

**City of Port Colborne
Regular Committee of the Whole Meeting 20-19
Minutes**

Date: July 22, 2019

Time: 6:40 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
B. Garrett, Director of Corporate Services
A. LaPointe, Manager of Legislative Services/City Clerk
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer

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. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

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

That the agenda dated July 22, 2019 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 19-19, held on July 8, 2019

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

(a) That the minutes of the regular meeting of Committee of the Whole 19-19, held on July 8, 2019, be approved as presented.
CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Item 1, 2, 4, 5, 6, and 11.

7. Approval of Items Not Requiring Separate Discussion:

Moved by Councillor A. Desmarais
Seconded by Councillor G. Bruno

That Items 1 to 12 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. Engineering and Operations Department, Engineering Division, Report 2019-112, Subject: Young & Hopf-Wagner Drain

Committee of the Whole recommends:

That Project 2019-11 Young & Hopf-Wagner Drains be awarded to CRL Campbell Construction & Drainage Ltd of Wainfleet, Ontario, for the total tendered price of \$696,497.90 plus applicable taxes. Staff is directed to utilize the bid items as listed within the awarded Tender Documents, in such a manner as to complete all required works, all the while, keeping within the annual budget allocations by Council; and

That funding for Project 2019-11 Young & Hopf-Wagner Drains be financed on an interim basis, under GL Account: 3-560-33243-3328 and that staff be authorized to initiate billings back to the Municipal Drains Watershed at the completion of the Watershed works; and

That a by-law, in which the City enters into a Contract Agreement with the Contractor, be prepared upon final budget approval.

7. **Planning and Development Department, Planning Division, Report 2019-117, Subject: Lorraine Road Property Sale**

Committee of the Whole recommends:

That Council declares Part 2 and 6 on Plan 59R-10301 as surplus to the City's needs; and

That the City enter into an Agreement of Purchase and Sale with Helen Liiodromitis for \$230,000 plus HST and with Paul and Kathleen Kuronen for \$250,000 plus HST; and

That the Mayor, Clerk and City Solicitor be authorized to sign and execute any and all documents respecting the sale of these lands.

8. **Planning and Development Department, Planning Division, Report 2019-119, Subject: Recommendation Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street**

Committee of the Whole recommends:

That the Official Plan Amendment, attached to Planning and Development Department, Planning Division, Report 2019-119 as Appendix A, changing the designation of the property from "Parks and Open Space" to "Industrial Areas", be approved.

That the Zoning By-law Amendment, attached to Planning and Development Department, Planning Division, Report 2019-119 as Appendix B, rezoning the land from "P-CH" to "LI-51", be approved.

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

9. **Engineering and Operations Department, Engineering Division, Report 2019-120, Subject: Information Report on Fees for the Engineering and Operations Department**

Committee of the Whole recommends:

That the Fees Schedule for 2019 be established as the 2018 rates and fees plus an adjustment for inflation, based on the CANADATA index for 2019, (2.7% increase).

That Engineering and Operations staff be directed to track in 2019-2020, all actual costs, for labour, materials and equipment required in performing a task or supplying a service and then use that data to annually adjust the rates and fees schedules on an annual basis.

10. **Memorandum from Port Colborne Transit Advisory Committee Re: Support of Entering into an Agreement with Regional Transit**

Committee of the Whole recommends:

That the recommendation by the Transit Advisory Committee that the City of Port Colborne enter into an agreement with Regional Transit for the purpose of increasing the shares of Provincial Gas Tax, be supported, and that the Region be so notified.

12. **Maple Leaf Strategies Re: Support for Rural Investment Tax Credit**

Committee of the Whole recommends:

That the creation of a rural investment tax credit being advocated by the Rural Opportunity and Investment Coalition (ROI), be supported.

CARRIED.

8. **Presentations:**

Nil.

9. **Delegations:**

- (a) **Cynthia Skinner, on behalf of Friends of Port Colborne Lighthouses (FOPCL), Proclamation National Lighthouse Day, August 7, 2019**

Cynthia Skinner presented a request for Council to proclaim August 7, 2019 as International Lighthouse Day. A copy of the presentation is attached.

10. **Mayor's Report:**

Mayor Steele provided an update to Council including his recent visit to Prince Edward Island and information on the upcoming Canal Days events within the City.

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

Nil.

12. **Councillors' Items:**

(a) **Boardwalk on Pleasant Beach (Wells)**

In response to concerns regarding the boardwalk at Pleasant Beach, the Director of Engineering and Operations stated that the boardwalk is not owned by the City, but that he would call the owners to request that they make repairs.

(b) **Ditch Clearing on Chippawa Road (Desmarais)**

In response to a request to clear a ditch on Chippawa Road, the Director of Engineering and Operations stated that he would follow-up with the request.

(c) **Removal of Signs (Bruno)**

Councillor Bruno thanked Engineering and Operations Department staff for the removal of more than two-hundred signs throughout the City.

(d) **Meadow Heights Weed Cutting (Bruno)**

Councillor Bruno thanked By-Law Division staff for ensuring that weeds in the Meadow Heights subdivision were cut properly.

(e) **Pine and Fielden Streets – Weed Cutting on Tree (Danch)**

In response to a request to remove a large weed, the Director of Engineering and Operations stated that staff will follow-up with the request.

(f) **Main Street Concern for Pedestrians (Danch)**

Councillor Danch requested that staff ensure they provide the right of way to pedestrians while working.

(g) Pleasant Beach Road Speed Limit (Bodner)

Councillor Bodner stated concerns with speeding on Pleasant Beach Road. He will forward the concern to Mayor Steele for his meeting with Niagara Regional Police.

(h) Pleasant Beach Road Signage (Bodner)

In response to concerns with the lack of signage on Pleasant Beach Road for cars who have been towed staff stated that they will look into this.

(i) Empire Road Construction (Bodner)

In response to concerns regarding stones on Empire Road, the Director of Engineering and Operations stated that he would follow-up with the concern.

(j) Centennial Park and New Home Build (Bodner)

In response to concerns regarding the new build near Centennial Park, the Chief Administrative Officer stated that the beach is groomed weekly, park staff visit the beach at least twice daily, and that staff have met with the home owner next to the park to address safety concerns. Staff confirmed that the owner does own the beach in front of their home and that any complaint regarding the fence would need to be addressed by the NPCA.

13. Consideration of Items Requiring Separate Discussion:

1. Motion by Councillor Wells Re: Review of Noise and Discharge of Firearms By-laws

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That the Director of Planning and Development be directed to update By-Law No. 4588/119/04, being a by-law to regulate noise and By-Law No. 2499/115/90, being a by-law to prohibit and regulate the discharge of guns and other weapons within the City of Port Colborne; and

That the review includes consideration of the distance from buildings of discharge and provisions to include reactive targets, (Type S.2) high hazard Special Purpose Explosives; and

That staff report back to Council with a recommendation in October 2019.

CARRIED.

2. Motion by Councillor Wells Re: Review of Removal of Topsoil and Placement of Fill By-law

Moved by Councillor H. Wells

Seconded by Councillor D. Kalailieff

That the Director of Planning and Development be directed to update By-Law No. 5528/125/10 a by-law to prohibit or regulate the removal of topsoil, the placing or dumping of fill and the alteration of the grade of land within the city of Port Colborne; and

That the review includes the new provincial regulations, recent issues with fill sites, state of the art fill sites, best practices of site alteration techniques and processes and realistic fee structures proportional to the complexity of the application and conditions related to the size and nature of the site in question, and duration of the alteration; and

That staff report back to Council with a recommendation in the winter of 2019.

Moved in amendment by Councillor G. Bruno

Seconded by Councillor D. Desmarais

That the main motion be amended by adding thereto the following:

That the Director of Planning and Development report back to Council in August 2019 regarding funding availability for consulting services for special projects within the department.

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

That the Director of Planning and Development be directed to update By-Law No. 5528/125/10 a by-law to prohibit or regulate the removal of topsoil, the placing or dumping of fill and the alteration of the grade of land within the city of Port Colborne; and

That the review includes the new provincial regulations, recent issues with fill sites, state of the art fill sites, best practices of site alteration techniques and processes and realistic fee structures proportional to

the complexity of the application and conditions related to the size and nature of the site in question, and duration of the alteration; and

That staff report back to Council with a recommendation in the winter of 2019; and

That the Director of Planning and Development report back to Council in August 2019 regarding funding availability for consulting services for special projects within the department.

CARRIED.

4. Engineering and Operations Department, Engineering Division, Report 2019-113, Subject: Schihl Municipal Drain Meeting to Consider

Neal Morris, P. Eng. Of K. Smart Associates Ltd presented to Council information regarding the Schihl Municipal Drain and answered questions as required.

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

That the Mayor and Clerk be directed to execute a by-law to provisionally adopt the Schihl Municipal Drain Engineer's Report, dated March 28, 2019, prepared by Neal Morris, P. Eng. of K. Smart Associates Limited, under Section 4, Chapter D.17 of the *Drainage Act R.S.O. 1990*.

That staff be directed to advance the Schihl Municipal Drain Engineer's Report to that of the Court of Revision, as per Section 46(1), Chapter D.17 of the *Drainage Act R.S.O. 1990*.

That Councillor Wells and Councillor Bodner be appointed as a member of the Schihl Municipal Drain Court of Revision and Mayor Steele be appointed as an alternate.

CARRIED.

5. Community and Economic Development Department, Parks and Recreation Division, Report 2019-114, Subject: By-law Exemption Request – Canal Days Marine Heritage Festival Bass Pro Outdoor World Shooting Range

Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

That a temporary exemption to By-law 2499/115/90, Being a By-law to Prohibit and Regulate the Discharge of Guns and Other

Weapons within the City of Port Colborne be approved, specifically for the purpose of permitting Bass Pro Outdoor World to offer a BB gun shooting range attraction during the 2019 Canal Days Marine Heritage Festival, as outlined in Community and Economic Development Department, Parks and Recreation Division, Report 2019-114, Subject: By-law Exemption Request - Canal Days Marine Heritage Festival Bass Pro Outdoor World Shooting Range.

CARRIED.

6. Corporate Services Department, Clerk's Division, Report 2019-116, Subject: Appointments to Boards and Committees

Moved by Councillor M. Bagu
Seconded by Councillor E. Beauregard

That Nancy Busch be appointed to the Accessibility Advisory Committee for a term ending December 21, 2023.

That Wade Smith and Gregg Dame be appointed to the Active Transportation Committee for a term ending December 31, 2023.

That Kevin Reles and Angela Doyle be appointed to the Economic Development Advisory Committee for a term ending December 31, 2023.

That Trent Doan, Steven Rivers, and Norbert Gieger be appointed to the Environmental Advisory Committee for a term ending December 21, 2023.

That Nancy Busch and Heidi Grzesina be appointed to the Senior Citizen Advisory Council for a term ending December 31, 2023.

That Jack Hellinga be recommended to Council of the Region of Niagara to be appointed to serve on the Niagara Peninsula Conservation Authority Board.

CARRIED.

11. Memorandum from the Environmental Advisory Committee, Re: Vale Community-Based Action Plan

Moved by Councillor G. Bruno
Seconded by Councillor H. Wells

That Council supports the recommendation of the Environmental Advisory Committee as follows;

That whereas Vale and the Ministry of the Environment, Conservation and Parks (MECP) disagree on the application of Ontario Regulation 153/04 to lands where Vale's proposed action plan applies and this may have profound implications where landowners apply to develop their lands, and;

The Port Colborne Environmental Advisory Committee, therefore, recommends to Council that staff be directed to examine the additional planning and design requirements, if any, where applications for approval under the *Planning Act* are concerned in the area to which the Vale's action plan applies. The review should determine what additional investigations and potential remedial actions the Region of Niagara, the Regional Health Department or its successor, and the MECP may require during the review of planning applications when a landowner makes application under the *Planning Act* to develop their lands. This review should also include comments from each of Regional Planning and Public Health staff and the MECP as to what their requirements may be and where they could apply these, if any are required, be supported, and that the Region be so notified.

Moved in referral by Councillor G. Bruno
Seconded by Councillor H. Wells

That consideration of the Memorandum from the Environmental Advisory Committee, Re: Vale Community-Based Action Plan be referred to the Director of Planning and Development for review; and

That the Director of Planning and Development report back with comments to Council on August 26, 2019 Committee of the Whole meeting.

CARRIED.

14. Notice of Motion:

Councillor Desmarais provided notice of her intention to introduce a motion at the August 12, 2019 Committee of the Whole/Council meeting with respect to becoming a living wage employer.

15. Adjournment:

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

That the Committee of the Whole meeting be adjourned at approximately
7:44 p.m.
CARRIED.

AL/

Light House Day Port Colborne

It is good to be back to request that Council ^{CITY} again declare Light House Day in Port Colborne for 7th August, as we join other communities world wide in celebrating light-houses and our connected histories.

The lighthouse tours are now a standard fixture and a major draw during Canal Days. They hold an even greater potential draw as the city seeks to obtain liberal warm-weather access. Light houses continue to be a major world-wide draw. We could go from Canal Days and lighthouse Day properly celebrated - and add the 3rd August event, lighthouse based and celebrated world wide. Ham Radio lighthouse weekend is a couple weeks later in August. Ham Radio clubs operate from lighthouses, sending their messages and greetings world wide. And we don't just have one lighthouse - we have 2. I sense an eye-roll. - Ham radios - seen in old WWII film footage. Long obsolete. Not. When a real disaster occurs, cell phones long dead, it is the ham radio sending out the calls for help and relief. And there is a group in Niagara. So, 3 lighthouse focused events in a single month - potential major draw. With reasonable access to our lighthouses in the future, we need to include an educational component. Set-up school outings, grade 5, from all of our schools, and let them go out and here about this part of our history. Maybe June and Sept.

And now you are wondering how possibly a small group of volunteers could man such a large scale operation. Clearly they could not. But, by increasing the staff at the visitors center, there could be enough guides to cover the tours. Summer students, both history and tourism majors, using their expertise to wow the crowd. And the volunteer group would then take-on a behind-the-scenes supportive role.

Now, think out of the box. Let's reconstruct the keepers home and use it as a B+B. Many lighthouses are now B+B's. The Dunkirk light home is restored - and the same period as ours. Let's one envision what ours could be like.

The sky is the limit... helicopter rides from the breakwall helipad. Dream on.

For now I am glad we can acknowledge
Lighthouse Day

Thank you

Cynthia B Skene (BSGT)

SCHIHL DRAIN



PORT COLBORNE



K. SMART ASSOCIATES LIMITED
CONSULTING ENGINEERS & PLANNERS

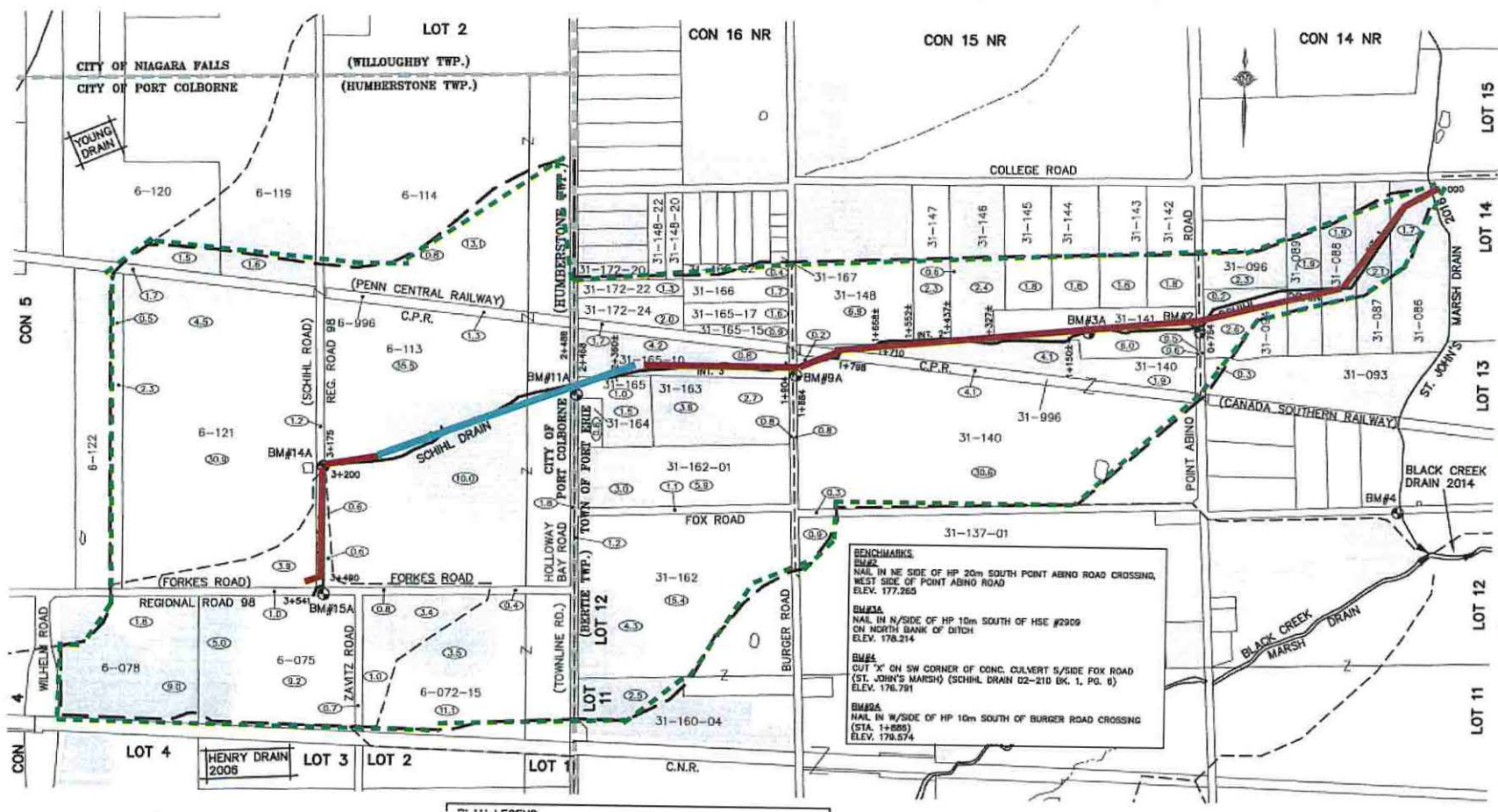


File No. 02-210
July 22, 2019

PROJECT BACKGROUND

- K. Smart was appointed in 2002 to prepare a Section 4 report to resolve the flooding problems along the ditch.
 - Environmental consultations
 - Five public meetings
 - Landowner flooding concerns
 - Discussion between Town of Fort Erie and City of Port Colborne
- The proposed drain route follows the route of an existing 1909 Award Drain.

WATERSHED PLAN



- Debris Removal
- Ditch Excavation
- - - Watershed Boundary

BENCHMARKS

BM#2
NAIL IN NE SIDE OF HP 20m SOUTH POINT ABINO ROAD CROSSING,
WEST SIDE OF POINT ABINO ROAD
ELEV. 177.265

BM#3A
NAIL IN N/SIDE OF HP 10m SOUTH OF HSE #2909
ON NORTH BANK OF DITCH
ELEV. 178.214

BM#4
CUT 'X' ON SW CORNER OF CONC. CULVERT S/SIDE FOX ROAD
(ST. JOHN'S MARSH) (SCHIL DRN 02-210 BK. 1, PG. 6)
ELEV. 176.791

BM#5A
NAIL IN W/SIDE OF HP 10m SOUTH OF BURGER ROAD CROSSING
ELEV. 178.574

PROJECT DETAIL BREAKDOWN

- Total length of drain:
 - Main Drain 3,541 m
- Total watershed area affected:
 - Main Drain 299.5 ha
- Total estimated cost of the project (including Net HST): \$ 392,980
- Total estimated construction costs (excluding HST): \$ 222,750
- Total City of Port Colborne assessment: \$ 66,486
- Total Town of Fort Erie assessment: \$ 72,291
- Total Regional assessment: \$44,777
- Total landowners assessment (City of Port Colborne): \$ 71,763
- Total landowners assessment (Town of Fort Erie): \$ 137,663
- There are two special assessments to the roads.
 - Burger Road \$ 25,235
 - Regional Road 98 \$ 63,335

OBJECTIVE OF MEETING

- This meeting is to provide landowners and council the opportunity for questions to the engineer on aspects of the design (size and alignment of the drain, etc.).
- Allow landowners opportunity to add or remove their name from the petition.
 - If landowners remove their names from the petition the engineer must determine if petition is still valid.
- No assessment appeals will be considered at this meeting, but will be heard by the Court of Revision (later date to be determined).

COUNCIL ACTIONS

- Council can refer the report back to the engineer to make changes or
- Council can give first and second reading to the by-law and set a date for the Court of Revision

THANK YOU QUESTIONS



K. SMART ASSOCIATES LIMITED
CONSULTING ENGINEERS & PLANNERS



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