

**City of Port Colborne  
Regular Council Meeting 28-20  
Minutes**

- Date:** October 26, 2020
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor (via Zoom)  
R. Bodner, Councillor (via Zoom)  
G. Bruno, Councillor  
F. Danch, Councillor (via Zoom)  
A. Desmarais, Councillor (via Zoom)  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor
- Staff Present:** D. Aquilina, Director of Planning and Development Department (via Zoom)  
B. Boles, Director of Corporate Services/Treasurer (via Zoom)  
A. Grigg, Director of Community and Economic Development (via Zoom)  
A. LaPointe, Manager of Legislative Services/City Clerk  
G. Long, Manager of Strategic Initiatives  
S. Luey, Chief Administrative Officer (via Zoom)  
C. Madden, Deputy Clerk (minutes)  
S. Shypowskyj, Acting Director of Engineering and Operations (via Zoom)  
A. Vander Veen, Drainage Superintendent (via Zoom)

Also in attendance was one member of WeeStream.

**1. Call to Order:**

Mayor Steele called the meeting to order.

Mayor Steele delivered his Mayor's Report, a copy of which is attached.

Regional Councillor Butters informed Council that the Niagara Region received a AA credit rating. She proceeded to report that the Niagara Region's Mask By-law now extends to common areas in condominium/apartment buildings and reminded residents to be kind to those who cannot wear a mask for health reasons. Councillor

Butters concluded her report by encouraging residents to stay safe this Halloween and congratulated all the recent retirees at the City of Port Colborne.

**2. Introduction of Addendum Items:**

None.

**3. Confirmation of Agenda:**

**No. 215** Moved by Councillor F. Danch  
Seconded by Councillor M. Bagu

That the agenda dated October 26, 2020 be confirmed, as circulated.

CARRIED

**4. Disclosures of Interest:**

Councillor Bagu declared a pecuniary interest regarding item 2 (Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street) as the property owners immediately south of 128 McCain Street share the same granddaughter as the Councillor. Councillor Bagu refrained from discussing and voting on item 2.

Councillor Beauregard declared a pecuniary interest regarding item 6 (Memorandum from Councillor Harry Wells Re: Designating the Vulnerable Aquifer Schedule B of Official Plan as a Source Water for Rural Residents of port Colborne), as he is employed by Sullivan Mahoney the solicitor for Rankin companies. Councillor Beauregard refrained from discussing and voting on item 6.

**5. Adoption of Minutes:**

**No. 216** Moved by Councillor H. Wells  
Seconded by Councillor R. Bodner

(a) That the minutes of the regular meeting of Council 27-20, held on October 13, 2020, be approved as presented.

CARRIED

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

The following items were identified for separate discussion:

Items 1, 2, 3, 4, and 6.

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

**No. 217** Moved by Councillor R. Bodner  
Seconded by Councillor E. Beauregard

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:**

**5. Corporate Services Department, Financial Services Division, Report 2020-156, Subject: Provincial COVID-19 Safe Restart Funding**

Council Resolved:

That Council direct staff to apply for Phase 2 funding under the Safe Restart Agreement – Municipal Operating Fund.

**7. Niagara Region Re: Solid Waste Management By-law Update**

Council Resolved:

That the correspondence received from Niagara Region Re: Solid Waste Management By-law Update, be received for information.

**8. Niagara Region Musicians Associations Re: The Establishment of a Sub Class of Property Taxes for Venues that Engage Live Entertainment – Economic Challenges brought on by COVID**

Council Resolved:

That the correspondence received from Steve Kostyk, President, NRMA, regarding the Establishment of a Sub Class of Property Taxes for Venues that Engage Live Entertainment – Economic Challenges brought on by COVID, be received for information.

**9. City of St. Catharines Re: Development Approval Requirements for Landfills – (Bill 197)**

Council Resolved:

That the resolution received from the City of St. Catharines Re: Development Approval Requirements for Landfills, be received for information.

**10. City of Thorold Re: Amendments to Bill 197 Being Amendments to the Environmental Assessment Act, relating to Landfill Sites**

Council Resolved:

That the resolution received from the City of Thorold Re: Amendments to the Environmental Assessment Act, relating to Landfill Sites, be received for information.

**11. Township of Enniskillen Re: Funding and Inspections for Long Term Care Homes due to COVID 19 and Endorsement of Bill 164**

Council Resolved:

That the resolution received from the Township of Enniskillen in support of the City of Port Colborne's resolution Re: Funding and Inspections for Long Term Care Homes due to COVID 19 and Endorsement of Bill 164, be received for information.

**12. City of Vaughan Re: Funding and Inspection for Long Term Care Homes due to COVID 19 Pandemic**

Council Resolved:

That the correspondence received from the City of Vaughan Re: Funding and Inspection for Long Term Care Homes due to COVID 19 Pandemic, be received for information.

**13. City of Port Colborne's Resolution Re: Request for Endorsement of Bill 164 Protecting Vulnerable Persons in Supportive Living Accommodation Act, 2019**

Council Resolved:

That the resolutions received from the Municipality of Brooke-Alvinston, Coleman Township, Municipality of Dutton Dunwich, Municipality of Huron East, Township of O'Connor, Town of Rainy River, City of St. Catharines, City of Vaughan, Township of Warwick and City of Welland regarding City of Port Colborne's request for endorsement, be received for information.

CARRIED

**8. Delegations/Presentations**

- (a) Carol Nagy, Executive Director, Hospice Niagara Re: Community Funding Grant Request for Expansion of Hospice Residential and Community Services Across the Region

Carol Nagy, Executive Director, Hospice Niagara, provided a presentation with respect to a Community Funding Grant Request for the expansion of Hospice Residential and Community Services across the Region and responded to questions received from Council. A copy of her presentation is attached.

- (b) Scott Luey, Chief Administrative Officer and Gary Long, Manager of Strategic Initiatives Re: Strategic Plan 2020-2025

Scott Luey, Chief Administrative Officer and Gary Long, Manager of Strategic Initiatives provided a presentation with respect to the 2020-2025 Strategic Plan and responded to questions received from Council. A copy of their presentation is attached.

**9. Councillors' Items:****Staff Responses to Previous Councillors' Enquiries**

- (a) **Access Gates at the Lake Road Ends (Shypowskyj)**

The Acting Director of Engineering and Operations provided Council with an update on the issue of off-roading vehicles maneuvering around the access gates on lake road ends. The Acting Director of Engineering and Operations informed Council that staff have investigated the issue and confirmed that there are sections of these road ends that require blockage. He further reported that staff is currently conducting a review to improve all road ends with work to be implemented in the near future and that temporary solutions will be put in place for the interim.

- (b) **Audible Pedestrian Signal Crossings (Shypowskyj)**

The Acting Director of Engineering and Operations provided an update to Council with respect to the audible pedestrian signal crossings in the City. He informed Council that there are 19 crossings in the City and out of those crossings, there are 7 using audible signals. He further reported that an audible signal installation is approximately \$12,000 which is dependant upon existing infrastructure. He indicated that in order to achieve AODA compliance, a tactile pad installation would be required within 1.5 metres of the crossing, thereby adding an additional cost in the event that the poles needed to be relocated.

## **Councillors' Issues/Enquiries**

### **(a) Nyon Public Meeting (Wells)**

In response to Councillor Wells' inquiry regarding what the precise request is that is being brought forward during the upcoming Planning Public Hearing, the Director of Planning and Development informed Council that on November 2, Council and the public will hear the technical amendment being proposed by Nyon Oil Inc., which is to change the wording in the Zoning By-law to not require a site plan agreement or private servicing before the holding provision on that property be removed.

### **(b) Public Hearing Signs Removed (Wells)**

Councillor Wells informed Council and staff that the Public Hearing Notice signs had gone missing from the Nyon Oil Inc. property and queried as to what could have possibly happened to them. The Director of Planning and Development suggested to Council that the signs could have inadvertently been destroyed by the MTO and confirmed that Nyon Oil Inc. re-posted the signs in a better area to avoid being destroyed in the future.

### **(c) Local Development Charges (Bruno)**

In response to Councillor Bruno's inquiry regarding whether the City could amend the residential component of the Development Charges By-law for single detached dwellings to align with the Niagara Region's Development Charges By-law indexing date, the Director of Planning and Development confirmed that this could be accomplished by way of a By-law amendment which he would bring forward for Council's consideration at the November 9, 2020 Council meeting.

### **(d) Barrick Road Truck Traffic (Bruno)**

In response to Councillor Bruno's inquiry regarding whether staff could reach out to companies in the area of Barrick Road and Elm Street to request that they notify their trucking companies to use Stonebridge Drive instead of Barrick Road, the Manager of By-law Services confirmed that she can arrange for staff to do this. Further, in response to Councillor Bruno's request that signage be put up on Highway 58 notifying truck drivers to use Stonebridge Drive, the Acting Director of Engineering and Operations informed Council that he will bring this request forward at the upcoming meeting with the MTO and update Council on this matter at the next meeting.

**(e) Commercial Signs around the City (Bruno)**

Councillor Bruno expressed appreciation towards the Roads Supervisor for actively monitoring and removing commercial signs that continue to be installed without permission along the City's roads and hydro poles. The Chief Administrative Officer confirmed that he will communicate with all City staff to monitor commercial signs along the City roads, remove them if possible or report to dispatch so that a Roads employee can remove. Councillor Bruno encouraged residents to report to the City if they see a commercial sign located along a City road.

**(f) Community Centre Entranceway Signs (Bagu)**

Councillor Bagu reported to Council that he reached out to the Acting Director of Engineering and Operations concerning whether new community centre entranceway signs to the City could be installed. The Acting Director of Engineering and Operations confirmed to Councillor Bagu that he would investigate this matter and bring forward an update at the next Council meeting.

**(g) Status of Vale Centre Walking Track (Bagu)**

In response to Councillor Bagu's request for a status update on the walking track at the Vale Health and Wellness Centre and whether the operating hours could be expanded to the evening, the Director of Community and Economic Development informed Council that since reopening, there have been 225 walkers who have used the walking track with an average of 15 walkers per day. She further reported that the up take at the beginning of reopening was slow but that it has steadily increased as the weather has gotten colder. The Director of Community and Economic Development indicated that staff are actively reviewing the ability to increase services and that as the weather continues to get cooler and the demand is increased, staff will look to implement evening hours.

**(h) Recycling Bins on West Street (Bagu)**

Councillor Bagu informed Council and staff that the City's recycling bins on West Street hadn't been emptied in the last two weeks. In response to Councillor Bagu's inquiry with respect to how often the City's recycling bins along West Street get emptied and whether it's the Region's responsibility to do the collection in that area, the Director of Community and Economic Development informed Council that there is a decreased off season schedule whereby staff collect the recycling twice a week. The Director of Community and Economic Development further reported that she will follow-up with staff on this issue and provide an update at the next Council meeting.

**(i) Homelessness in Downtown Port Colborne (Bagu)**

In response to Councillor Bagu's inquiries regarding the City's process when encountering or witnessing a person who may be homeless in City Hall's atrium after hours and what the cleaning procedure is after these circumstances have occurred, the Chief Administrative Officer informed Council that City Hall has stepped up its cleaning schedule to twice per day including the atrium and further reported that if anyone witnesses this happening, to notify the City's Customer Service Representatives who will provide contact information of an employee at the Region's Homeless Outreach that can assist the individual with housing. The Manager of By-law Services reported that the Niagara Regional Police Services are aware of this matter and can also be contacted.

**(j) Parking Signage on West Street (Kalailieff)**

In response to Councillor Kalailieff's inquiry regarding when the signage will be installed with respect to the new hours of parking on West Street, the Manager of By-law Services informed Council that a high priority Service Request has been inputted, however, due to the COVID-19 pandemic, there is a delay from the contractors. The Acting Director of Engineering and Operations confirmed that he will investigate the delay and provide an update at the next Council meeting.

**(k) Coloured markings on the Street and Sidewalks (Kalailieff)**

In response to Councillor Kalailieff's inquiry regarding what the coloured markings on the streets and sidewalks are for, the Acting Director of Engineering and Operations informed Council that every year, staff complete a sidewalk review where they mark out all the tripping hazards in pink paint and those markings formulate the repair list for the following year. He further confirmed that he will coordinate with the Corporate Communications Officer in posting this information on the City's social media.

**(l) Portable Washroom (Kalailieff)**

Councillor Kalailieff expressed gratitude towards the Mayor and Chief Administrative Officer for arranging for the installment of the portable washroom by the canal.

**(m) Lights for the Downtown and Main Street BIAs (Danch)**

Councillor Danch informed Council that the Downtown and Main Street BIAs are looking to purchase new year-round decorative lights. He further reported that the BIAs are going to pay a portion, a grant could be applied for with the



assistance of City staff before December 1<sup>st</sup> and they are seeking support from Council for the remaining balance.

**No. 218** Moved by Councillor F. Danch  
Seconded by Councillor G. Bruno

That the rules respecting notice of motion, as outlined under Section 15 of the Procedural By-law, be waived in order to dispense with notice.

CARRIED

**No. 219** Moved by Councillor F. Danch  
Seconded by Councillor D. Kalailieff

That Council approves up to \$22,000-\$25,000 to be spent on new decorative year-round lights for the Downtown and Main Street BIAs; and

That the Manager of Strategic Initiatives coordinate with the Downtown and Main Street BIAs in order to apply for a grant to help purchase new decorative year-round lights.

CARRIED

**(n) Niagara Leadership Summit for Women (Desmarais)**

Councillor Desmarais reported to Council that she recently attended the Niagara Leadership Summit for Women where there was a panel discussion on the rising challenge of the online world.

**(o) Trucks Driving on Mitchell Street (Desmarais)**

Councillor Desmarais reported to Council and staff that there has been an ongoing issue of trucks driving off the truck route and onto Mitchell Street. She further requested that the Manager of By-law Services contact the businesses in the area to request their trucking companies to stay on the truck route.

**(p) Construction on Lincoln Avenue and Christmas Street (Desmarais)**

Councillor Desmarais informed Council that due to a home construction in the area of Lincoln Avenue and Christmas Street, cuts were made in the road for servicing requirements and those cuts were improperly resurfaced which has caused big bumps in the road. The Acting Director of Engineering and Operations confirmed that asphalt patch repair is planned to be completed in that area in the near future.

**(q) Speeding in School Zones (Desmarais)**

Councillor Desmarais reported to Council that there have been issues with speeding on Janet Street which is a School Zone. She informed Council that when the construction was happening on Janet Street, the School Zone signs were taken down and now that the construction is completed, those signs should be reinstalled so as to prevent people from speeding. The Mayor informed Council that he will notify the Niagara Regional Police Staff Sergeant of this issue.

**(r) Social Determinants of Health Committee Meetings (Desmarais)**

Councillor Desmarais requested that the Social Determinants of Health Committee resume their meeting schedule since the weather is changing and the City will see a lot of challenges with respect to homelessness.

**10. Consideration of Items Requiring Separate Discussion:****1. Engineering and Operations Department, Engineering Division, Report 2020-146, Subject: Michener Municipal Drain Meeting to Consider**

Alana Vander Veen, Drainage Superintendent and Paul Marsh, P.Eng of EWA Engineering Inc., provided a presentation and responded to questions received from Council and the public. A copy of their presentation is attached.

**No. 220** Moved by Councillor H. Wells  
Seconded by Councillor M. Bagu

That the Mayor and Clerk be directed to execute a by-law to provisionally adopt the Michener Municipal Drain Engineer's Report, dated May 7, 2020, prepared by Paul Marsh, P. Eng. of EWA Engineering Inc., under Section 78, Chapter D.17 of the *Drainage Act R.S.O. 1990*;

That staff be directed to advance the Michener 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*; and

That Councillor Wells, Councillor Bagu and Councillor Bodner be appointed as members of the Michener Municipal Drain Court of Revision and Councillor Danch be appointed as an alternate to be tentatively scheduled for December 9, 2020.

CARRIED

**2. Planning and Development Department, By-law Enforcement Division, Report No. 2020-106, Subject: Fence Variance – 128 McCain Street**

**No. 221** Moved by Councillor H. Wells  
Seconded by Councillor G. Bruno

That Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street, be received for information; and

That the fence variance request for 128 McCain Street not be approved, and that the property be brought into compliance with the Fence By-law.

LOST

**No. 222** Moved by Councillor E. Beauregard  
Seconded by Councillor G. Bruno

That Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street, be received for information; and

That the applicant of the fence variance request for 128 McCain Street be directed to remove all evergreen trees along the fence line parallel to Steele Street, and that a 2 feet wide portion of the south fence that is abutting the neighbouring property on Steele Street and a 2 feet wide portion of the west fence that is adjacent to Steele Street be lowered to 3 feet in height.

CARRIED

**3. Engineering and Operations Department, Engineering Division, Report 2020-160, Subject: Project No.: 2020-02, Elm Street Bulk Water Station Replacement**

**No. 223** Moved by Councillor G. Bruno  
Seconded by Councillor F. Danch

That the Council of the City of Port Colborne award Tender 2020-02 Bulk Water Station Installation to V. Gibbons Contracting LTD., of Stevensville, Ontario, for the total tendered price of \$117,990.00, plus applicable taxes;

That a contingency allowance of 10% of the water station and installation costs, being \$21,000.00, be approved to be used by City staff if the necessity should occur;

That staff be directed to prepare the by-law and the City Clerk and Mayor be authorized to execute the Contract Agreement; and

That the funding for Tender 2020-02 Bulk Water Station installation, be financed from the Water Reserve.

CARRIED

**4. Corporate Services Department, Information Technology Division, Report 2020-151, Subject: Microsoft Office 365 Cloud Migration**

**No. 224** Moved by Councillor H. Wells  
Seconded by Councillor D. Kalailieff

That the CAO and Director of Corporate Services/Treasurer be directed to contract and execute the applicable documents with Quest Software Inc. in order to complete the project as outlined in Corporate Services Department, Information Technology Division, Report No. 2020-151, Subject: Microsoft Office 365 Cloud Migration.

CARRIED

**6. Memorandum from Councillor Harry Wells Re: Designating the Vulnerable Aquifer Schedule B of Official Plan as a Source Water for Rural Residents of Port Colborne**

**No. 225** Moved by Councillor H. Wells  
Seconded by Councillor M. Bagu

That Council recognizes the Aquifer as identified in Schedule B3 of the Official Plan as a source water for the rural residents of the City; and

That the Director of Planning and Development be directed to amend the Official Plan to include the Aquifer such that the Aquifer receives the same consideration and protection from susceptible threats of contamination or adverse impact as the intake protection zones (IPZ-1 and IPZ-2); and

That the Region of Niagara, Township of Wainfleet, and Town of Fort Erie be notified of the City's action and be requested to pursue similar updates to their municipal planning documents in order to protect the aquifer.

The following was accepted as a friendly amendment:

That the main motion be amended by striking out the third paragraph and adding the following thereto:

"That the Region of Niagara, Township of Wainfleet, City of Welland, Town of Fort Erie and Niagara Peninsula Conservation Authority be notified of the City's action and be requested to pursue similar updates to their municipal planning documents in order to protect the aquifer."

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

That Council recognizes the Aquifer as identified in Schedule B3 of the Official Plan as a source water for the rural residents of the City; and

That the Director of Planning and Development be directed to amend the Official Plan to include the Aquifer such that the Aquifer receives the same consideration and protection from susceptible threats of contamination or adverse impact as the intake protection zones (IPZ-1 and IPZ-2); and

That the Region of Niagara, Township of Wainfleet, City of Welland, Town of Fort Erie and Niagara Peninsula Conservation Authority be notified of the City's action and be requested to pursue similar updates to their municipal planning documents in order to protect the aquifer.

CARRIED

**11. Proclamations:**

None.

**12. Minutes of Boards, Commissions & Committees:**

None.

**13. Consideration of By-laws:**

**No. 226** Moved by Councillor E. Beauregard  
 Seconded by Councillor A. Desmarais

That the following by-laws be enacted and passed:

6827/77/20	Being a By-law to Provide for a Section 4 and Section 78 Engineer’s Report for a Drainage Works in the City of Port Colborne in the Regional Municipality of Niagara Knows as the Michener Municipal Drain
6828/78/20	Being a By-law to Authorize Entering into a Contract Agreement with V. Gibbons Contracting Ltd. For Project 2020-02, Elm Street Bulk Water Station Replacement
6829/79/20	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of October 26, 2020

CARRIED

**14. Council in Closed Session:**

**Motion to go into Closed Session – 10:21 p.m.:**

**No. 227** Moved by Councillor F. Danch  
 Seconded by Councillor G. Bruno

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Minutes of the Closed Session portions of July 15, 2020, September 2, 2020 and September 17, 2020.
- (b) Department of the Chief Administrative Officer, Project Management Office, Presentation concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

CARRIED

**Motion to Rise With Report:**

**No. 228** Moved by Councillor M. Bagu

Seconded by Councillor H. Wells

That Council do now rise from closed session with report at approximately 11.32 p.m.

CARRIED

**15. Disclosures of Interest Arising From Closed Session:**

None.

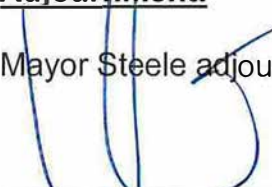
**16. Report/Motions Arising From Closed Session:**


- (a) **Department of the Chief Administrative Officer, Project Management Office, Presentation concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.**

The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

**17. Adjournment:**

Mayor Steele adjourned the meeting at approximately 11:35 p.m.

  
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William C. Steele  
Mayor

  
\_\_\_\_\_  
Amber LaPointe  
City Clerk

AL/cm



MAYOR'S REPORT  
OCTOBER 26, 2020 COUNCIL MEETING

**COVID-19 UPDATE**

Good evening and welcome to our virtual council meeting.

Tonight we are welcoming Councillors Bagu, Bruno, Kalailieff and Wells into the council chambers. Also joining us are our CAO Scott Luey, Clerk Amber LaPointe, Deputy Clerk Charlotte Madden, and a member of Wee Stream who are live streaming this meeting for us.

Our other four city councillors and various city directors are each attending from home.

Niagara remains in Stage 3 of the COVID-19 recovery process. There have been staggering numbers of new cases across the province over the past several days. We have seen the province roll back several regions to a modified Stage 2. We need to continue to work hard so Niagara does not get rolled back as well.

We emphasize the need for social distancing, hand washing and face coverings where social distancing can't be maintained or where required by the Region's face covering by-law.

We ask that you continue to support our local businesses, including restaurants as patio season has come to an end and these businesses still need our support.

**Lion's Club Food Drive**

This past weekend was the Lion's Club Food Drive supporting Port Cares.

I would like to thank everyone who donated and participated as a volunteer. We had a great turn out.



## **Staff Retirements**

Over the past 6 months we have had several staff members decide to retire.

Normally we would have them out to the council meeting to recognize their years of service, but these are not normal times.

I would like to publicly recognize the following for their combined 227 years of service to the City of Port Colborne and congratulate them as they enter the next stage of their lives:

- Heather Mahon 29 years
- Joanne Benson 27 years
- Terry Czerlau 17 years
- Sylvie Beaudoin 31 years
- Pete Leavere 34 years
- Mark Stead 30 years
- Jim Brown 34 years
- Brent Eden 25 years

## **Public Washrooms**

With the winter season approaching, our Parks Department has installed a portable washroom near the Harbour Master's Building on West Street at Charlotte Street for use by the public.

This washroom will remain available to the public until further notice as our facilities at H.H. Knoll Lakeview Park and Lock 8 Park are closed for the season.

## **Garbage Collection**

Our new garbage collection schedule has started and residents are reminded they can put out up to 2 bags of garbage this week along side their green, blue and grey bins.

It was troubling today that I learned that our municipal roadside garbage containers, meant for small amounts of garbage when walking past, are being filling with household garbage.

We need everyone to do their part to manage their own garbage by using your green bin for food and pet waste and putting this to the curb each week. If your household requires a second bin, they are available for \$17 here at City Hall. Give our Customer Service Representatives a call and arrange a time to pick one up.

I know this change is new for everyone, but let's each do our part to keep our city neat and tidy.

## **Museum Tours**

The Port Colborne Historical and Marine Museum is currently offering socially-distanced guided tours of this year's exhibits.

And as a long time supporter of the Museum, I would like to thank Lower Lakes Towing Ltd. who have sponsored the cost of all guided tours for the season.

Call the Museum at 905-834-7604 to book your private tour.

## **Hallowe'en**

Hallowe'en is coming up this weekend and Public Health has released some guidelines if you are planning to take your children trick or treating:

- Stay home if feeling ill or if you have mild symptoms.
- Only go out with members of your direct household.
- Only trick or treat outside.
- Both trick or treaters and people handing out candy should wear a face covering:
  - A costume mask is not a substitute for a face covering and should not be worn over a face covering as it may make it difficult to breathe.
  - Consider building your face covering into your, or your child's, costume.
- Do not congregate or linger at doorsteps. Line up two metres apart if waiting. Avoid high-touch surfaces and objects.
- Whether collecting or handing out treats, wash your hands often and thoroughly or use hand sanitizer:
- Do not leave treats in a bucket or bowl for children to grab.
- Consider using tongs, or other similar tools to hand out treats.

Parents will need to make a personal decision about participating this year. If you do PORTicipate, please do it safely.

## **Remembrance Day and Poppy Week**

The Royal Canadian Legion will have poppies available for purchase starting on Friday.

Legion volunteers will not be canvassing outside of stores this year, but rather poppy boxes will be placed in 65 locations such as stores and schools from Wainfleet to Gasline.

Please support their efforts.

The Remembrance Day Ceremony will also be different this year. The public ceremony at the Cenotaph at H.H. Knoll Lakeview Park has been replaced by a private ceremony for Legion members only to be held inside the branch.

The Legion is hoping to be able to live stream the event and details about this will be available on social media closer to November 11<sup>th</sup>.

The Legion has asked members of the public to please observe 2 minutes of silence at 11:00 a.m. on November 11<sup>th</sup> in lieu of attending a ceremony.

### **Closing**

In closing, we ask for your patience while we all work together and remain vigilant in fighting this virus.

Our number one priority is the health and safety of our staff and citizens.

Please stay safe.



## City of Port Colborne – October 26, 2020

### To be heard under Section 8 “Delegations/Presentations”:

#### Delegation:

1. Carol Nagy, Executive Director, Hospice Niagara Re: Community Funding Grant Request for Expansion of Hospice Residential and Community Services Across the Region
  - Note: Ms. Nagy will be in attendance and speaking in our Zoom Virtual Council Meeting.

#### Presentation:

2. Scott Luey, Chief Administrative Officer and Gary Long, Manager of Strategic Initiatives Re: Strategic Plan 2020-2025

### To be heard under Section 10 – “Items Requiring Separate Discussion” (during consideration of the associated report/correspondence, as identified below):

#### Item 1.

#### **Engineering and Operations Department, Engineering Division, Report No. 2020-146, Subject: Michener Municipal Drain Meeting to Consider**

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1. Alana Vander Veen, Drainage Superintendent providing a verbal report and Paul Marsh, P. Eng., Water Resources Engineer, EWA Engineering Inc.
  - Note: Mr. Marsh will be providing a presentation with regard to the above report in our Zoom Virtual Council Meeting.

#### **Written Submissions**

2. Peter Mason and Martha Mason, 902 Lakeshore Road, East
3. Lou Nieuwland and Maribeth Nieuwland, Owners, Whisky Run Golf Club Ltd.
4. Laurie Pye and Brian Pye, Owners, Maple Meadows Farms

**Item 2.**

**Planning and Development Department, By-law Enforcement Division, Report No. 2020-106, Subject: Fence Variance – 128 McCain Street**

1. Rachel MacPherson – owner of 128 McCain Street.
  - Written submission of August 24, 2020
  - Written submission of October 26, 2020

➤ Note: Ms. MacPherson will be speaking to the above report in our Zoom Virtual Council Meeting.

**Written Submission**

2. Rob and Tracie Maude, 601 Steele Street

## Briefing Note: Hospice Palliative Care Expansion in Niagara Region

Hospice Niagara is currently in the planning phase with the Ministry of Health for expansion of 20 new hospice beds within Centers of Excellence in Hospice Palliative Care. These centres, located in Fort Erie and Welland, will provide exceptional end-of-life care for which Hospice Niagara has become known, along with expansion of in-home hospice care, education and volunteer support across the region.

### Why it's important for Municipalities to Invest Now in Hospice Palliative Care

This expansion will provide residents of Port Colborne increased care within their home and choice of hospice care, closer to home (other hospice beds are currently located in St. Catharines). It is important to invest in this expansion now, given this region's aging demographic, and the uncertainty surrounding the existing palliative care services provided at Port Colborne, Fort Erie and Welland hospitals. We must work together to secure these resources that provide expert care exactly when they are needed.

Currently, the hospice residence bed count in Niagara is 3 beds per 100,000 residents. The Auditor General has recommended 7-10 beds per 100,000. The Ministry of Health agrees that the first step to addressing the issue of hallway medicine is to build effective community solutions, rather than locate more beds within hospitals. As such, the ministry has approved operational funding for 20 additional Hospice residence beds; 10 in Fort Erie and 10 in Welland. This will better address patient/family centered care and decisions, since 80% of people in Canada prefer to die at home or in a community hospice.

Hospice Niagara has maximized its current hospice residence capacity. Each year, the 10-bed residence in St. Catharines accommodates only half of those who choose hospice care. And the requests continue to increase by at least 15% each year.

Hospice care is delivered at a fraction of the cost of hospital care. The average cost of a hospice bed is \$465 per day, while a hospital bed costs over \$1,100 per day, saving our health care system millions of dollars each year. While dying in hospital may be some people's preference, or due to necessity, hospices provide people and their families with individual care, input into all care decisions and maintains dignity at end-of-life.

### Economical Planning

The typical cost of building a stand-alone hospice residence falls within the range of \$10M - \$14M. Building alongside the expansion of two larger not-for-profit long-term care homes decreases the build cost by half, as the hospice 10-bed portion advantages economies of scale.

If approved, the Ministry of Health will provide Hospice Niagara with \$2M capital grant for each site, to offset the total capital build cost.

Once approved, opening for both sites will occur in 2023.

#### The Stabler Centre

403 Ontario Street, Unit 2, St. Catharines, ON L2N 1L5  
T: 905-984-8766 | F: 905-984-8242

#### Welland Office

555 Prince Charles Drive, 2<sup>nd</sup> Floor, Welland, ON L3C 6B5  
T: 905-984-8766 | F: 905-735-1703

info@hospiceniagara.ca | hospiceniagara.ca | Charitable Registration # 899716294RR0001

## Sustainable Growth

Hospice Niagara plans to manage increased operating costs of these two new facilities by integrating and/or contracting most of its infrastructure and back-end operating costs through its long-term care partners. In this way, the organization is ensuring that the services it provides today will be available to future generations.

Integration planning between Hospice Niagara and long-term care operators will provide:

- Opportunity for shared use amenities and services (where possible);
- Potential for shared services (laundry, housekeeping, grounds keeping, parking, utilities, building maintenance, etc.);
- Opportunity for back-end integration of administrative functions, such as Information Technology (IT), maintenance, payroll, communications, etc.

## Capital Campaign Contributions

Hospice Niagara's capital campaign has launched, with a target of raising \$14M toward the build costs for the Fort Erie and Welland sites. Hospice Niagara is working to secure contributions from every municipality, along with the Region, not only because this expansion benefits all of Niagara, but this broad-based commitment will send a very strong message to the Province, as it considers the allocation of the provincial grant funding (\$4M in total).

## Improved Care for South Niagara

Niagara's much needed Hospice expansion is important to every community. This expansion model creates a template for other communities in Niagara to plan alongside Hospice Niagara for future hospice resource expansions.

Most importantly, for people living in Port Colborne, expansion means:

- Increased local access to weekly hospice wellness programs, caregiver and bereavement support;
- Influx of palliative care professionals working in south communities;
- Two south-Niagara facilities that serve this geographic area, which has one of the highest proportions of aging population (in all age categories over 65 years old), with complex health issues (i.e. underserved communities);
- The expansion of francophone programs and services;
- Onsite expert consultations to help people living in southern LTC homes avoid hospital admissions due to pain crisis and complex end-of-life care and;
- Better planning, transitions and improved quality of life for patients and families, who will have local access to vital hospice and community palliative care services.

These projects are community and provincial investments that will maintain Hospice Niagara's proven record in providing exceptional care according to best practice standards, while ensuring sustainable expansion through partnerships and integration.

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We rely on your donations to provide our programs and services throughout Niagara.  
Official income tax receipts are provided for donations of \$20 or more.

October 8, 2020

Mayor William C. Steele  
Port Colborne City Hall  
66 Charlotte Street  
Port Colborne, ON  
L3K 3C8

**Request:** Community Funding Grant Request for expansion of Hospice Residential and Community Services Across the Region

Dear Mayor Steele,

Please accept this letter as a formal request submitted by Hospice Niagara, a not-for profit organization that has served Niagara Region including Port Colborne for the past 27 years. The attached brief supplements this letter, requesting \$90,000 to be paid over a 3-year period, beginning in 2021 as Port Colborne's contribution toward two new Hospice Palliative Care facilities in Fort Erie and Welland.

All Municipalities in Niagara are being asked to support this capital project as one strong voice of support to the province, as we advocate for expansion of these critical hospice and in-home services in our region. The Towns of Fort Erie and Wainfleet, along with the cities of Welland, Pelham and Thorold are in the process of working with their respective Council to support the same per capita request, as part of the 2021 budget process.

I would be available to present at the Port Colborne City Council Monday, October 26, 2020, to provide further information and answer any questions, if you determine this request is within the financial ability of Port Colborne's budget.

Port Colborne's commitment will add strength to Niagara's unified voice as we advocate for a provincial grant of \$4 million to support this expansion and for compassionate care for everyone.

In closing, on behalf of Hospice Niagara Board of Directors, Staff and Volunteers, thank you you're your time in championing this request.

Sincerely,



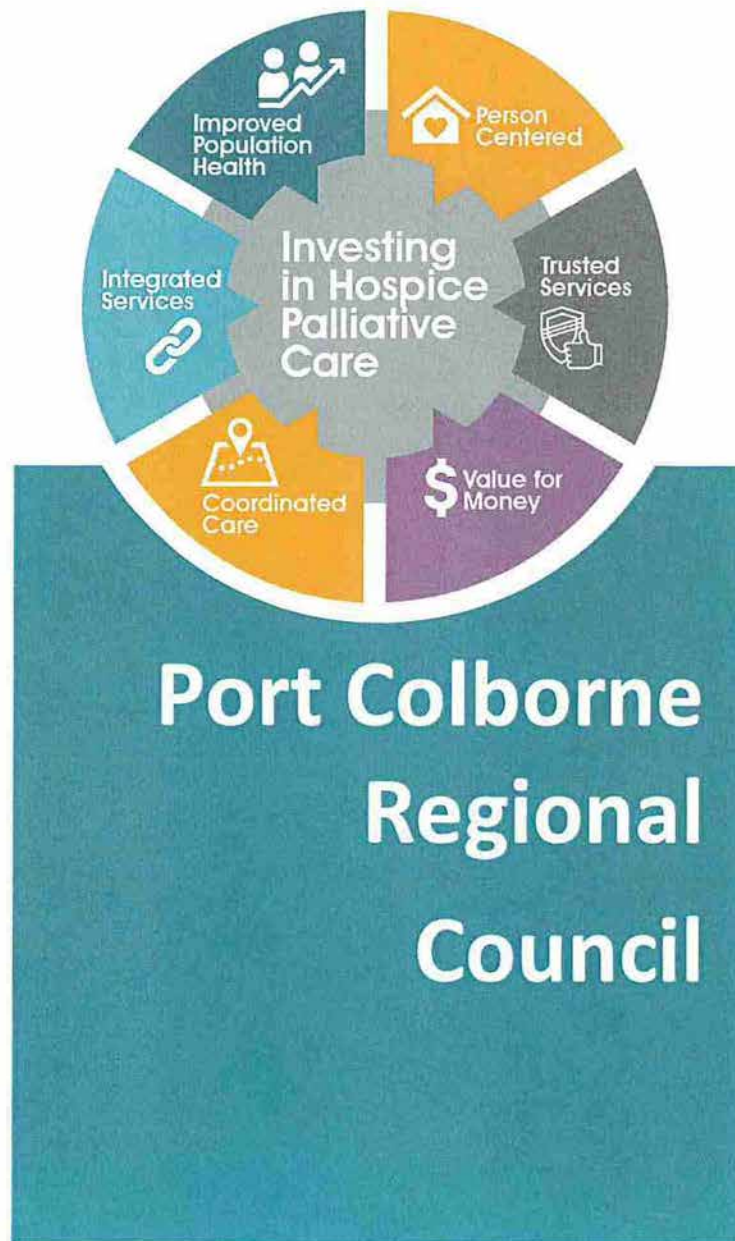
Carol Nagy,  
Executive Director  
Hospice Niagara  
CC Amber LaPointe, City Clerk

<b>The Stabler Centre</b>	<b>Welland Office</b>
403 Ontario Street, Unit 2, St. Catharines, ON L2N 1L5	555 Prince Charles Drive, 2 <sup>nd</sup> Floor, Welland, ON L3C 6B5
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Official income tax receipts are provided for donations of \$20 or more.





**Date: October 26, 2020**

**Presented by: Carol Nagy**

**Executive Director, Hospice Niagara**

## The Problem:

Hospices and Community Palliative Care play an important role in ending hallway medicine.

Right now, too many people are spending their last hours, days, and weeks, in hospital beds or hallways, simply because there is not enough hospice bed capacity and community palliative care to support them at home.

Hospital end-of-life care is limited, with existing local services at risk of closing when hospital services transfer to Niagara Falls.

The need for hospice palliative care services in underserved communities, particularly in South Niagara, are increasing due to an aging population and the high burden of life-limiting progressive disease experienced by people.

Providing equitable, safe access to health services for everyone in Niagara is a compelling social obligation that includes developing accessible hospice palliative care programs across the Region.

Dying is not just a medical event. It is a physical, social, spiritual, psychological life event affecting the patient and their family members.

## The number of people dying is about to spike

Hospice Palliative care plays an important role in ending hallway medicine.



### In Niagara:

- 4<sup>th</sup> largest average of hallway bed conditions in Ontario
- 4<sup>th</sup> largest emergency department provider in Ontario with approximately 200,000 ED and UCC visits annually
- 20% of ALC beds are, at any given time, occupied by patients waiting for transfer out of hospital
- 2<sup>nd</sup> highest hospital cost in 1997: Acute Palliative Care at \$118M
- The hospice bed count in Niagara is 3 beds per 100,000 people, well below the Auditor General's recommended of 7-10 beds per 100,000
- Niagara Health's only four designated end-of-life beds are closing in 2026
- Niagara has a high percentage of seniors living with chronic illness. Predicted 72% increase in chronic condition prevalence rates by 2036. These projections point to increased pressure on Niagara's healthcare system.

## Hospice Palliative Care:

Community-based hospice palliative care happens in people's homes and in hospice residences at a fraction of the cost of hospitals.

Hospital end-of-life care = \$1,100 per day

**Hospice at Home** is coordinated care by a team of trained staff and volunteers who provide practical help and support the success of home care for people living and dying with chronic illnesses. Bereavement support continues to help adults and children cope with their loss. Expand these services into the Fort Erie community will reach more people living at home and ensure they have choices regarding their end-of-life care.

Hospice at Home = \$100/day

**Hospice Residences** are for people who need more care than home can provide but do not require the high cost of hospital care, and for those who choose to die at hospice.

Hospice Care = \$465/day hospice care

## What people say:

Clients and caregivers give very high ratings to the quality of care provided by Hospice Niagara

- 98% ranked the care of their loved-one as excellent
- 94% felt overall, all physical pain was addressed
- 100% felt they received respect and dignity
- 100% felt they were included in care planning and decisions
- 100% feel volunteers and staff met their needs

### In Niagara: Hospice at Home

Current State



Up to 1,800 people receive in home palliative care /yr  
73% of these people die at home  
\$7.2M savings in hospital acute care /yr

1,400 /yr palliative care specialist consultations to primary care

### In Niagara: Hospice at Home

Current State



Up to 250 people die in hospice /yr  
\$1.3M savings on hospital acute care

30% direct transfer from hospital to hospice \$500,000 savings in hospital acute care /yr

In Niagara, the pressure to fund new hospice beds builds has never been more real – and provided such an opportunity. The redevelopment of two Long-term Care Homes (LTC) in Niagara presents a unique opportunity to co-locate and integrate the full spectrum of hospice-based programs within these Homes making this important care a more affordable option.

- ✓ **By partnering with LTC, we will be able to provide more hospice care, for people living in South Niagara, in both English and French.**
- ✓ **Integration with LTC and with other health partner(s) provides a model for future builds in smaller communities.**
- ✓ **By building in South Niagara, we are maintaining existing end-of-life services at risk of closing.**
- ✓ **By co-designing our programs and services with Indigenous health and social care providers, we will better meet the wellness, cultural, spiritual needs and preferences and achieve better end-of-life outcomes for Indigenous people in Niagara. This will benefit everyone.**
- ✓ **The Ministry of Health has endorsed this plan moving forward with operational funding commitment. They have yet to endorse the \$4M capital grant outlined in Ministry policy.**

Increasing capacity in hospice palliative care throughout our region moves Niagara toward a truly modern, connected health care system that nurtures close partnerships between Long-term Care, community, hospitals, home and hospice, and ensures that every person receives the high quality of care they expect and deserve.

**HOSPICE'S**  
proven record in  
**PARTNERSHIPS** and  
exceptional care will  
provide vital health care  
**COST SAVINGS**



## This innovative solution will:



**IMPROVE**  
sustainability  
through  
integration  
opportunities



**ADDRESS**  
hospice and  
hospital bed  
shortages



**ADDRESS**  
the needs of  
people, caregivers,  
and every  
community

## In Conclusion:

We all experience dying, death and bereavement. It touches each and every person multiple times. Supporting people to live well until last breath is a measure of our humanity and our society.



Together, we are in a unique position to develop a new economical expansion model for Hospice Palliative Care in Ontario that better addresses the needs within our community.

This forward-thinking solution that maintains globally recognized palliative standards of care, while leveraging strategic growth opportunities to create positive social impacts, will significantly reduce hospital costs and contribute to ending hallway medicine.

Hospice Palliative Care is the most cost effective way to ease health care costs in our congested hospitals. Helping families stay well through bereavement is compassionate and keeps our society functioning well.

City of Port Colborne

Strategic Plan 2020-2025

Framework for Discussion

Presentation to Council  
October 26, 2020

Scott Luey  
Chief Administrative Officer

Gary Long  
Manager of Strategic Initiatives

## Strategic Plan 2020-2025

Purpose of presentation:

- review the development of the City's Strategic Plan
- seek Council comments to move forward in completing the plan

# Strategic Plan 2020-2025

## Process to Date:

- Facilitated roundtable discussions with Council and staff were held in spring 2019
- Further discussions were held with staff in 2019 and early 2020
- Project/progress postponed due to COVID-19



## Strategic Plan 2020-2025

### Goal:

- finalize a strategic plan that will take effect December 2020
- have a guiding document to assist Council and staff in priority setting, resource allocation, and decision-making for the remainder of this Council term and into the next term
- provide strategic focus and ensure organizational alignment to deliver on Council priorities

# Strategic Plan 2020-2025

## Structure of the Strategic Plan

- mission and vision statement
- guiding principles
- strategic pillars
- action items to support each pillar
- implementation plan

# Strategic Plan 2020-2025

## 6 Strategic Pillars

- Quality and Innovative Delivery of Public Services
- Strong Financial Management to Achieve Financial Sustainability
- City Building Infrastructure Investments
- Attracting Business Investment and Tourists to Port
- Supporting and Investing in Human Capital
- Building Trust and Confidence Through Good Governance

## Strategic Plan 2020-2025

### Key points/Comments

- strategic planning vs. operational planning
- a living document and an ongoing process
- many projects and initiatives underway
- line of sight
- quarterly progress reports to Council
- leadership/management oversight of plan

## Strategic Plan 2020-2025

### Next steps/timelines

- October 26<sup>th</sup> - review framework with Council
- 1<sup>st</sup> and 2<sup>nd</sup> week of November - finalize draft plan, review with Directors and broader management team
- Nov. 23<sup>rd</sup> or Dec. 14 - Council review/approval
- Late November or early December - implementation corporate wide, presentations by CAO and Manager of SI, corporate communications and news release to key contacts

Strategic Plan 2020-2025

Questions/Comments?

# Michener Drain

1979 to 2020

Paul C. Marsh, P.Eng.  
Water Resources Engineer  
EWA Engineering Inc.



**EWA Engineering Inc.**  
647.400.3324 [www.ewaeng.com](http://www.ewaeng.com)

Alana Vander Veen  
Drainage Superintendent  
City of Port Colborne

1

## Why am I here?

- Paul C. Marsh, P.Eng. EWA Engineering Inc.
  - Council Appointment, 2018
- AMEC,
  - August 29, 2011, appointment of a Drainage Engineer, Paul Smeltzer AMEC Environment & Infrastructure under Sections 78(1) and 8(1), to prepare a Section 4 & 78 Engineer's Report for Wignell/Michener and Beaver Dam Municipal Drains, including an assessment of water quality issues, in accordance with the Ontario Drainage Act, R.S.O. 1990.
- Wiebe Engineering Group
  - Appointed in 2001

2

# Agenda

- Drainage Engineering Approach
- Michener Drain
  - Baseline Report
  - Design Basis
  - Final Solution
- Drain work costs
  - Construction Estimates
  - Allowances
- Apportioning Drain costs
  - Michener Main Drain
  - Branch #1
  - Branch #2

3

# Approach

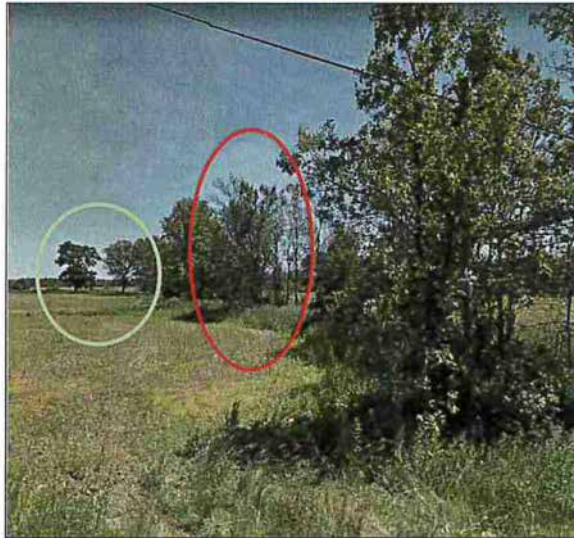
- Drainage Act = Agriculture
- What do we want?



4



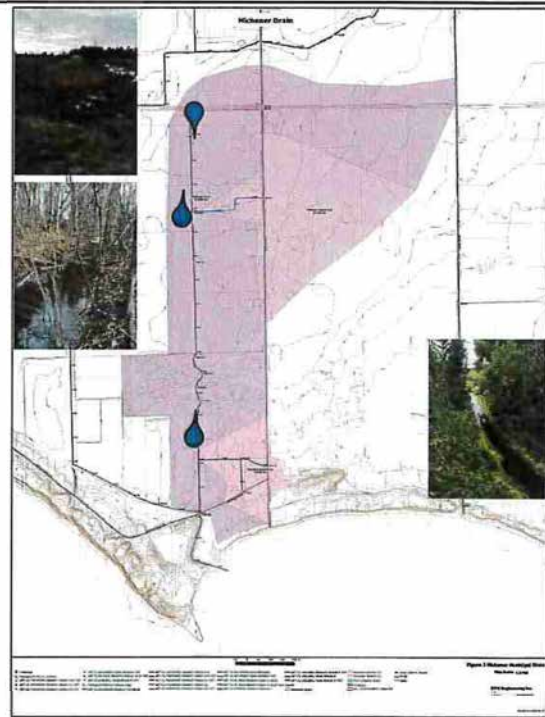
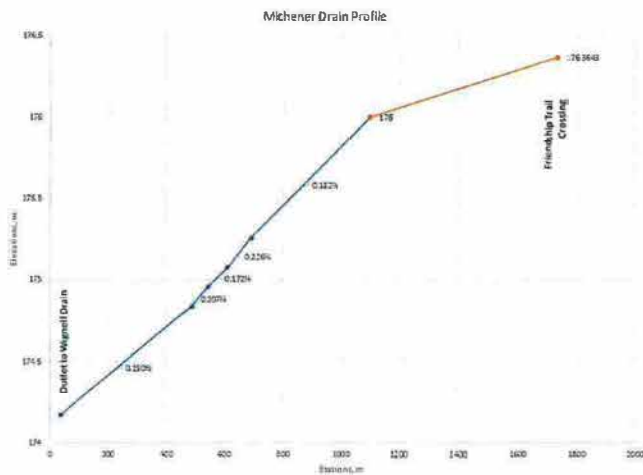
# Drainage obstructions and maintenance



- Basic Principles of low cost Maintenance
  - Machine work not manual
  - Easy access, agreed documented rights of access.
    - Note Drainage Act <> easement
- Trees are as important as drainage.
- Good trees
  - Those shown in green circle
  - Adjacent to the drain
  - Spread, accommodates machine work arounds

5

# Michener Baseline map



6

# Michener Drain – current conditions



7

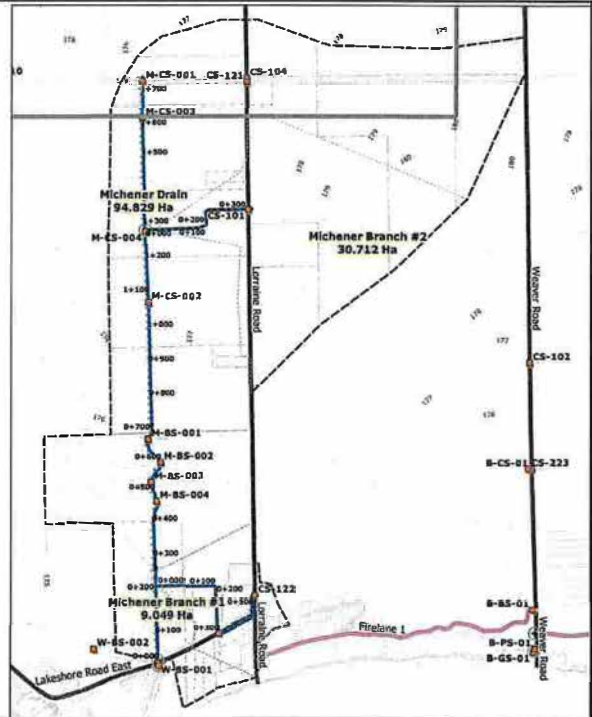
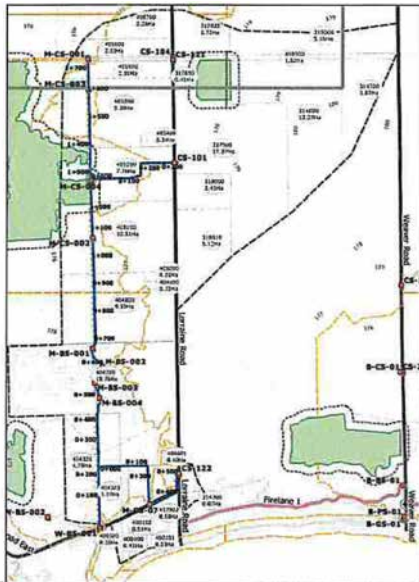
## Michener Drain Status

- WIGNELL / MICHENER AND BEAVER DAM MUNICIPAL DRAINS WATER QUALITY ASSESSMENT
  - February, 2014 (updated November, 2016)
- The purpose of this Report is to determine possible ecological restoration works to improve water quality in these drains, in an attempt to address the near shore water quality issues in Lorraine Bay and to determine financing options/models, in order to assess the cost of these works to watershed property owners, in accordance with the Drainage Act, R.S.O. 1990. The investigation included a field review of the existing conditions and establishment of potential restoration works.
- A summary of proposed works are as follows:
  - Planting buffers along the channels.
  - Creation of wetlands in fallow areas.
  - Modification of drain channels.
  - Use of existing wetlands during high water events.

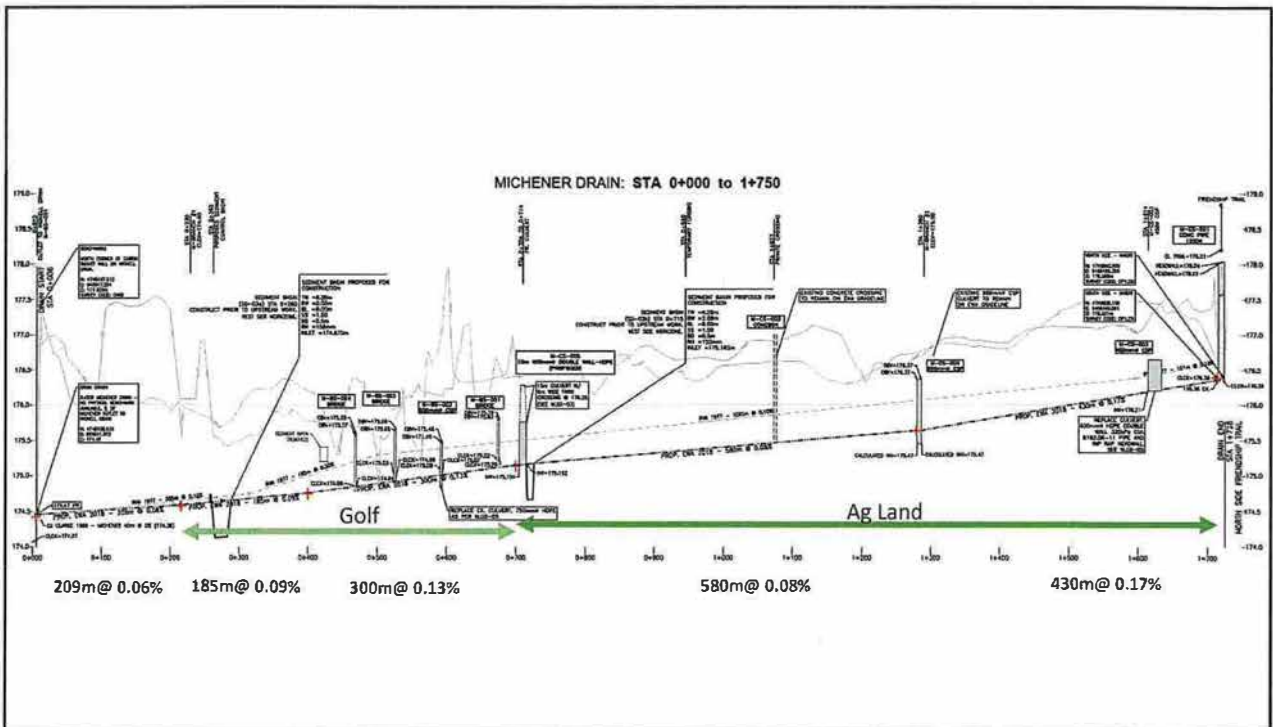


8

# Michener Drain Elements



9



10

# Branch Drains

- Branch #1

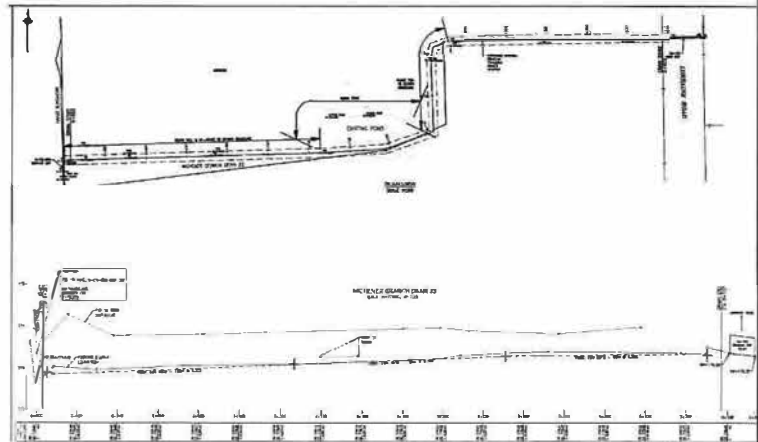
- Petition 4 Road Authority for Outlet – Two Culverts
  - Lakeshore Rd. East
  - Lorraine Rd.

- Branch #2

- Petition 4 Road Authority for Outlet
  - Lorraine Rd.

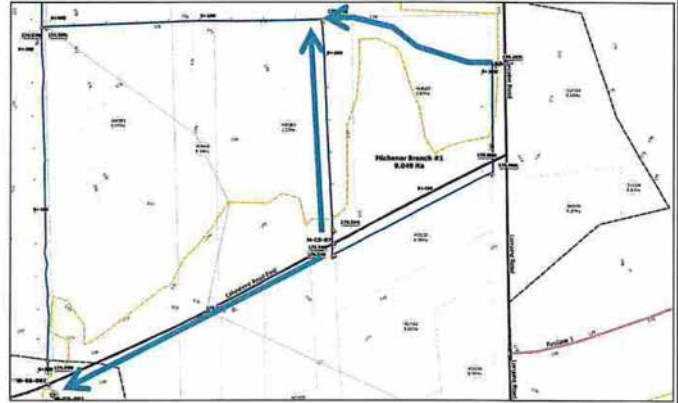
# Branch Drain #2

- Existing grade line
  - Equals proposed grade line
- Brushing to remove growth
- Spot removal of fallen tree

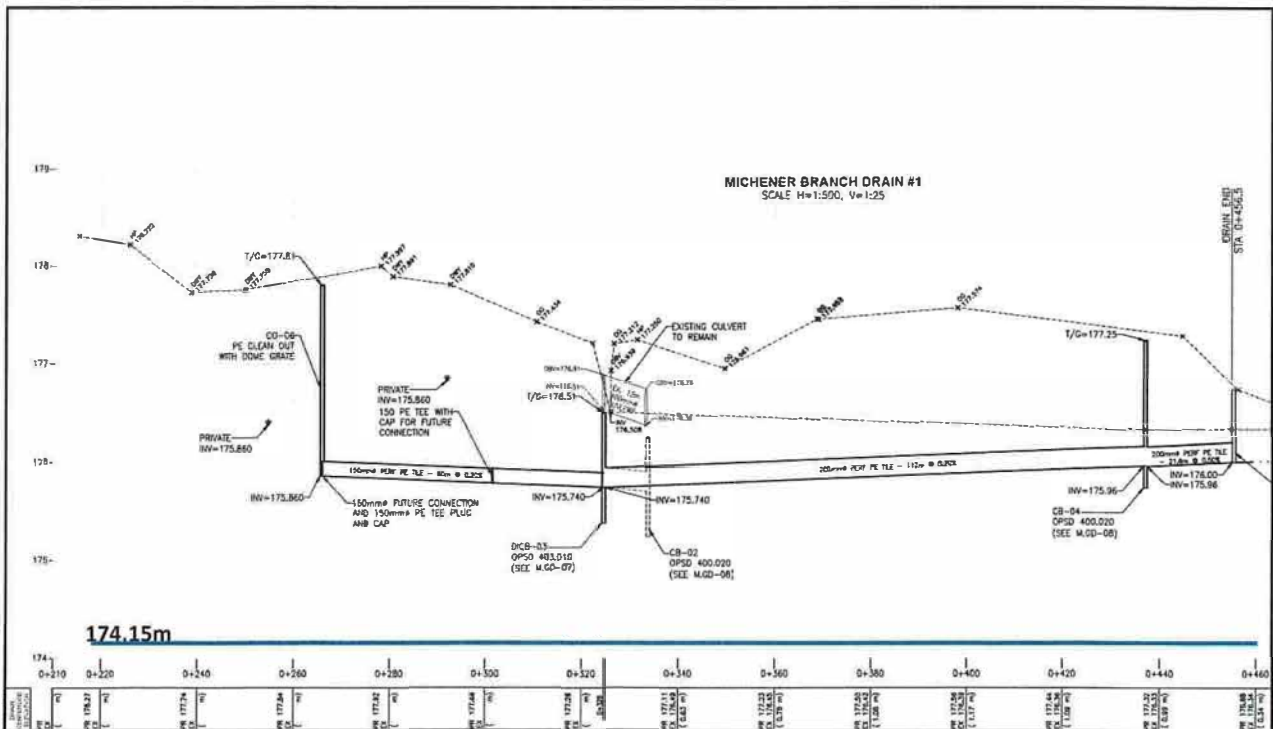


# Branch Drain #1

- 5 Design options considered
- 3 Options assessment tables prepared and design drawings
  - Option 1; channel + tile
  - Option 2; closed conduit
  - Option 3; channel + tile extending to Lakeshore Rd. E and Lorraine Rd. intersection
- Several meetings with residents
- Optimal Design?



13



14

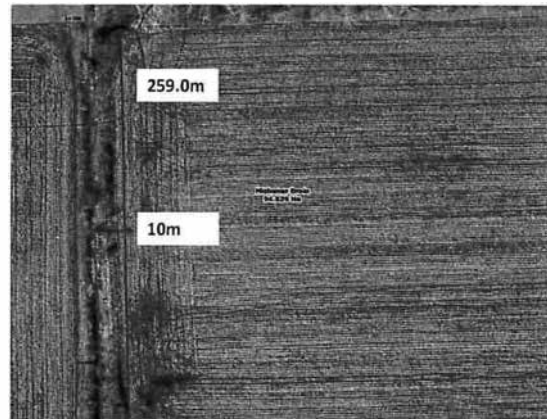
## Drainage Act Allowances

- Section 29; Land and Rights of way
  - Existing ROW or new acquisitions
  - All land valued the same, Agricultural for Niagara, \$10,000 per acre.
- Section 30; Damages
  - Commercial crops, compensation for loss of revenue
  - Not used for Trees, Ornamental trees, grass and gardens (can be used)
  - Trees removed for the drain but not in the drain are eligible for 2 for 1 re-plant program.
- Section 31; existing drain, (channel / conduit) converted to a municipal drain
- Section 32; Insufficient outlet
- Section 33; Loss of access

15

## Calculating Section 30 Damage Allowances

- 10m Work Zone – East of Michener Drain Channel Top of Bank
- Distance to edge of worked field
  - 5.88m
- Section 30 allowance for damages
  - Based on \$ 10,000/ Ha Agricultural land value.
  - Assigned a 10 year cycle for annualized Ag. Revenue



16

## Michener Drain Assessments

- See attached appendix C – page 1
  - Estimated Costs of Works:  
\$199,021
    - \$93,860 construction
    - \$87,990 Admin
    - \$17,169 Allowances
- Note: Special Benefit, Sect. 24
- Michener – WRGC in recognition of original sediment trap
  - Intended to be a payment in kind.

Questions?

October 24, 2020

City of Port Colborne

Engineering and Operations Municipal Office

**Re: Engineer's Report Under the Drainage Act R.S.O 1990-Michener Municipal Drain**

Thank you for considering our concerns and desired outcomes per the Engineers report of Michener Municipal Drain Report published May 7, 2020.

Our land at 902 Lakeshore Rd. E., is central to this document, and as such we have the following comments and concerns.

The Michener Drain including the proposed Michener Drain Branch 1 which bisects east to west, our property, were originally created by private landowners to facilitate the draining of land for purely agricultural purposes. As such, the owners of the then productive land, shared the cost of the maintenance of the drains. This was an important function of having productive farm fields. As the land is no longer being used for agricultural use, the question must be raised, why are the drains being restored? And why are the landowners on whose land the drains cross responsible for the cost of the restoration if the land is no longer being farmed?

The area has been wetland, low land and flood plain for millennia. The intent of our parents, and now we as owners was and is to restore our piece of land to its natural state. Thousands of indigenous trees chosen for their suitability to the terrain were planted in the early 1970's by our parents aided by the Ministry of Natural Resources. When our parents built a structure on the land, the fact that the land was low and a flood plan was taken into account, thus there is no basement and it is built on pilings. Rather than fighting the lands natural tendencies, we have worked with the land. Our wish has been to provide a natural habitat for organisms that are affected by wetland being drained everywhere.

We note that there are a lot of high run-off surfaces in the area i.e. Golf course with turf, large turf lawns, tennis courts. If the purpose of the drains is now to facilitate a for-profit enterprise or the success of inappropriate and cosmetic land use, then we must state that we do not wish to participate in any way in this project. We submit that if this is the case, landowners must invest in their own private infrastructure projects.

We also note that, there is no environmental assessment. Wetlands are extremely sensitive environments, and to disturb the land by bringing in heavy equipment to excavate the drains is counter to our collective obligation to protect sensitive areas. There are many species at risk in the area including but not limited to the Fowler's Toad. We note that there has been a recent and critical leadership change at the Niagara Peninsula Conservation Authority and so we would ask that an updated opinion on whether or not an environmental assessment is required is necessary.

In summary, here is our position:



1. We will abandon the proposed Michener Drain Branch 1 that bisects our land. Our intent has been and will be for the land to go back to its original state. To facilitate this, we will block both ends of this drain on our property.
2. We request an environmental assessment to be conducted on this project which takes into consideration the loss of wetland in Niagara and the species that are at risk and/or endangered because of this. Note that wetland is provincially significant and that this area falls below the recommended percentage of wetland.
3. If the Michener drain restoration is to go ahead, recognition that this is a municipal infrastructure project and not a private agricultural project and as such the cost of the project should be covered by the City of Port Colborne. At the very least, the cost should be borne by those landowners who wish to have the project done and who will benefit from it. In this case, we do not want to participate. Until this is agreed to we do not wish to allow clearance for the material from the drain to be moved onto our land.

Thank you again for your considering our position.

Yours sincerely,

Peter Mason

[REDACTED]

[REDACTED]

Martha Mason

[REDACTED]

[REDACTED]

902 Lakeshore Rd. E.

Port Colborne Ontario

From: "Lou Nieuwland" <lou@whiskyrun.com>  
To: ronbodner@portcolborne.ca, harrywells@portcolborne.ca, cityclerk@portcolborne.ca  
Date: 2020-10-24 01:53 PM  
Subject: Mitchener Drain Report

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Ron and Harry,

As I stated at the public meetings, the Michener Drain is not a problem for us and Whisky Run Golf Club.

Our problem is the Wignell Drain which overflows its banks and floods several holes at the back of our Serpent nine hole golf course. In the last several years we have had to close this nine hole course; west of Lorraine Road, for about 2 weeks each year during the golfing season because of this flooding.

Our share of the costs for the proposed work on the Michener is almost \$42,000.00. The repair and improvement on the Michener does nothing to solve our issue. IT IS THE WIGNELL DRAIN THAT NEEDS REPAIR AND IMPROVEMENT. The Michener flows into the Wignell Drain, and unless the Wignell can handle the water from the Michener; which will flow into it even faster, it will likely make the flooding from the Wignell Drain even worse.

If the Report is adopted by Council, we will be appealing the decision.

Lou & Maribeth Nieuwland  
Owners, 570466 Ontario Ltd.  
Whisky Run Golf Club Ltd  
[lou@whiskyrun.com](mailto:lou@whiskyrun.com)  
W: 905.835.6864  
C: 905.714.6846

From: "Brian Pye" <brianpyemaplemeadows@gmail.com>  
To: cityclerk@portcolborne.ca  
Date: 2020-10-26 11:16 AM  
Subject: Michener Municipal Drain

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing this response to the engineer's report regarding the Michener drain, although the report is extensive and detailed, Brian and I have some concerns.

1) the 12 hectare parcel of agricultural land shown on the report and topographic maps assumes that the surface runoff flows toward south west and to the Michener drain. However the surface runoff and tile drains flow north to the friendship trail ditch and does not enter the Michener drain. The ditch along the friendship trail has not been maintained by the town and has filled in with trees and other types of vegetation. This drainage problem is not addressed in this report. The property has been in the family for 40 years and this issue has never been resolved and this report will not solve this problem. The report indicates that we are to pay \$16,000 and we will see no benefit.

The land south of Killaly St. to the lake affected by this drain contains farmland that struggles to be more productive because of the geography of the land. The report makes it clear that the poor slope of the land makes farming a challenge to farmers despite all their efforts to improve drainage. Since the farmland and drain have very little slope this will continue in the future and will not be solved by work outlined in this report. We will continue to see water laying in the fields even after the work is done.

Invasive species of vegetation such as phragmites have made it impossible to keep the drains from functioning properly regardless of all efforts and spraying cancer causing chemicals to control the problem is not an option. The town cleaned a ditch north of Killaly St approximately six years ago and it has filled in with invasive vegetation and no longer functions properly and was a waste of money.

The land south of Killaly affected by this drain is critical to the well being of our environment. This land is poorly drained, and is just above the lake level and as a result for thousands of years contained wetlands, carolinian forests and the cranberry marsh. This unique geographic area also contains many animal species that are endangered and are critical for a healthy ecosystem. It is ironic that the NPCA and all levels of government are spending money to restore wetlands, help endangered species, and educate us on how important this unique geographic area is to our well being. Many municipalities have recognized that just building a drain was an 19th century answer and not what is needed in the 21st century. I suggest council put the report on hold and take a look at what other municipalities(Huron) are doing with their watershed problems. These municipalities are leading in regards to watershed programs that educate and help all landowners and give tours to drainage superintendents and councillors.

I understand the pressure that councillors are under when water affects a person's livelihood or personal property and are asked to solve the problem. However this report does not solve anybody's problems and should be rejected and will be appealed.

On a personal note we have started working with the NPCA to establish a wetland on our property, our first pond has been dug and will hopefully dig our second pond next year. We truly believe that our environment is unique and that it needs to be protected.

Laurie and Brian Pye  
Maple Meadows Farm

Hello Charlotte,

I would like this passed along to members of council please.

My name is Rachel MacPherson and I am emailing with regards to the variance to 128 McCain street. I have had the chance to review the report Sherry Hanson composed and I have some further viewpoints to provide. As previously mentioned in my application for the variance the fence has been up for 20 years with no voiced concerns. I noticed Sherry added photos of the transition of the fence over the past 13 years. The fence that is separating my lot to the neighbours lot, changed in 2009. If I am not mistaken, the by law at that time allowed the change. The current by-law wasn't changed until 2010. I have attached the previous by-law. The fence should be grandfathered in.

If the trees that are being considered a fence based on how they've been planted are an issue I am willing to replant them elsewhere. In the 2020 photo taken, it shows the visibility from the neighbours view. There is no obstruction to view, in fact if I had been parked in my driveway the time of the photo, you would see that my truck sticks out further than the fence. I can provide photographic evidence of this.

Currently the neighbour who is voicing concern regarding the fence has been harassing me, and vandalizing/defacing the fence in place. The fence is 4 inches onto my yard. I can provide photographic proof if need be.

Thank you for your time,

Rachel MacPherson

← Old Fence By-Law Port Colbor...

**THE CORPORATION OF THE CITY OF PORT COLBORNE**

BY-LAW NO. 4245/81/02

**BEING A BY-LAW TO AMEND BY-LAW 1170/117/81, AS AMENDED,  
BEING A BY-LAW TO PRESCRIBE THE HEIGHT  
AND DESCRIPTION OF LAWFUL FENCES  
IN THE CITY OF PORT COLBORNE**

WHEREAS the Council of the Corporation of the City of Port Colborne enacted By-law 1170/117/81, being a by-law to prescribe the height and description of lawful fences in the City of Port Colborne and to repeal by-law 989/60/80, on the 23<sup>rd</sup> day of November 1981.

AND WHEREAS By-law 1170/117/81 has been amended from time to time;

AND WHEREAS the Council of the Corporation of the City of Port Colborne approved OPDS-Operational Services Division-Director's Report No. 2002-38, Fence By-law Review, as amended, on the 27<sup>th</sup> day of May, 2002;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF  
THE CITY PORT COLBORNE ENACTS AS FOLLOWS:**

1 That By-law 1170/117/81, being a by-law to prescribe the height and description of lawful fences and repeal by-law 989/60/80, as amended, be further amended by adding to Section 1 "Definitions" the following:

"Side Yard - Interior" - means a side yard other than an exterior side yard

"Side Yard - Exterior" - means a side yard immediately adjoining a public street

2 That By-law 1170/117/81, being a by-law to prescribe the height and description of lawful fences and to repeal by-law 989/60/80, as amended, be further amended by adding to Section 6 "Fences & Hedges at Intersections & Corner Lots" the following:

6(d) "Notwithstanding subsection 6(c) no person shall construct or permit to be erected or maintained any fence or hedge greater than 2m in any exterior side yard except where the said fence is set back a minimum of 3m from the exterior side lot line or, where a sidewalk exists parallel to the fence line, a minimum of 3m from the near side of the sidewalk".

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS**

**10<sup>TH</sup> DAY OF JUNE, 2002.**

## Submission for October 26, 2020 Council meeting

From: "Rachel MacPherson" [REDACTED]  
To: charlottemadden@portcolborne.ca  
Date: 2020-10-26 09:06 AM  
Subject: 128 McCain fence variance

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Charlotte,

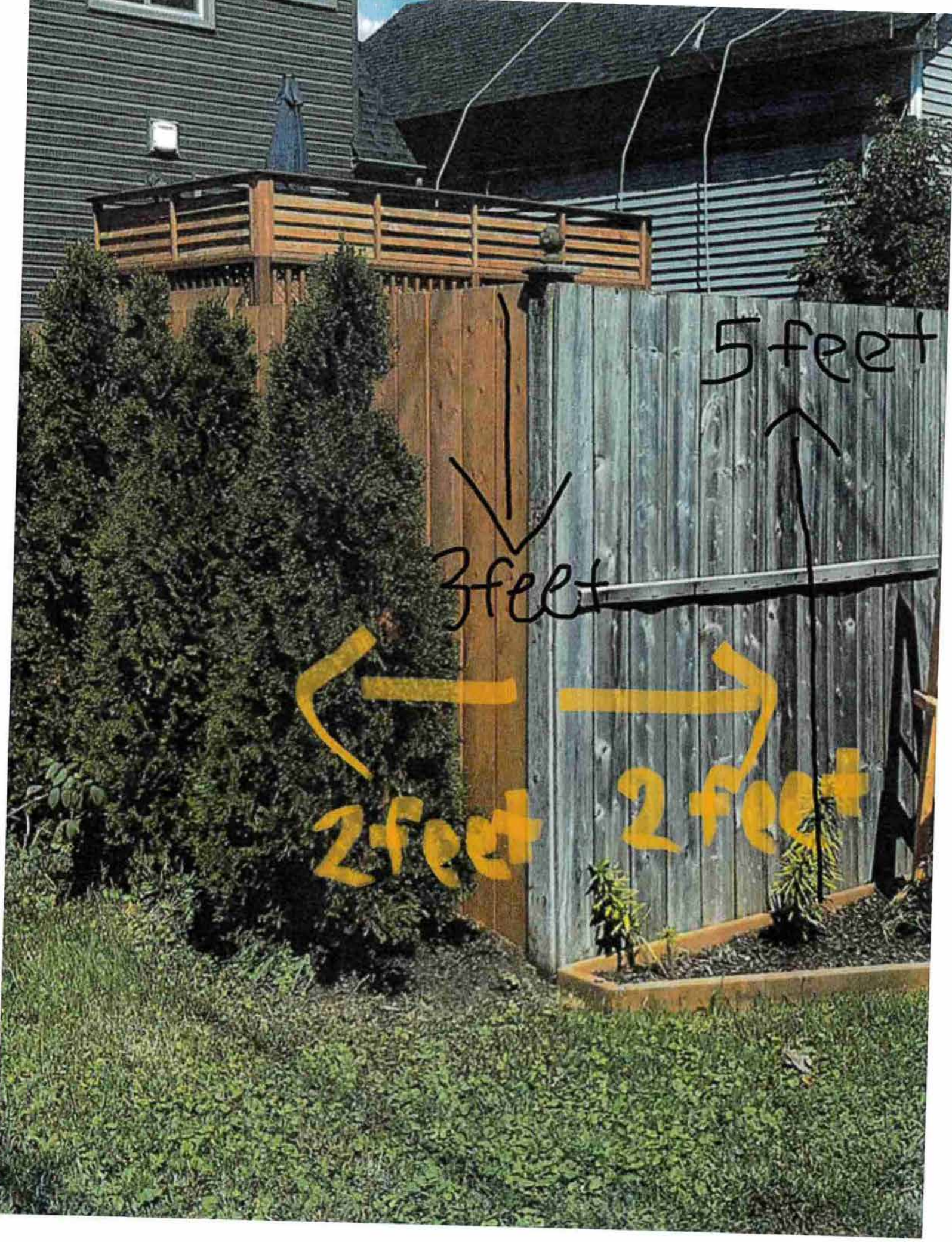
I would like for this to be shared with council for tonight's meeting.

During this time I have been in contact with ward councilmen Frank Danch and Gary Bruno, and both have been by to see the fence and hedge line in person. I have come up with a new purposed plan that both Gary and Frank are aware of. We would be willing to adjust the fence as follows:  
Corner off the fence closest to the neighbour 2 feet in on both sides and remove three of the cider trees. The fence would be brought down to 3 feet in height from the 5 feet it is currently. This would make a clear view in any vehicle. I know that this can be difficult to picture and explain so I have a rough diagram below.

Thank you  
Rachel MacPherson



image0.jpeg



5 feet

3 feet

2 feet

2 feet

To: Chairperson and  
all City counselors involved

OCT. 10, 2020

Pg 1

In regard to fence Bylaw variance Applicant  
we are starting to feel like we have  
done something wrong and are on trial  
All we ask is for the fence to be put  
into compliance of the bylaw so we  
can see again, Finally, to safely exit  
our driveway.

Before the New fence was  
constructed and Cedar trees planted  
we were able to see oncoming  
pedestrians thru the  $\frac{1}{2}$  inch spaces  
between the boards of the existing  
dividing fence. (See pictures of the  
 $\frac{1}{2}$  gaps between the boards that allowed  
a view to sidewalk traffic.)

Pg 1 pictures





Pg 1  
Pictures



Pg 1  
pictures



with regards to us being <sup>Pg 2</sup> OK with the neighbors building a hedge row and blocking our line of sight.

The Day the trees were being Planted, I told The Father it was going to be an issue because we cannot see the sidewalk any more.

Further more I told him We wanted to cut the existing Fence down to 3 Feet in height and 15 Feet Back from the property line

His Answerer to me was:

Let the tree roots take hold and he will trim them as necessary

Taking the word of the neighbor, in good Faith we agreed

That was our first mistake.

See Pg 2 pic

(C)

SIDEWALK

Pg 2  
(A)

128  
McCain

Street

Sidewalk

Driveway

Exiting our Driveway  
was never a Big  
ISSUE Because  
Between each Fence Board  
1/2" and bigger spaces allowing  
us to see oncoming Pedestrian

See PHOTO

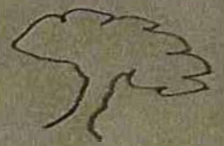
(BUT)



Line of Sight  
(somewhat clear)

15'  
Driveway

601  
Steele.

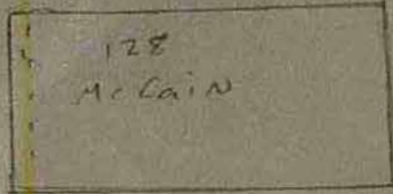


●——● = Property Stake/LINE

Street  
Street  
SIDE JAIL.

2

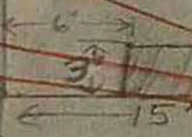
Pg 2  
(B)



This is what I told  
Father and  
Boyfriend. We were  
Planning to do cut the  
Fence to further  
Help with sister exiting  
our Driveway

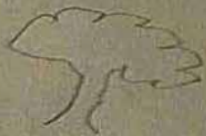
OK  
OK  
OK  
OK

Driveway



Line of Sight.  
(clear)

601  
Steele.



●—● = Property Stake/LINE  
●—● = Property Stake/LINE

SIDEWALK

3

128  
McLain

207  
C

AUG-sept 2019

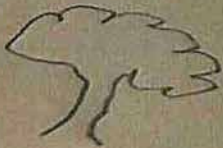
11-6 foot Cedars planted tightly together immediately blocking a very crucial part of our sight thru the fence spacing to SAFELY exit our Driveway



Line of sight  
(Partial Obstructed)

Driveway

601  
Steele.



—●— = Property Stake/LINE

Winter came and went Pg 3  
and nothing was done to fix the  
problem with the trees

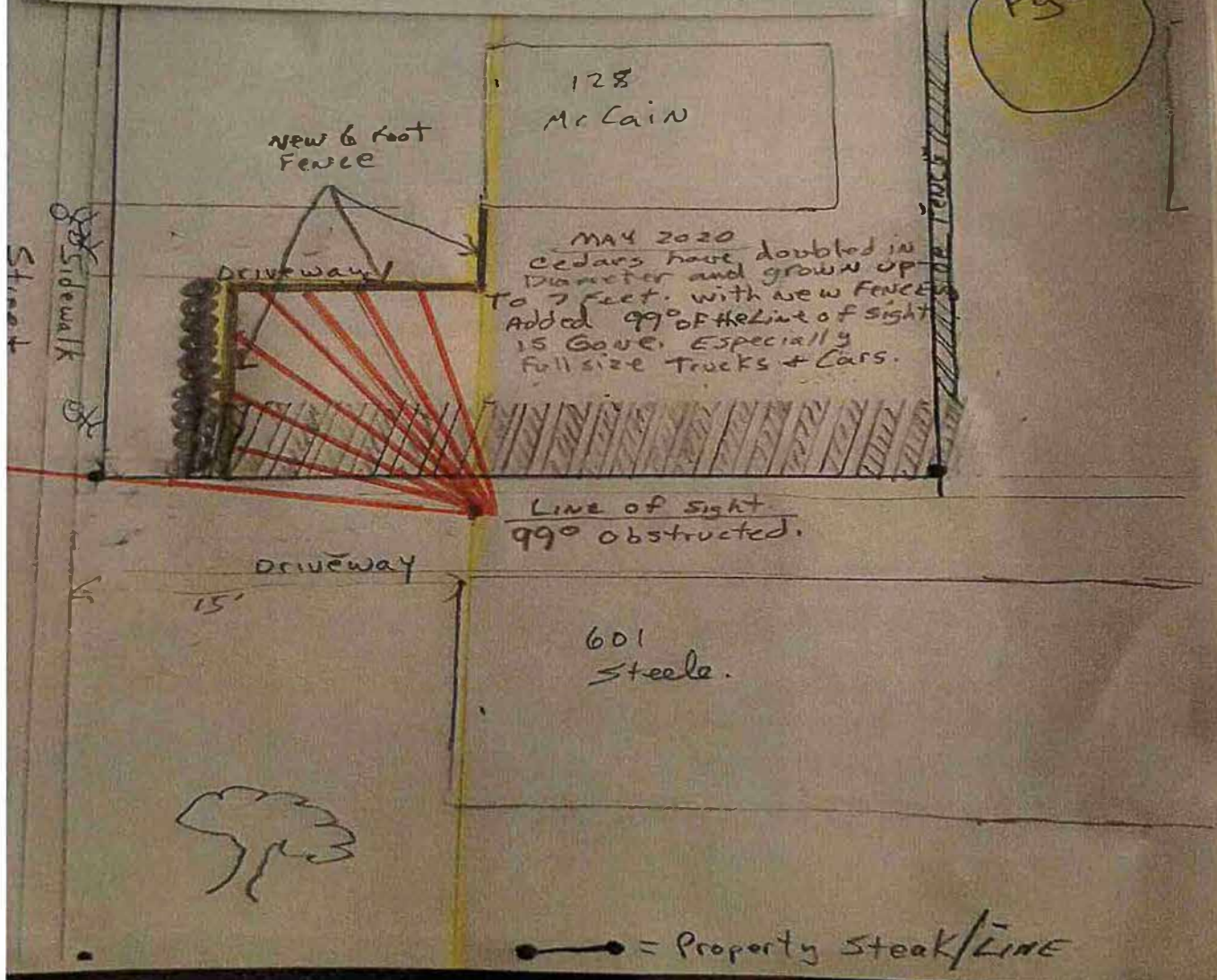
First long weekend I returned  
from work to find the boy friend  
(2020)  
putting new 8 foot posts in the ground  
behind the trees for construction of  
new fencing also. I approached him  
about his father in law saying he would  
correct our line of sight problem.  
and not only that it did not happen as  
promised but this will only make it  
worse. His answer to me was,  
"TOO LATE NOW" and they continued  
to finish the fence thru the long weekend  
See  
I called the bylaw enforcement  
that coming week, and voiced my  
worries. With the onset of  
Covid 19. Things at the city were taking  
a longer than usual time. we started  
writing letters. See Pg 3 Pictures

Pg 3



Pg 4

Pg 3





Now the trees are growing <sup>Pg 4</sup> in  
Size Bigger in diameter and some  
are 7' Feet tall now. and they will grow  
much larger each Year. untill they ~~re~~  
reach the Side walk. ~~It~~

They mention they have no issue  
when exiting their drive way.

They own Compact Cars (See Pg 4) <sup>Picture</sup>  
(A)

We own a midsize car (See Pg 4 <sup>Picture</sup>)  
(B)

And not that it is Any over Business  
I plan to buy a Full size Pickup Truck

Fence Bylaws are in place (See Pg 4 P.2)  
to protect every one all  
(C)

The time in this manner of sight.

We dont think this bylaw should be  
allowed variance because of Convenience  
or forgetfulness to do their Due  
Dilligence and review new Construction  
By laws, and Planting regulations.

(Before Beginning Any Project)

SIDEWALK

Pg 4  
(A) (B)

- All car windows are 3 feet in height

128  
Mr. Cain

Compact Car  
See Photo

8 Feet long



Driveway

Sidewalk  
Street



MIDSIZE Car (See Photo)

16 Feet Long

Driveway

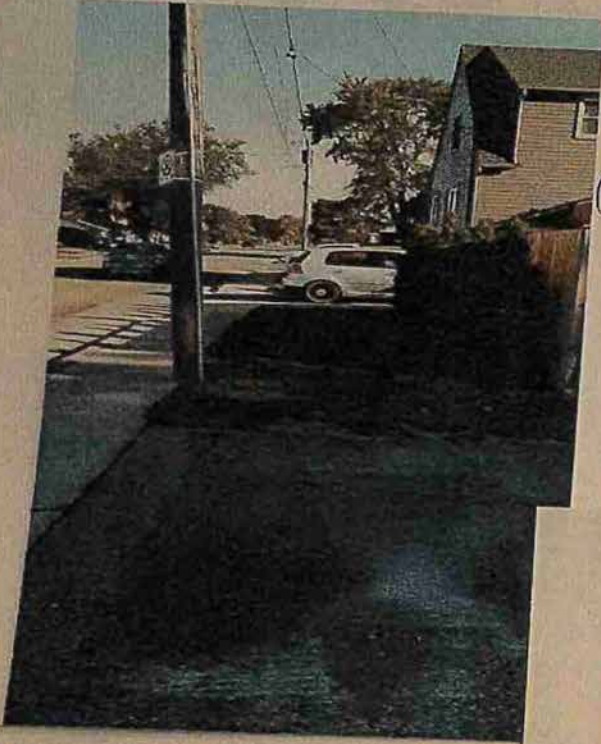
15'

601  
Steele.

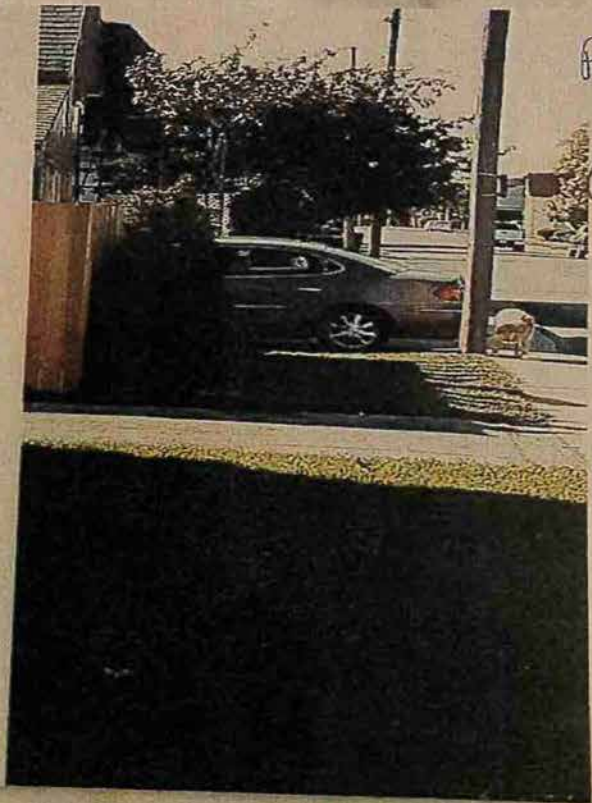


—•— = Property Stake/LINE

street



Pg  
4  
(A)



Pg  
4  
(B)

Street  
SIDEWALK

Pg 4  
(C)

128  
McCain

Driveway

Street

Sidewalk



Pickup  
TRUCK

22 Feet long

601  
steels.



—●— = Property Stake/LINE

Pg 5

Because of' Now Not being able to see oncoming pedestrians, cyclists and people<sup>on</sup> scooters my wife and children will not park in our own driveway for fear of injuring or killing somebody. Right now if that happened the liability would rest on the home owner for ~~not~~ ~~not~~ looking into and following the existing Bylaws.

Now, one of my worst close calls was an elderly lady on a scooter with her granddaughter riding along, on it, with her. These close calls cannot get nothing but worse, with schools back in and Covid onset Again. More foot Traffic.

The neighbors are banking on a grandfather clause, but as you know this would only apply to some long-time existing structures. NOT ANY NEW CONSTRUCTION.

Pg 6

In Closing and in our  
Opinion if the Trees and Fencing were  
cut down to, 3 feet in height and 15 feet  
Back From the Property line, Not only  
would the live of sight issue be solved,  
they also would not loose any size of  
their fenced in Area for their Animals  
This Action would put the Trees and Fence  
into Compliance with the existing By-law,  
Solve our Sight and Stress issues and  
protect the public from injury.

If we cannot feel safe exiting our  
driveway soon. We may consider seeking  
Legal Council.

This letter was meant to be mailed, stapled together  
Book style. Due to Covid we would appreciate if you could  
Print these  
Pages that way  
From your E-mail's

Respectfully: Rob + Tracie  
Maude.

601 Steel St, Port Colborne

