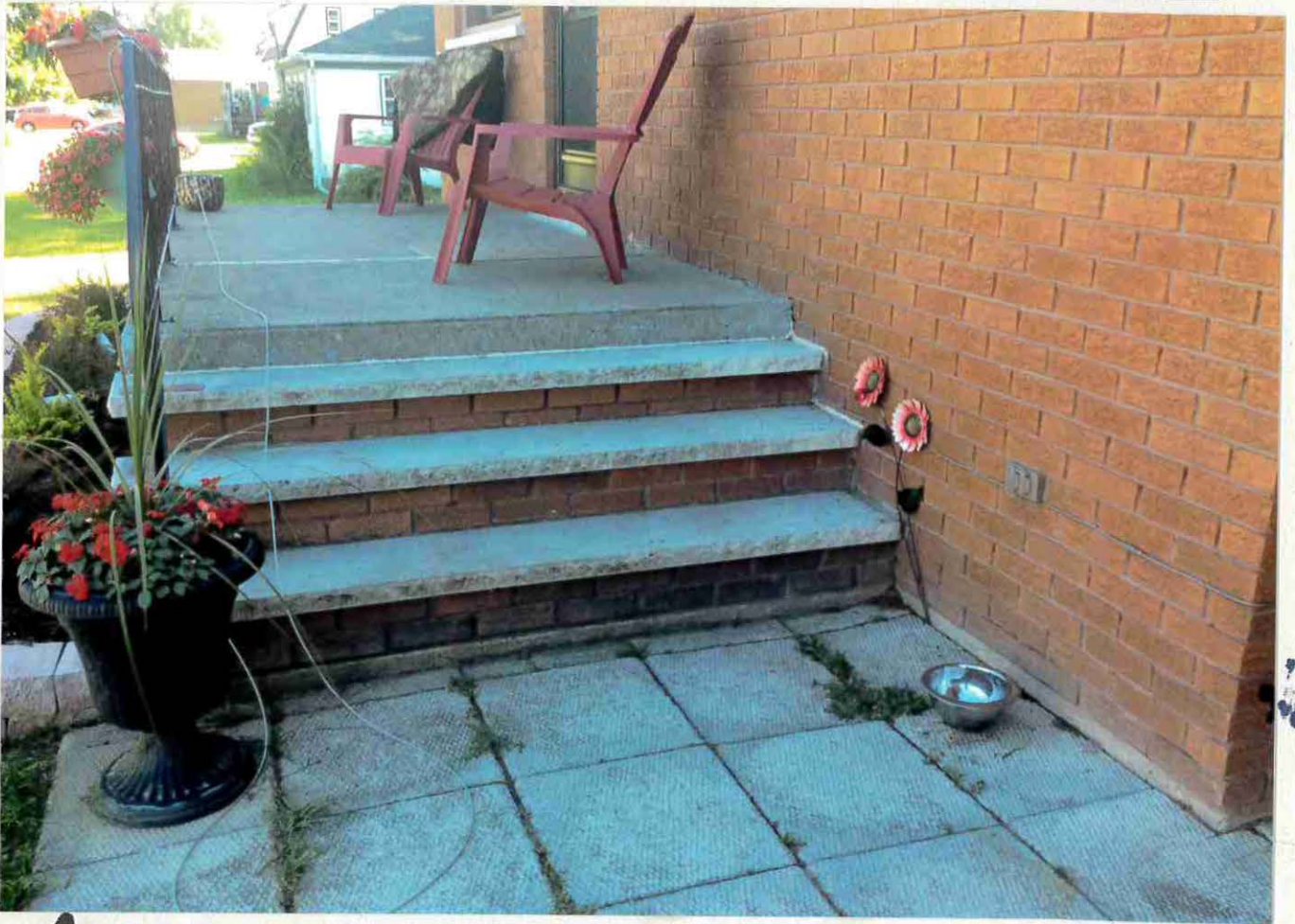
DIANNA M. CARLE

PICTURE 1



★
SECOND TREE

PICTURE 2



TOP OF PORCH RAILING



15" (5")

17"

18"

10 1/2"

GROUND LEVEL

