

**City of Port Colborne
Regular Committee of the Whole Meeting 19-18
Minutes**

Date: September 24, 2018

Time: 6:47 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 (due to a leave of absence)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. Grigg, Director of Community and Economic Development
A. LaPointe, Manager of Legislative Services/City Clerk
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
C. McIntosh, Deputy Clerk (minutes)
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 R. Bodner
Seconded by Councillor A. Desmarais

That the agenda dated September 24, 2018 be confirmed, as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Councillor Bodner declared pecuniary interest with regard to item 2, Fire and Emergency Services Department, Report 2018-124, Subject: Regulating the Sale and Discharge of Fireworks, as his brother owns a business that sells fireworks and as he owns a business in Sherkston Shores that could potentially sell fireworks. Councillor Bodner refrained from discussing or voting on this item.

5. Adoption of Minutes:**(a) Regular meeting of Committee of the Whole 18-18, held on September 10, 2018**

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

- (a) That the minutes of the regular meeting of the Committee of the Whole 18-18, held on September 10, 2018, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following item was identified for separate discussion:

Items 1, 2, 7 and 9.

7. Approval of Items Not Requiring Separate Discussion:

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

That items 1 to 13 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. Planning and Development Department, By-law Enforcement Division, Report 2018-113, Subject: Parking and Traffic – Davis Street**

Committee of the Whole recommends:

That an amendment to By-law 89-2000 being a by-law regulating traffic and parking on City roads, be amended as follows:

1. That Schedule "B" Standing Prohibitions, to By-law 89-2000 as amended, be amended by deleting therefrom the following:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
Highway	Side	From	To	Times/Days
Davis Street	West	52m north of the north limit of Fraser Street	6m north therefrom	Anytime

4. Planning and Development Department, By-law Enforcement Division, Report 2018-129, Subject: Parking and Traffic – Elm Street

Committee of the Whole recommends:

That the amendment to By-law 89-2000, being a by-law regulating traffic and parking on City roads, be approved as follows:

1. That Schedule “C” Parking Prohibition, to By-law 89-2000, be amended by adding thereto the following:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
Highway	Side	From	To	Times/Days
Elm Street	West	42m north of Delhi Street	80m north therefrom	Anytime

5. Planning and Development Department, By-law Enforcement Division, Report 2018-135, Subject: Parking for Persons with Disabilities – 184 Mitchell Street at Decew Street

Committee of the Whole recommends:

That By-law 4310/146/02 being a by-law to regulate on and off street parking for persons with disabilities, be further amended by adding to Schedule “I” the following:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
Highway	Side	From	To	Times/Days
Decew Street	South	20m west of Mitchell Street	7m south therefrom	Anytime

6. Planning and Development Department, By-law Enforcement Division, Report 2018-128, Subject: Fence Variance 29-33 Charlotte Street

Committee of the Whole recommends:

That the fence variance request for 29-33 Charlotte Street, on the corner of Charlotte and King Streets, be approved.

8. Planning and Development Department, Planning Division, Report 2018-137, Subject: Recommendation Report on Removing 94 West Street from the Municipal Registry of Heritage Properties

Committee of the Whole recommends:

That Council of the City of Port Colborne removes the lands legally known as Plan Merr Survey Lot 6, Pt Lot 7 NP 987, 988, 989, RP 59R-8922 Pt Part 2, City of Port Colborne, Regional Municipality of Niagara; municipally known as 94 West Street from the City of Port Colborne's Municipal Registry of Heritage Properties.

10. Planning and Development Department, Planning Division, Report 2018-136, Subject: Recommendation Report – Amendment to Development Charge By-law 6131/97/14, 1-year Waiving of Charges for Residential and Non- Residential Development

Committee of the Whole recommends:

That no further public meeting is required under Section 12(3) of the Development Charges Act prior to adoption of the by-law to amend by-law 3131/97/14, being a by-law to impose Development Charges for the City of Port Colborne; and

That the amendment to the Development Charges By-law, waiving development charges for all residential and non-residential development until a new Development Charges By-law hereby approved; and
That staff be directed to prepare the Notice of Passing as per the Development Charges Act.

11. Engineering and Operations Department, Engineering Division, Report 2018-127, Subject: Private Easement Across City Right of Way – 2207 Second Concession to 2453 Second Concession, on White Road

Committee of the Whole recommends:

That an easement be approved across the City's Right of Way between 2207 Second Concession and 2453 Second Concession, on White Road, in accordance with the following conditions:

- The City be named as additional insured on the property owner's insurance policy and a copy of the renewal be issued to the Clerk's department for filing each year.
- Any costs associated with the private connection, now or in future, are borne by the property owner. Any works being completed within the City's Right of Way shall be subject to any applicable permits and policies in place by the City.

- That signage be installed indicating the presence of a buried irrigation line and any maintenance associated with the signage will be the responsibility of the property owner.
- Should the properties be sold the City shall be informed of the change in ownership within 30 days of the closing and it will be at the City's discretion to determine if the Easement Agreement would be extended to any future potential property owners.
- All connections must be made on private property, any piping within the road allowance must not have any joints.
- Ministry of Environment and Climate Change Environmental Compliance Approval must be adhered to at all times and all setbacks maintained.

12. David Hazell, Chair, Teachers of English as a Second Language Association of Ontario Re: Request for Proclamation of English as a Second Language Week, October 28th to November 3rd, 2018

Committee of the Whole recommends:

That the week of October 28th to November 3rd be proclaimed as "English as a Second Language Week" in the City of Port Colborne in accordance with the request received from David Hazell, Chair, Teachers of English as a Second Language Association of Ontario.

13. Memorandum from Amber LaPointe, Manager of Legislative Services/ Clerk Re: Notice of Appointment to Niagara Compliance Audit Committee

Committee of the Whole recommends:

That the memorandum from Amber LaPointe, Manager of Legislative Services/Clerk Re: Notice of Appointment to Niagara Compliance Audit Committee, be received for information.

CARRIED.

8. Presentations:

a) Presentation by Mayor Maloney to Jessica Cizmar – Recipient of the Isadore Sponder Memorial Trophy

Mayor Maloney provided a presentation with respect to Isadore Sponder. Mayor Maloney, Fred Horvath, Mr. Sponder's nephew, and Jen Laur, Piranhas Swim coach, presented Jessica Cizmar with the Isadore Sponder Memorial Trophy. A copy of the presentation is attached.

b) Grant Presentations to Community Organizations

Councillor Kenny advised that Council set aside \$30,000 in 2018 for grants to be distributed to not-for-profit organizations who serve the residents of Port

Colborne. Councillor Kenny presented cheques to: Community Living Port Colborne-Wainfleet, YMCA of Niagara and Friends of Port Colborne Lighthouses. A copy of the presentation is attached.

9. **Delegations:**

Nil.

10. **Mayor's Report:**

A copy of the Mayor's Report is attached.

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

Nil.

12. **Councillors' Items:**

a) **Scholfield Avenue boulevard (Elliott)**

In response to an inquiry by Councillor Elliott with respect to whether the City plans to install sidewalks and perform landscaping, the Director of Planning and Development advised that there was no discussion with the developer in this regard and the Director of Engineering and Operations advised that the boulevards will continue to be maintained to current standards and anything above and beyond would have to be considered in the Operations budget.

b) **Cross walk at the intersection of Clarence and Catharine Streets (Elliott)**

In response to a request by Councillor Elliott for an update with respect to the progress of the installation of the cross walk at the intersection of Catharine and Clarence Streets, the Director of Engineering and Operations advised that contractors are meeting with staff about logistics and are trying to complete the project prior to the end of October.

c) **Heavy trucks on 3rd Concession Road (Bodner)**

Councillor Bodner advised that he has received concerns from residents with respect to heavy trucks travelling on 3rd Concession Road between Brookfield Road and Wilhelm Road. The Director of Engineering and Operations advised that the road is not designated as a no truck route and that 3rd Concession Road is not built to the same standards as 2nd Concession Road. The Director also advised that he would direct staff to review the traffic log and discuss the route with business owners in the area and truck drivers.

d) Line painting – Centennial Park (Bodner)

In response to an inquiry by Councillor Bodner, the Director of Engineering and Operations advised that staff are working on painting school guard crossings, then crossings for trails and the park is next on the painting schedule.

e) Centennial Park usage (Bodner)

Councillor Bodner requested staff to provide a report at a future meeting to update Council with respect to Centennial Park usage including reports from neighbours about attendance and determination of improvements.

f) Parking at Pleasant Beach Road (Butters)

Councillor Butters requested staff to provide a report in the new term of Council with options, including an option for no parking, on Pleasant Beach Road.

g) Pleasant Beach Signage (Butters)

In response to a request by Councillor Butters for clarification about way-finding signage to Nickel Beach and Centennial Beach, the Chief Administrative Officer advised that the City would like to be strategic about where signs are placed and ensure a consistent application of way-finding signs so as not to contribute to sign overload, therefore the Parks and Recreation Master Plan can appropriately guide this type of signage.

h) Clarence Street construction (Kenny)

Councillor Kenny expressed a concern about a sign indicating a bump in the road that is too low to be visible near the Clarence Street construction of the Wendy's Restaurant. The Director of Engineering and Operations advised that staff will review the location of the sign and that the area should be reinstated by the contractor shortly.

i) Railway tracks on Killaly Street (Kenny)

In response to an inquiry by 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 that the Region has committed to their share of the expense but Trillium must agree to do the work.

k) Break in at Minor Soccer building at the Tom Lannan Sports Complex (Desmarais)

In response to an inquiry by Councillor Desmarais about the break in to and vandalism of the Minor Soccer building at the Tom Lannan Sports Complex, the Chief Administrative Officer advised that he is not aware of a formal process for

reporting incidents at all City buildings, aside from the City's major facilities, and that staff will put appropriate protocol in place.

l) Niagara Regional Police response to alarms protocol (Desmarais)

Councillor Desmarais expressed concern by a pharmacy owner with respect to a new protocol introduced by the NRPS in which they do not respond to alarms and the business owner must respond and then report if there is a problem. Councillor Desmarais inquired whether the protocol could be reconsidered for certain cases. The Chief Administrative Officer advised that the NRPS protocol approved by the NRPS Board was implemented as a result of the number of false alarms received and further advised that there are certain types of building uses that would likely merit a police inspection and exclusion of the new protocol, about which he would speak to the Police Chief.

m) Closed Circuit TV (Desmarais)

In response to an inquiry by Councillor Desmarais, the Chief Administrative Officer advised that some City facilities already have CCTV, particularly the newer facilities. The Chief Administrative Officer explained that at the September 10, 2018 public meeting, direction was not provided by Council, therefore the next steps staff are taking is holding a meeting with concerned parties including Port Cares, NRPS, Ward Councillors, Mr. Davies and the Chair of the BIA to discuss ideas to address the vandalism and crime issues in the downtown area and any ideas such as CCTV would be presented to Council as a budget request.

Staff Responses to Previous Councillor Enquiries:

a) Fire Prevention Week Open House – October 13 (Cartwright)

The Fire Chief advised that Fire Prevention Week is from October 7-13, with an Open House being held on Saturday, October 13 from 10 a.m.-2 p.m. at the Fire Station at 3 Killaly Street West.

b) Vulnerable Occupancy Buildings (Cartwright)

The Fire Chief advised that at the September 10, 2018 meeting of Council, one of the presenters expressed a concern with respect to the supportive living facilities/vulnerable occupancy buildings that operate in Port Colborne as unregulated boarding homes that provide unsafe housing. The Fire Chief also advised that the Fire Department is aware of the facilities and continually surveils those properties and has had numerous contact with the property owner including the laying of charges. The Fire Chief further advised that significant bills are being charged to both vulnerable occupancy properties for false alarms, which can be added to the property taxes if unpaid. Finally, the Fire Chief advised that upon inspection of both properties, they complied with the Building Code and Fire Code.

c) Fire Safety Campaign (Cartwright)

The Fire Chief advised the door-to-door fire safety campaign is continuing and compliance is at approximately 39%. The Fire Chief reported that the Fire Department continues to receive phone calls to carry out safety checks in homes.

d) Cannabis dispensary and sales (Aquilina)

The Director of Planning and Development advised that an open house will be held on October 30, 2018 and public meeting will be held on November 13, 2018 with respect to the commercial growth and sale of cannabis.

e) Request for Proposal re: Parks and Recreation Master Plan (Grigg)

The Director of Community and Economic Development advised that an RFP for the completion to solicit interest in the completion of a Parks and Recreation Master Plan will be issued on September 25, 2018 with an expected completion date at the end of February, 2019.

13. Consideration of Items Requiring Separate Discussion:

1. Corporate Services Department, Finance Division, Report 2018-133, Subject: Municipal Officers' Expense Allowance

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

That Corporate Services Department, Finance Division Report 2018-133 Subject: Municipal Officers' Expense Allowance, be received for information.

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

That consideration of the Municipal Officers' Expense Allowance, as outlined in Corporate Services Department, Finance Division, Report 2018-133, be deferred to the next term of Council.

CARRIED.

2. Fire and Emergency Services Department, Report 2018-124, Subject: Regulating the Sale and Discharge of Fireworks

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

That the proposed by-law for prohibiting and regulating the sale and discharge of fireworks attached to Fire and Emergency Services

Department Report 2018-124 be approved, effective January 1, 2019;
and

That staff be directed to make the necessary changes to the applicable
fee schedule.

CARRIED.

7. Planning and Development Department, Planning Division, Report 2018-132, Subject: Recommendation Report on Removing 60 Adelaide Street from the Municipal Registry of Heritage Properties

Moved by Councillor D. Elliott
Seconded by Councillor B. Kenny

That the lands legally known as Plan Merr Survey Pt Lot 5 Pt Lot 6 NP 987, 988, 989, City of Port Colborne, Regional Municipality of Niagara; municipally known as 60 Adelaide Street be removed from the City of Port Colborne's Municipal Registry of Heritage Properties.

CARRIED.

9. Planning and Development Department, Planning Division, Report 2018-125, Subject: Municipal Land Sale Policy

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

That the Land Sale Policy attached to Planning and Development Department, Planning Division Report 2018-125 be approved; and

That By-law No. 4770/152/05 be repealed; and

That the City Clerk be directed to bring forward the necessary by-law for approval; and

That the City Clerk be authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after its passage.

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

That the main motion be amended by adding as the first paragraph:

"That the Land Sale Policy, Part 7 – Limited Marketability Land – Payment of Deposit, be amended by removing therefrom the forfeiture of the \$300 deposit as defined in Section 7.2 (i) and (ii), and adding thereto as follows "(i) not recommended by staff and Council denies the request, then the deposit shall be refunded without interest or deduction. (ii)

recommended by staff and Council denies the request, then the deposit shall be refunded without interest or deduction”;

That the main motion be further amended by adding “as amended” after “That the Land Sale Policy attached to Planning and That the Land Sale Policy attached to Planning and Development Department, Planning Division Report 2018-125 be approved.”

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

That the Land Sale Policy, Part 7 – Limited Marketability Land – Payment of Deposit, be amended by removing therefrom the forfeiture of the \$300 deposit as defined in Section 7.2 (i) and (ii), and adding thereto as follows “(i) not recommended by staff and Council denies the request, then the deposit shall be refunded without interest or deduction. (ii) recommended by staff and Council denies the request, then the deposit shall be refunded without interest or deduction”; and

That the Land Sale Policy attached to Planning and Development Department, Planning Division Report 2018-125 be approved, as amended; and

That By-law No. 4770/152/05 be repealed; and

That the City Clerk be directed to bring forward the necessary by-law for approval; and

That the City Clerk be authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after its passage.

CARRIED.

14. Notice of Motion:

Nil.

15. Adjournment:

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

That the Committee of the Whole meeting be adjourned at approximately 8:11 p.m.

CARRIED.

SPEAKING NOTES
ISADORE SPONDER MEMORIAL TROPHY

- Growing up in Port Colborne, Isadore Sponder began swimming at the age of 15 in either Lake Erie or the Welland Canal or both, as most children of his age did.
- Between 1927 – 1933, Isadore competed against such noted swimming greats as Marvin Nelson and Gianni Gambi.
- During the era when the Canadian National Exhibit Marathon Swim was one of the Premier World Marathons, Isadore finished in the top 3, four times.
- Good friend Ernie Marsh stated, “he was quite a swimmer - he tried his best and brought considerable recognition to Port Colborne”.
- He passed away in December of 1986 at the age of 74.
- In 1993, the Centennial Pool Lift for handicapped swimmers was dedicated to the citizens of Port Colborne by the Sponder Family. With the decommissioning of Centennial Pool and building of Vale Health & Wellness Centre the city, alongside Isadore’s Family, wanted to ensure his memory lived on in Port Colborne.
- In addition to his name on the Donor Wall at the Vale Health & Wellness Centre, the City has created the “Isadore Sponder Memorial Trophy to be presented annually to a member of the Port Colborne Piranhas Swim Team.

- The recipient is to mirror the traits Isadore possessed in the water – a competitive spirit, dedicated to the sport, and always giving 110%, win or lose.
- We are fortunate tonight to have two members of Isadore's family here with us, and I would like to invite his nephew and former Port Colborne resident, Fred Horvath and his other nephew, John Shaw to say a few words.
- *Fred speaks.*
- I would also like to call up Jen Laur, the coach of the Piranhas Swim Team for the presentation.
- *Jen Laur comes up.*
- We are pleased to announce that the recipient of the inaugural Isadore Sponder Memorial Trophy is Jessica Cizmar.
- Jessica, can you please come up.
- Jessica is 11 years old and has been participating on the Piranhas Swim team and taking the Swim Stroke Improvement classes for 2 years.
- Jessica has loved the water since she was a baby, and is looking forward to one day being a lifeguard.
- We have this trophy which will remain on display at the Vale Health & Wellness Centre engraved with your name and we have a plaque for you to take home.

SPEAKING NOTES
GRANT PRESENTATIONS
SEPTEMBER 24, 2018

Good evening ladies and gentlemen.

We are here this evening to present several community grants to non-profit organizations who serve the residents of Port Colborne.

The committee is comprised of three members of council and two members of the public on this committee – myself, Councillor Angie Desmarais, Mayor John Maloney, with Gary Bruno and Brenda Haymes from the public.

For 2018, council has set aside a maximum of \$30,000 to be distributed.

The first round of applications were received by January 31st and we presented 6 grants totalling \$12,720.

The second round of applications were received by June 30th and we are here tonight to present 3 grants totalling \$8,250.

Community Living Port Colborne Wainfleet used their grant of \$4,500 to offer 6 week summer employment training program for high school students with intellectual disabilities by hiring 3 job support workers.

I'd like to call up Dan Tonello and Rita Smith to receive their cheque.

Ask them to say a few words.

YMCA of Niagara used their grant of \$2,000 to support their Youth Action program at Dewitt Carter Public School in Port Colborne. These funds would provide our school program with staffing as well as having access to office supplies, program supplies, gym equipment and a site phone for the 2018-2019 school year.

I'd like to call up Lori Brady to receive their cheque.

Ask Steve to say a few words.

Friends of Port Colborne Lighthouses used their grant of \$1750 to assist with the cost of insurance to provide tours to the lighthouses during Canal Days.

I'd like to call up Peter Meyer to receive their cheque.

Ask Peter to say a few words.



PORT COLBORNE

Mayor's Report to the September 24, 2018 Council Meeting

Retirement – Mike Bendia – Deputy Fire Chief

Mike, I wish to express the gratitude of Port Colborne City Council and our residents for your commitment over the past 37 plus years as a fire fighter for our municipality.

You climbed the ranks of both the volunteer department and the full-time department, eventually reaching the rank of Deputy Fire Chief which you have held for the past five years.

Serving our citizens is something you did every day, at any hour, in any weather condition, and we are grateful to you.

You have given your heart and soul to our community in so many ways, most recently as Chairman of the Board of Directors of Port Cares.

Mike, you have made the lives of the residents of Port Colborne safer and more secure because you care.

Mike, enjoy your retirement. You have earned it. You deserve it.

Present plaque.

Vale – 100th anniversary

Another milestone was reached this past week in the city as Vale, formerly Inco, celebrated their 100th anniversary of operations in Port Colborne.

They opened their refinery to the public giving tours of the cobalt and nickel plants.

It was a great opportunity for the community to see first-hand the operation that has employed generations of residents.

It was also an opportunity for retirees to return to Port Colborne and catch a glimpse of how the plant has changed and updated over the years.