



**City of Port Colborne  
Special Meeting of Council 22-18  
Monday, September 24, 2018  
Council in Closed Session – 5:30 p.m.  
Committee Room 3, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

- 1. Call to Order:** Mayor John Maloney
- 2. Introduction of Addendum Items:**
- 3. Confirmation of Agenda:**
- 4. Disclosures of Interest:**
- 5. Council in Closed Session:**

- (i) Motion to go into Closed Session

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

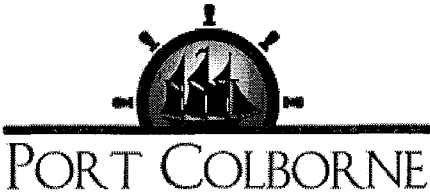
- (a) Chief Administrative Officer Report 2018-140 regarding potential litigation concerning Seaway lands, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**Note:** Sara Premi, Solicitor, Sullivan Mahoney LLP, will be in attendance regarding the above item.

- (ii) Disclosures of Interest (closed session agenda)
- (iii) Consideration of Closed Session Items
- (iv) Motion to Rise With Report

- 6. Disclosures of Interest Arising From Closed Session:**
- 7. Report and Motions Arising From Closed Session:**
- 8. Adjournment:**

This page intentionally left blank.



**City of Port Colborne  
Special Council Meeting 23-18 – Public Hearing  
Monday, September 24, 2018 – 6:30 p.m.  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

- 1. Call to Order:** Mayor John Maloney
- 2. National Anthem:** Joel Longfellow
- 3. Confirmation of Agenda:**
- 4. Disclosures of Interest:**
- 5. Public Hearing Under the Planning Act:**

Application for Zoning By-law Amendment  
Planning and Development Department, Planning Division, Report 2018-131, Subject: Public Meeting Report for Zoning By-law Amendment D14-03-18, 1937 Brookfield Road

- (i) Purpose of Meeting:
- (ii) Method of Notice:
- (iii) Explanation of Procedure to be Followed:
- (iv) Presentation of Application for Zoning By-law Amendment:
- (v) Comments of Applicant:
- (vi) Questions of Clarification to Applicant/Planning Staff:
- (vii) Oral Presentations and/or Questions from the Public:
- (viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:
- (ix) Explanation of Future Meetings:

- 6. Adjournment:**

This page intentionally left blank.



Report Number: 2018-131

Date: September 24, 2018

**SUBJECT: Public Meeting Report for Zoning By-law Amendment D14-03-18, 1937 Brookfield Road**

**1) PURPOSE:**

The purpose of this report is to provide Council with information regarding a proposed Zoning By-law Amendment initiated by Brian Lambie on behalf of the owner, Andy Veenstra Farms Ltd., for the property legally known as Part Lot 10, Concession 2, Former Township of Humberstone, in the City of Port Colborne, Regional Municipality of Niagara; municipally known as 1937 Brookfield Road.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The application for Zoning By-law Amendment proposes to change the zoning from Agricultural to Agricultural Purposes Only and Agricultural Residential. The Zoning By-law Amendment is being sought to satisfy anticipated conditions for a farm-consolidation severance.

The area that will be rezoned to Agricultural Purposes Only is approximately 19.3ha and is presently used for agricultural purposes with no buildings or structures.

The area that will be rezoned to Agricultural Residential is approximately 0.7ha and is presently occupied by a single detached dwelling and three agricultural or accessory buildings. No new development is anticipated as a result of this application.

**3) STAFF COMMENTS AND DISCUSSIONS**

The Notice of Public Meeting was circulated to required agencies and property owners within 120 metres of the property on August 31, 2018. Public notice signs were posted on the property on or before September 4, 2018. A public notice was also posted on the City's website on August 31, 2018. A public open house in this regard will be held on September 17, 2018.

At the time of writing this report, staff had not received any comments from the public, City divisions nor commenting agencies.

City of Port Colborne Official Plan

The City of Port Colborne Official Plan designates the property as **Agricultural**. Lands designated Agriculture are Prime Agricultural Areas as defined by the Provincial Policy Statement and as identified on the Agricultural Land Base Map of the Regional Policy Plan and are used primarily for agricultural purposes.

City of Port Colborne Zoning By-law 6575/30/18

The City of Port Colborne Zoning By-law 6575/30/18, zones the property **Agricultural** which permits the following uses: accessory agricultural activities; agriculture use; agri-tourism and value added uses; conservation uses; dwelling, detached existing at the date of the passing of this by-law as a principal use on a new lot; dwelling, detached as a principal use on an existing lot of record; kennel; medical marihuana production facility; and uses, structures and buildings accessory thereto.

The application for Zoning By-law Amendment proposes to change the zoning to Agricultural Purposes Only and Agricultural Residential. Agricultural Purposes Only permits agricultural uses, conservation uses, and uses, structures and buildings accessory thereto including greenhouses. Agricultural Residential permits dwelling, detached and uses, structures and buildings accessory thereto.

Adjacent Zoning and Land Use

<p><b>Northwest</b> Use: Agricultural Zone: Agricultural</p>	<p><b>North</b> Use: Agricultural Zone: Agricultural</p>	<p><b>Northeast</b> Use: Agricultural Zone: Agricultural</p>
<p><b>West</b> Use: Agricultural and Residential Zone: Agricultural and Agricultural Residential</p>	<p><b>Applicant's Property</b></p>	<p><b>East</b> Use: Agricultural Zone: Agricultural and A-10</p>
<p><b>Southwest</b> Use: Agricultural and Residential Zone: Agricultural and Agricultural Residential</p>	<p><b>South</b> Use: Agricultural and Residential Zone: Agricultural and Agricultural Residential</p>	<p><b>Southeast</b> Use: Agricultural Zone: Agricultural</p>

Conclusions

The Zoning By-law Amendment is necessary to satisfy anticipated conditions for a farm-consolidation severance. The Planning Division will provide Council with its recommendation report for both the Official Plan and Zoning By-law Amendments after comments have been received from the Public Meeting and the review agencies. This report will be available at a future Council meeting for Council's consideration.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

a) **Do nothing**

N/A

b) **Other Options**

N/A

5) **COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

N/A

6) **ATTACHMENTS**

Appendix A: Draft Zoning By-law Amendment

7) **RECOMMENDATION**

That Planning and Development Department, Planning Division, Public Hearing Report 2018-131 regarding application for Zoning By-law Amendment (File No. D14-03-18) for 1937 Brookfield Road be received for information.

8) **SIGNATURES**

Prepared on September 12, 2018 by:



Evan Acs, MA, MSC  
Planner

Reviewed by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

DRAFT ZONING BY-LAW AMENDMENT

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. \_\_\_\_\_

BEING A BY-LAW TO AMEND ZONING BY-LAW 6575/30/18 RESPECTING LANDS LEGALLY DESCRIBED AS PART LOT 10, CONCESSION 2, LOCATED AT 1937 BROOKFIELD ROAD.

WHEREAS By-law 6575/30/18 is a by-law of the Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures;

AND WHEREAS, the Council of the Corporation of the City of Port Colborne desires to amend the said by-law;

NOW, THEREFORE, and pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, the Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Agricultural to Agricultural Residential and Agricultural Purposes Only.
3. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of The Planning Act.
4. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with The Planning Act.



READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
John Maloney, MAYOR

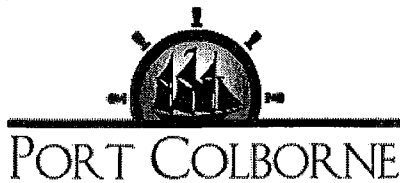
\_\_\_\_\_  
Amber LaPointe, CLERK





<p>THIS IS SCHEDULE "A" TO BY-LAW NO _____</p> <p>PASSED THE _____, 2018</p> <p>_____</p> <p>MAYOR</p> <p>_____</p> <p>CLERK</p>	<p>  LANDS TO BE REZONED FROM AGRICULTURAL TO AGRICULTURAL RESIDENTIAL   LANDS TO BE REZONED FROM AGRICULTURAL TO AGRICULTURAL PURPOSES ONLY         </p> <p>FILE NO: D14-03-18</p> <p>DRAWN BY; CITY OF PORT COLBORNE PLANNING DIVISION</p> <p>NOT TO SCALE AUGUST 2018</p>
--	--





**City of Port Colborne  
Regular Meeting of Committee of the Whole 19-18  
Monday, September 24, 2018  
following the Special Meeting of Council  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

1. **Call to Order:** Mayor John Maloney
2. **Introduction of Addendum and Delegation Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
  - (a) Regular meeting of Committee of the Whole 18-18, held on September 10, 2018.
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Presentations:**
  - (a) Presentation by Mayor Maloney to Jessica Cizmar – Recipient of the Isadore Sponder Memorial Trophy
  - (b) Grant Presentations to Community Organizations
9. **Delegations (10 Minutes Maximum):**

Nil.
10. **Mayor's Report:**
11. **Regional Councillor's Report:**
12. **Councillors' Items:**
  - (a) Councillors' Issues/Enquiries
  - (b) Staff Responses to Previous Councillors' Enquiries
13. **Consideration of Items Requiring Separate Discussion:**
14. **Notice of Motion:**
15. **Adjournment:**

**Upcoming Committee of the Whole and Council Meetings**

Tuesday, October 9, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, October 22, 2018	<b>Cancelled</b> – Due to Municipal Election
Tuesday, November 13, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, November 26, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, December 10, 2018	Committee of the Whole/Council – 6:30 P.M.

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

**Committee Items:**

Notes	Item	Description / Recommendation	Page															
JDM BB RB AD FD YD DE BK JM	1.	<p><b><u>Corporate Services Department, Finance Division, Report 2018-133, Subject: Municipal Officers' Expense Allowance</u></b></p> <p>That Corporate Services Department, Finance Division Report 2018-133 Subject: Municipal Officers' Expense Allowance, be received for information.</p>	19															
JDM BB RB AD FD YD DE BK JM	2.	<p><b><u>Fire and Emergency Services Department, Report 2018-124, Subject: Regulating the Sale and Discharge of Fireworks</u></b></p> <p>That the proposed by-law for prohibiting and regulating the sale and discharge of fireworks attached to Fire and Emergency Services Department Report 2018-124 be approved, effective January 1, 2019; and</p> <p>That staff be directed to make the necessary changes to the applicable fee schedule.</p>	23															
JDM BB RB AD FD YD DE BK JM	3.	<p><b><u>Planning and Development Department, By-law Enforcement Division, Report 2018-113, Subject: Parking and Traffic – Davis Street</u></b></p> <p>That an amendment to By-law 89-2000 being a by-law regulating traffic and parking on City roads, be amended as follows:</p> <p>1. That Schedule "B" Standing Prohibitions, to By-law 89-2000 as amended, be amended by deleting therefrom the following:</p> <table border="1" data-bbox="464 1307 1350 1545"> <thead> <tr> <th><u>Column 1</u></th> <th><u>Column 2</u></th> <th colspan="2"><u>Column 3</u></th> <th><u>Column 4</u></th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> <th>Times/Days</th> </tr> </thead> <tbody> <tr> <td>Davis Street</td> <td>West</td> <td>52m north of the north limit of Fraser Street</td> <td>6m north therefrom</td> <td>Anytime</td> </tr> </tbody> </table>	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>	Highway	Side	From	To	Times/Days	Davis Street	West	52m north of the north limit of Fraser Street	6m north therefrom	Anytime	27
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>														
Highway	Side	From	To	Times/Days														
Davis Street	West	52m north of the north limit of Fraser Street	6m north therefrom	Anytime														

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

JDM AD DE	BB FD BK	RB YD JM	4.	<p><b>Planning and Development Department, By-law Enforcement Division, Report 2018-129, Subject: Parking and Traffic – Elm Street</b></p> <hr/> <p>That the amendment to By-law 89-2000, being a by-law regulating traffic and parking on City roads, be approved as follows:</p> <p>1. That Schedule “C” Parking Prohibition, to By-law 89-2000, be amended by adding thereto the following:</p> <table border="1"> <thead> <tr> <th><u>Column 1</u></th> <th><u>Column 2</u></th> <th colspan="2"><u>Column 3</u></th> <th><u>Column 4</u></th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> <th>Times/Days</th> </tr> </thead> <tbody> <tr> <td>Elm Street</td> <td>West</td> <td>42m north of Delhi Street</td> <td>80m north therefrom</td> <td>Anytime</td> </tr> </tbody> </table>	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>	Highway	Side	From	To	Times/Days	Elm Street	West	42m north of Delhi Street	80m north therefrom	Anytime	31
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>																
Highway	Side	From	To	Times/Days																
Elm Street	West	42m north of Delhi Street	80m north therefrom	Anytime																
JDM AD DE	BB FD BK	RB YD JM	5.	<p><b>Planning and Development Department, By-law Enforcement Division, Report 2018-135, Subject: Parking for Persons with Disabilities – 184 Mitchell Street at Decew Street</b></p> <hr/> <p>That By-law 4310/146/02 being a by-law to regulate on and off street parking for persons with disabilities, be further amended by adding to Schedule “I” the following:</p> <table border="1"> <thead> <tr> <th><u>Column 1</u></th> <th><u>Column 2</u></th> <th colspan="2"><u>Column 3</u></th> <th><u>Column 4</u></th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> <th>Times/Days</th> </tr> </thead> <tbody> <tr> <td>Decew Street</td> <td>South</td> <td>20m west of Mitchell Street</td> <td>7m south therefrom</td> <td>Anytime</td> </tr> </tbody> </table>	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>	Highway	Side	From	To	Times/Days	Decew Street	South	20m west of Mitchell Street	7m south therefrom	Anytime	35
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>																
Highway	Side	From	To	Times/Days																
Decew Street	South	20m west of Mitchell Street	7m south therefrom	Anytime																
JDM AD DE	BB FD BK	RB YD JM	6.	<p><b>Planning and Development Department, By-law Enforcement Division, Report 2018-128, Subject: Fence Variance 29-33 Charlotte Street</b></p> <hr/> <p>That the fence variance request for 29-33 Charlotte Street, on the corner of Charlotte and King Streets, be approved.</p>	39															

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the “Consideration of By-laws” section of the Council agenda.

JDM AD DE	BB FD BK	RB YD JM	7.	<p><b>Planning and Development Department, Planning Division, Report 2018-132, Subject: Recommendation Report on Removing 60 Adelaide Street from the Municipal Registry of Heritage Properties</b></p> <hr/> <p>That the lands legally known as Plan Merr Survey Pt Lot 5 Pt Lot 6 NP 987, 988, 989, City of Port Colborne, Regional Municipality of Niagara; municipally known as 60 Adelaide Street be removed from the City of Port Colborne's Municipal Registry of Heritage Properties.</p>	45
JDM AD DE	BB FD BK	RB YD JM	8.	<p><b>Planning and Development Department, Planning Division, Report 2018-137, Subject: Recommendation Report on Removing 94 West Street from the Municipal Registry of Heritage Properties</b></p> <hr/> <p>That Council of the City of Port Colborne removes the lands legally known as Plan Merr Survey Lot 6, Pt Lot 7 NP 987, 988, 989, RP 59R-8922 Pt Part 2, City of Port Colborne, Regional Municipality of Niagara; municipally known as 94 West Street from the City of Port Colborne's Municipal Registry of Heritage Properties.</p>	59
JDM AD DE	BB FD BK	RB YD JM	9.	<p><b>Planning and Development Department, Planning Division, Report 2018-125, Subject: Municipal Land Sale Policy</b></p> <hr/> <p>That the Land Sale Policy attached to Planning and Development Department, Planning Division Report 2018-125 be approved; and</p> <p>That By-law No. 4770/152/05 be repealed; and</p> <p>That the City Clerk be directed to bring forward the necessary by-law for approval; and</p> <p>That the City Clerk be authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after its passage.</p>	69

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

JDM AD DE	BB FD BK	RB YD JM	10.	<p><b>Planning and Development Department, Planning Division, Report 2018-136, Subject: Recommendation Report – Amendment to Development Charge By-law 6131/97/14, 1-year Waiving of Charges for Residential and Non- Residential Development</b></p> <hr/> <p>That no further public meeting is required under Section 12(3) of the <i>Development Charges Act</i> prior to adoption of the by-law to amend by-law 3131/97/14, being a by-law to impose Development Charges for the City of Port Colborne; and</p> <p>That the amendment to the Development Charges By-law, waiving development charges for all residential and non-residential development until a new Development Charges By-law hereby approved; and</p> <p>That staff be directed to prepare the Notice of Passing as per the <i>Development Charges Act</i>.</p>	79
JDM AD DE	BB FD BK	RB YD JM	11.	<p><b>Engineering and Operations Department, Engineering Division, Report 2018-127, Subject: Private Easement Across City Right of Way – 2207 Second Concession to 2453 Second Concession, on White Road</b></p> <hr/> <p>That an easement be approved across the City’s Right of Way between 2207 Second Concession and 2453 Second Concession, on White Road, in accordance with the following conditions:</p> <ul style="list-style-type: none"> <li>• The City be named as additional insured on the property owner’s insurance policy and a copy of the renewal be issued to the Clerk’s department for filing each year.</li> <li>• Any costs associated with the private connection, now or in future, are borne by the property owner. Any works being completed within the City’s Right of Way shall be subject to any applicable permits and policies in place by the City.</li> <li>• That signage be installed indicating the presence of a buried irrigation line and any maintenance associated with the signage will be the responsibility of the property owner.</li> <li>• Should the properties be sold the City shall be informed of the change in ownership within 30 days of the closing and it will be at the City’s discretion to determine if the Easement Agreement would be extended to any future potential property owners.</li> <li>• All connections must be made on private property, any piping within the road allowance must not have any joints.</li> <li>• Ministry of Environment and Climate Change Environmental Compliance Approval must be adhered to at all times and all setbacks maintained.</li> </ul>	83

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the “Consideration of By-laws” section of the Council agenda.



<b>Miscellaneous Correspondence</b>						
JDM	BB	RB	12.	<b>David Hazell, Chair, Teachers of English as a Second Language Association of Ontario Re: Request for Proclamation of English as a Second Language Week, October 28<sup>th</sup> to November 3<sup>rd</sup>, 2018</b>	87	
AD	FD	YD				
DE	BK	JM		That the week of October 28 <sup>th</sup> to November 3 <sup>rd</sup> be proclaimed as "English as a Second Language Week" in the City of Port Colborne in accordance with the request received from David Hazell, Chair, Teachers of English as a Second Language Association of Ontario.		
JDM	BB	RB	13.	<b>Memorandum from Amber LaPointe, Manager of Legislative Services/Clerk Re: Notice of Appointment to Niagara Compliance Audit Committee</b>	89	
AD	FD	YD				
DE	BK	JM		That the memorandum from Amber LaPointe, Manager of Legislative Services/Clerk Re: Notice of Appointment to Niagara Compliance Audit Committee, be received for information.		
<b>Outside Resolutions – Requests for Endorsement</b>						
Nil.						
<b>Responses to City of Port Colborne Resolutions</b>						
Nil.						

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

This page intentionally left blank.



Report Number: 2018-133

Date: September 24, 2018

**SUBJECT: Municipal Officers' Expense Allowance**

**1) PURPOSE**

This report was written to provide to Council information for total remuneration, benefits and expenses paid, in respect of services as a member of Council for the year 2019.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The 2017 Federal Budget eliminated the provision which allows for the payment of a tax free municipal officers' expense allowance. The provision resulted in one-third of a Council Member's remuneration to be considered a non-taxable allowance. The elimination of this provision comes into effect in January 2019. Currently, the Mayor receives an annual remuneration (including car allowance) of \$37,960.34 with \$11,813.36 being tax free. A Councillor receives an annual remuneration of \$10,255.18, with \$3,418.48 being tax free.

**3) STAFF COMMENTS AND DISCUSSIONS**

Staff prepared an analysis of the impact of this change to both the members of Council and to the City. The analysis looks at two different scenarios: one where gross pay remains the same as current and one where net pay remains the same as current. The chart on the following page outlines the results of the review. There is an assumption that the Mayor and Councillors are under the age of 71. Therefore, they would be eligible for Pension (OMERS) contributions and Canada Pension Plan (CPP) contributions. As well, there is an assumption that the Mayor and Councillors are "Claim Code 1" for Federal and Provincial Income Tax deduction purposes.

If gross pay remains the same, the Mayor will see a reduction in net pay of approximately \$3,758.64 and an individual Councillor will see a reduction in net pay of approximately \$476.88. The cost to the City on an annual basis will increase by approximately \$5,463.00, as a result of additional CPP and OMERS costs.

If net pay remains the same, the Members of Council will see no change to their take home pay. In order to ensure net pay remains the same, a salary increase of \$5,430.02 would be given to the Mayor, and a salary increase of \$554.06 would be given to each Councillor. Under this scenario, the City's costs would increase by approximately \$16,893.62, as a result in additional salary, CPP, OMERS and Employer Health Tax costs.

The legislative change comes into effect in January 2019 and will impact the City's 2019 budget.

4) **OPTIONS AND FINANCIAL CONSIDERATIONS**

Not applicable.

5) **COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

6) **ATTACHMENTS**

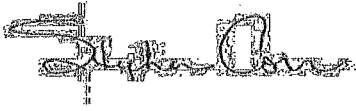
Appendix A

7) **RECOMMENDATION**

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

8) **SIGNATURES**

Prepared on September 14 , 2018 by:



Stephen Corr  
Manager Revenue and Taxation

Reviewed and approved by:



FOR  
Peter Senese  
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

Exhibit #1 Report Number 2018-133

	Current Situation 1/3 Tax Exempt		Same Gross: Full Tax		Same Net: Full Tax	
	Mayor	Councillor	Mayor	Councillor	Mayor	Councillor
Annual Remuneration (including Mayor car allowance)	37,960.34	10,255.18	37,960.34	10,255.18	37,960.34	10,255.18
Additional Salary for Equal Net Pay					5,430.02	554.06
Taxable	26,146.98	6,836.70	37,960.34	10,255.18	43,390.36	10,809.24
Non Taxable	11,813.36	3,418.48	-	-		
Total Gross Pay	37,960.34	10,255.18	37,960.34	10,255.18	43,390.36	10,809.24
Deductions:						
Income Tax	2,299.96	-	4,410.64	-	5,325.32	-
CPP (not applicable for members over 71 years of age)	1,121.03	165.17	1,705.79	334.38	1,974.57	361.81
OMERS (not applicable for members over 71 years of age)	2,353.23	615.30	3,416.43	922.97	3,905.13	972.83
Total Deductions	5,774.22	780.47	9,532.86	1,257.35	11,205.02	1,334.64
Net Pay	32,186.12	9,474.71	28,427.48	8,997.83	32,185.34	9,474.60
Change in Net Pay			(3,758.64)	(476.88)	(0.78)	(0.11)
Additional Municipal Costs			Mayor	All Councillors (8 councillors)	Mayor	All Councillors (8 councillors)
Salary			-	-	5,430.02	4,432.48
CPP			584.76	1,353.68	853.54	1,573.12
OMERS			1,063.20	2,461.36	1,551.90	2,860.24
EHT			-	-	105.89	86.43
<b>Total Additional Cost to Municipality</b>				<b>5,463.00</b>		<b>16,893.62</b>

This page intentionally left blank.



Report Number: 2018-124

Date: September 24, 2018

**SUBJECT: Regulating the Sale and Discharge of Fireworks**

**1) PURPOSE**

The Fire Chief prepared this report in an effort to update the City's current By-law 4989/45/07 for the regulation and sale of fireworks. This report deals with requirements of the *Explosives Act* and provides guidance for the sale and discharge of fireworks within the City.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The *Explosives Act* (the Act) or Explosives Regulations are the responsibility of the Government of Canada. The City's existing by-law was based on the Act in place at the time of its enactment but it has since changed. A number and strength of fireworks are prohibited under the new Act. Within Section 5 of the proposed by-law, general provisions are laid out with regards to regulating the display, sale and discharge.

- Section 5.9 – deals with the prohibitions
- Section 6 – sale of consumer fireworks
- Section 7 – conditions for consumer fireworks sale permit
- Section 8 – discharge of consumer fireworks
- Section 9 – display fireworks/permits and discharging
- Section 10 – use of city property
- Section 11 – administration
- Section 12 – penalties
- Section 13 – validity

The proposed by-law meets the requirements of the Act and enables a process for the display, sale and discharge under the oversight of the Fire Department.

**Permits**

The proposed by-law requires a permit to display and sell fireworks as well as a permit to discharge fireworks. Permit requirements will be based on the requirements of the *Explosive Act* and the *Fire Prevention and Protection Act*.

**Sale**

If a business wishes to sell fireworks by displaying them in their store, they will require a permit, issued by the Fire Department, for a specific period. Section 8 of the proposed by-law specifies the timelines.

## **Discharge**

The discharge of fireworks will also require a permit issued by the Fire Department. Section 9 of the proposed by-law provides direction and regulating information and requirements.

## **Issuing of Permits**

Under the proposed by-law, the Fire Department, at the direction of the Fire Chief, will issue permits providing all conditions are met. The Fire Chief may revoke a display fireworks permit under Section 9.2.1 of the proposed by-law, if conditions of the by-law are breached.

## **Fees for Permits**

- a) In the interest of safety within the City, the Fire Chief recommends implementation of a permit. The proposed by-law requires issuance of a permit for a business that wishes to display and sell fireworks. An inspection would be conducted on an annual basis, as the sale permit would be good for one calendar year.
- b) Additionally, a permit would be required for the discharge of fireworks for public display purposes. The Fire Department will assume the responsibility for the oversight and issuance of permits.

## **3) STAFF COMMENTS AND DISCUSSIONS**

The proposed new by-law provides oversight and control mechanisms that meet the requirements of the *Explosives Act* and Explosives Regulations, as well as the Ontario Fire Code. The proposed by-law provides enforcement using permits and oversight by the Fire Department, the City's By-law Enforcement Division and Niagara Regional Police.

## **4) OPTIONS AND FINANCIAL CONSIDERATIONS**

- a) Do nothing. **Not recommended.**
- b) Enact new by-law for prohibiting and regulating the sale and discharging fireworks. **Preferred option.**

## **Financial**

- a) Sale permit - \$100 annually
- b) Display permit - \$150 per event

## **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.



**6) ATTACHMENTS**

None.

**7) RECOMMENDATION**

That the proposed by-law for prohibiting and regulating the sale and discharge of fireworks attached to Fire and Emergency Services Department Report 2018-124 be approved, effective January 1, 2019; and

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

**8) SIGNATURES**

Prepared on August 13, 2018

Reviewed and respectfully submitted by:



Thomas B. Cartwright,  
City Fire Chief



C. Scott Luey,  
Chief Administrative Officer

This page intentionally left blank.



Planning and Development Department  
By-law Enforcement Division

Report Number: 2018 - 113

Date: September 24, 2018

**SUBJECT: Parking and Traffic – Davis Street**

**1) PURPOSE:**

This report was prepared by the By-law Enforcement Division under the direction of Dan Aquilina, Director of Planning and Development. The purpose of this report is to review the parking restrictions in front of 350 Davis Street.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

In 2011, the owner of 350 Davis Street requested the implementation of an accessible parking stall in front of their home for bus pick up of their daughter. Ownership has changed and the new owner does not require the parking restriction in front of the residential home.

The existing conditions on Davis Street in this location are as follows:

- This is a 11.5m wide highway;
- There are no parking restrictions on either side of this two lane highway;
- This is a mixed residential, commercial area.
- There are existing commercial establishments known as Sherk Lumber and Home Hardware on the east side of Davis Street.
- There are perpendicular parking stalls on the east side of Davis Street in front of the Home Hardware.

**3) STAFF COMMENTS AND DISCUSSIONS**

The new home owner of 350 Davis Street informed staff that there is no longer a need for the signage in front of their home as the previous home owners have moved. The signage was installed for easier access and pick up of the child residing at that residence. When approached by staff determining status of signage, the new owner requested removal as the situation has changed in the area. Therefore, the “No Standing” restriction currently in place is no longer required.

Engineering Comments:

Engineering and Operations staff have reviewed the request for parking and have no objections to removing “No Standing” in front of 350 Davis.

Summary of Staff

After review, staff has no objections to removing “no standing” 52m north of Fraser Street to a distance of 6m therefrom.

7) **RECOMMENDATION**

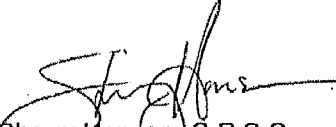
That an amendment to By-law 89-2000 being a by-law regulating traffic and parking on City roads, be amended as follows:

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


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

8) **SIGNATURES**

Prepared on September 10, 2018  
by:

  
Sherry Hanson, C.P.S.O.  
Supervisor, By-law Enforcement Division

Reviewed by:



Dan Aquilina, RPP, MCIP, CPT  
Director of Planning and Development

Reviewed and respectfully  
submitted by:

  
C. Scott Luey  
Chief Administrative Officer



**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

Signs would need to be removed at the above noted locations.

**a) Do nothing**

Keep the status quo "as is". This is not a recommend option.

**b) Other Options**

This section is not applicable.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

This section is not applicable.

**6) ATTACHMENTS**

This page intentionally left blank.

Report Number: 2018-129

Date: September 24, 2018

Subject: Parking and Traffic, Elm Street

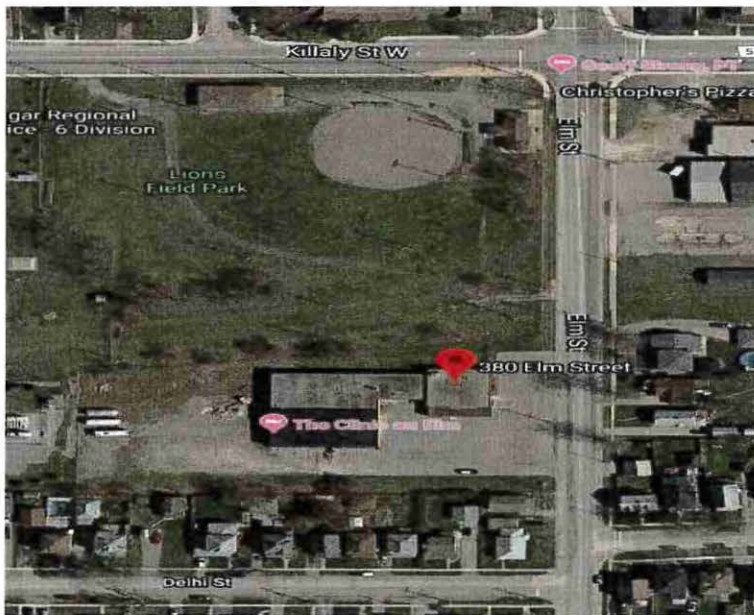
### 1) PURPOSE

This report was prepared by Sherry Hanson, Supervisor, By-law Enforcement Division under the direction of Dan Aquilina, Director of Planning and Development. A request was received from Sherri Cousineau of the Clinic on Elm to review the parking and traffic on Elm Street in front of the Clinic property.

### 2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The Clinic on Elm and Bridges Community Health Centre (CHC) is a medical facility on Elm Street between Killaly Street West and Delhi Street. The existing conditions on Elm Street in this location are as follows:

- This is a 12 m wide highway;
- There is parking along both sides of the highway;
- There are no restrictions or prohibition of parking on this section of the highway;
- This area has several zones, consisting of Residential, Commercial, and Public;
- The speed limit on Elm Street is 50 km/hr at this area.



### 3) STAFF COMMENTS AND DISCUSSIONS

Staff met with the requester and discussed concerns of visibility when exiting and entering the parking lot, especially at the south end of the lot.

After review of the area, it was noted that when a vehicle is parked on-street south of the parking lot, the visibility to view northbound traffic is greatly reduced. With the relocation of Bridges CHC and the influx in traffic at this location, parking restrictions along the front of this property would be beneficial to reduce any visibility issues. Therefore, the suggested parking prohibition would be the entire frontage of the facility which would remove 4 parking spaces from in front of the facility.

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

The By-law Enforcement Division is not opposed to establishing a prohibition of parking at this facility.



Engineering and Operations Department Comments

The Engineering and Operation Department has no objections to the removal of parking along the proposed section on Elm Street indicated within this report.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

Erecting three (3) “No Parking” signs is required on the existing hydro poles in the area. There would be a cost for the new signs.



**a) Do Nothing**

This is not a viable option as the existing condition would remain.

**b) Other Options**

This section is not applicable.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

This section is not applicable.

**6) ATTACHMENTS**

None.

**7) RECOMMENDATION**

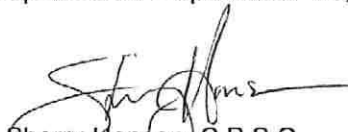
That the amendment to By-law 89-2000, being a by-law regulating traffic and parking on City roads, be approved as follows:

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


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

**8) SIGNATURES**

Prepared on September 10, 2018 by:

  
 Sherry Hanson, C.P.S.O.  
 Supervisor, By-law Enforcement Division

Reviewed by:

  
 Dan Aquilina, RPP, MCIP, CPT  
 Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer



### 380 Elm Street Parking

**Sherri Cousineau** to: sherryhanson, 'Jim Cousineau'  
Cc: "Taralea McLean"

2018-09-05 09:46 AM

From: "Sherri Cousineau" <sherri@thecliniconelm.ca>  
To: <sherryhanson@portcolborne.ca>, "Jim Cousineau" <jim@thecliniconelm.ca>  
Cc: "Taralea McLean" <taralea.mclean@bridgeschc.ca>

Good Morning:

We are hoping to address an issue with access to our parking lot on the south side of the property, entering and exiting from Elm Street.

It has come to our attention from both staff and clients that vehicles have been parking on Elm Street at the south part of the lane to the property.

We are asking to see if a 'no parking' sign be erected close to the telephone pole that is located on the property.

It is difficult to see traffic driving north on Elm Street if a vehicle is parked in this spot and makes the exit from the property very difficult at times.

Additionally, the garden that is growing has some tall shrubs that limit sight lines.

With Bridges relocating to the property, we have seen a significant increase to the number of vehicles parking.

I can be available to discuss this at any time and would appreciate any feedback that you may have regarding this.

With Thanks,  
Sherri Cousineau



Report Number: 2018-135

Date: September 24, 2018

**SUBJECT: Parking for Persons with Disabilities – 184 Mitchell Street at Decew Street**

**1) PURPOSE**

This report was prepared by Sherry Hanson, Supervisor, By-law Enforcement Division under the direction of Dan Aquilina, Director of Planning and Development. The purpose of this report is to review the parking request from Councillor Angie Desmarais for the French Golden Age Club located at the corner of Mitchell and Decew Streets.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The Club requested that an additional on-street accessible parking space be designated next to the existing stall that is adjacent to the property. By-law 4310/146/02 Being "A By-law prescribing on and off-street parking for persons with disabilities within the City of Port Colborne", Schedule "I" sets out and establishes designated parking spaces on streets and highways.

**3) STAFF COMMENTS AND DISCUSSIONS**

The location of accessible parking spaces should be located on a hard and level surface at or near an entrance. This property is located on the southwest corner of Mitchell and Decew Streets. The request is to install an additional accessible parking space on the Decew Street side of the property. The parking area in front of 184 Mitchell Street has one (1) accessible parking stall in this mixed zoned area. There are no restrictions in this area of Mitchell and Decew Streets.

By-law Enforcement staff spoke with Oskam Steel Fabricators Limited a neighbouring business that shares the on-street parking in this area. They have advised they have no objections to the implementation of an additional accessible parking stall on the south side of Decew Street at the French Golden Age Club.

Accessibility Advisory Committee comments:

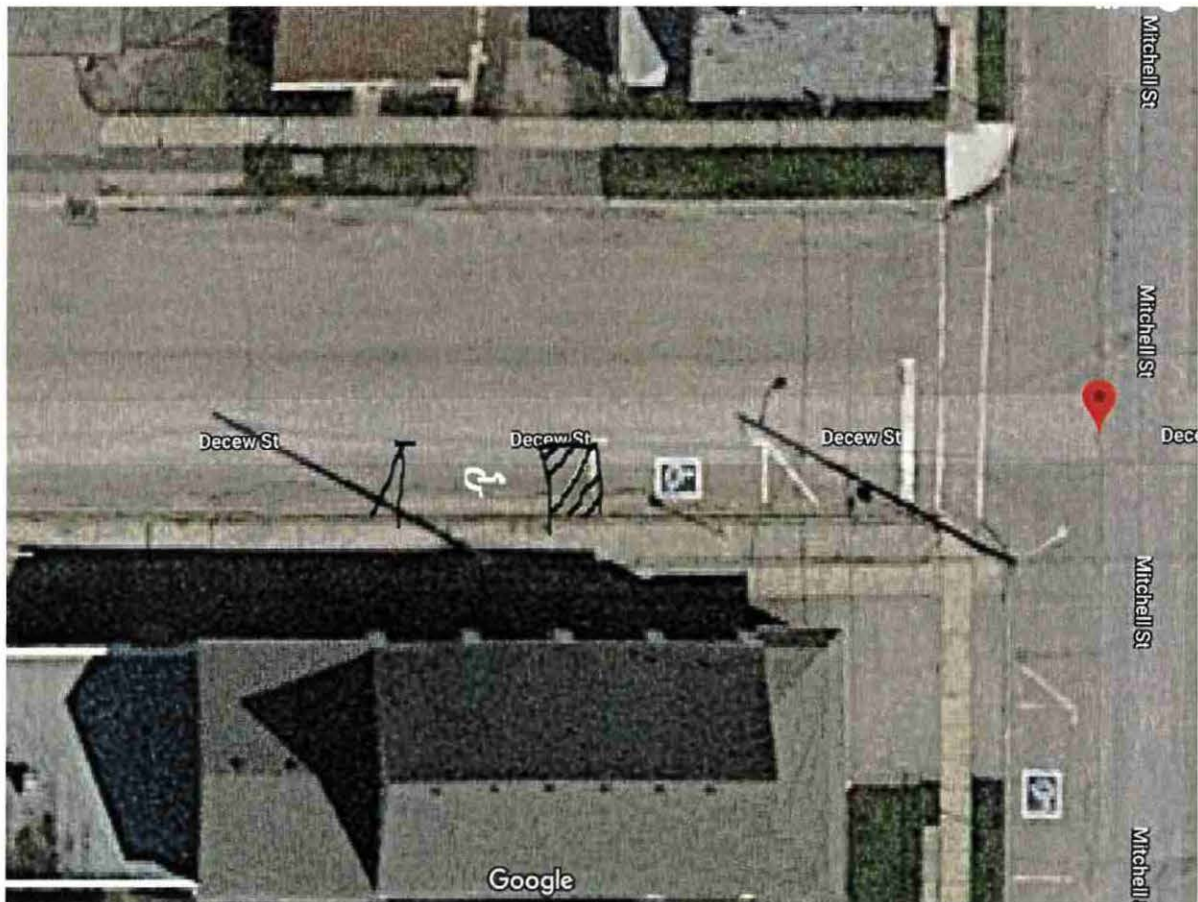
The Accessibility Advisory Committee (AAC) does not have an upcoming meeting scheduled to review this request in a timely manner. However, the staff liaison to the AAC reviewed the request and associated recommendation and advised that the AAC is generally supportive of additional accessible on-street parking stall requests. Staff should ensure that the additional parking space adheres to the Integrated Accessible Standard Regulations of the *Ontarians with Disabilities Act, 2005*, S.O. 2005, c.11.

Engineering and Operations Department comments:

Engineering and Operations has no objection to the creation of an accessible parking stall at this location. A curb cut, sign, post and stall painting will be required and the Engineering and Operational Services will arrange upon approval.

By-law Enforcement Division comments:

The By-law Enforcement Division has no objection to this request.



**4) OPTIONS AND FINANCIAL CONSIDERATIONS**

One (1) sign indicating an accessible parking space for persons with disabilities will need to be installed as well as marking out and painting the stalls and the disabled parking permit symbol. Further, the area will require a 3m wide curb cut between the stalls to provide accessible access from street to sidewalk.

**a) Do Nothing**

This option would deny the request and the accessible space would not be designated.

**b) Other Options**

None.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

This section is currently not applicable.

**6) ATTACHMENTS**

Attachment 'A' – Email from Ward 2 Councilor Angie Desmarais.

**7) RECOMMENDATION**

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

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

**8) SIGNATURES**

Prepared on November 10, 2017 by:

Reviewed by:



Sherry Hanson, C.P.S.O.  
Supervisor, By-law Enforcement Division



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

From: Angie Desmarais/Port\_Notes  
To: CAO Port Colborne, Dan Aquilina/Port\_Notes@Port\_Notes  
Date: 08/07/18 09:49 AM  
Subject: Handicapped parking

I've had a call from the French Golden Age Club requesting an additional handicapped parking stall on the Decew St side of their building. At present the club does have one stall on the Decew St side and one stall on the Mitchell St side. This is an organization with a high percentage of members requiring this specialized parking and with the large number of Oskam employees taking most, if not all the parking along Decew St, the centre president is asking for an additional stall.

How should this proceed? Will you take it on or should I be contacting a different department?

With kindest regards,

Angie Desmarais  
Councillor  
Working Smoke and Carbon Monoxide Alarms Save Lives  
City of Port Colborne  
"Serving you to create an even better community."

Report Number: 2018-128

Date September 24, 2018

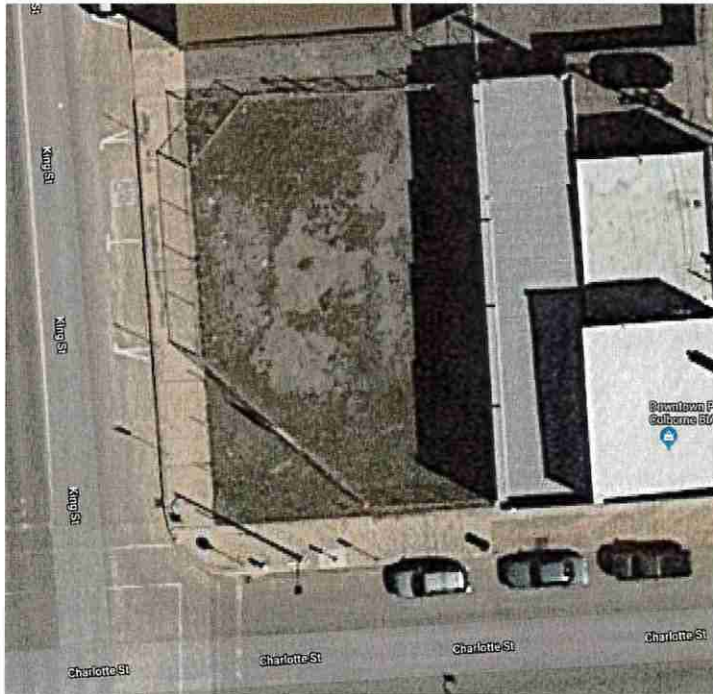
Subject: Fence Variance 29-33 Charlotte Street

### 1) PURPOSE

This report was prepared by Sherry Hanson, Supervisor, By-law Enforcement Division under the direction of Dan Aquilina, Director of Planning and Development. The purpose of this report is to present Council with a fence variance request from St. James and St. Brendan Anglican Church.

### 2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

It is Council policy to review any variance requests for fences and decide on each case based on the information presented. The property is located at the corner of King and Charlotte Streets. The vacant lot is proposed to be developed with landscaping and fencing.



### 3) STAFF COMMENTS AND DISCUSSIONS

The current Fence By-law 5510/107/10, Section 3 Heights of Fences, Section 3.2 establishes fence heights at intersections within a sight triangle (10.5 m) of 0.75 m fence height of closed construction and 1 m fence height of open construction. above the effective ground level. The Church is requesting a variance to reduce the sight triangle from 10.5 to 3 m and to increase the height of the fence from 1 m to 1.8 m of open fence.

Even though the fence is located on a corner lot, the proposed fence would be of iron and spaced to promote clear visibility through the fence and no structures would be erected within the sight triangle to reduce this visibility

Engineering Division Comments:

Engineering staff has no objections to the proposed fence variance as it is a controlled intersection.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS**

**a) Do Nothing**

This sections is not applicable.

**b) Other Options**

This section is not applicable.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Although not directly an initiative, the improvements to the property at the corner of Charlotte and King Streets will complement the streetscape plan and supports the revitalization goals for the Downtown Community Improvement Plan.

**6) ATTACHMENTS**

The fence variance application form and attachments

**7) RECOMMENDATION**

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

**8) SIGNATURES**

Prepared on September 10, 2018 by:

  
Sherry Hansen, CPSO  
Supervisor, By-law Enforcement Division

Reviewed by:  
  
Dan Aquilina, RPP, MCIP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:

  
C. Scott Luey  
Chief Administrative Officer





PORT COLBORNE

Application Form



Request for Relief from Fence By-law

Applicant

- 1) Name: St. J+B Anglican Church
- 2) Address: 55 Charlotte Street
- 3) Phone #: 905-834-3184
- 4) Email: anglicanoffice@gmail.com

Area in question

Site Plan Attached

Address: 29-33 Charlotte St.

\* refer to part (A)

Location: (check all that apply)

- Front Yard
- Side Yard
- Exterior Side Yard
- Required Front Yard
- Rear Yard
- Corner Lot

Fence Construction:  Open  Closed

Existing Fence Height: \_\_\_\_\_ m Proposed Fence Height: 1.8 m

Is the Fence adjacent to a driveway		Is there an easement/swale on the property	
Is there an existing Site Plan Agreement		Is there a Pool on the property	

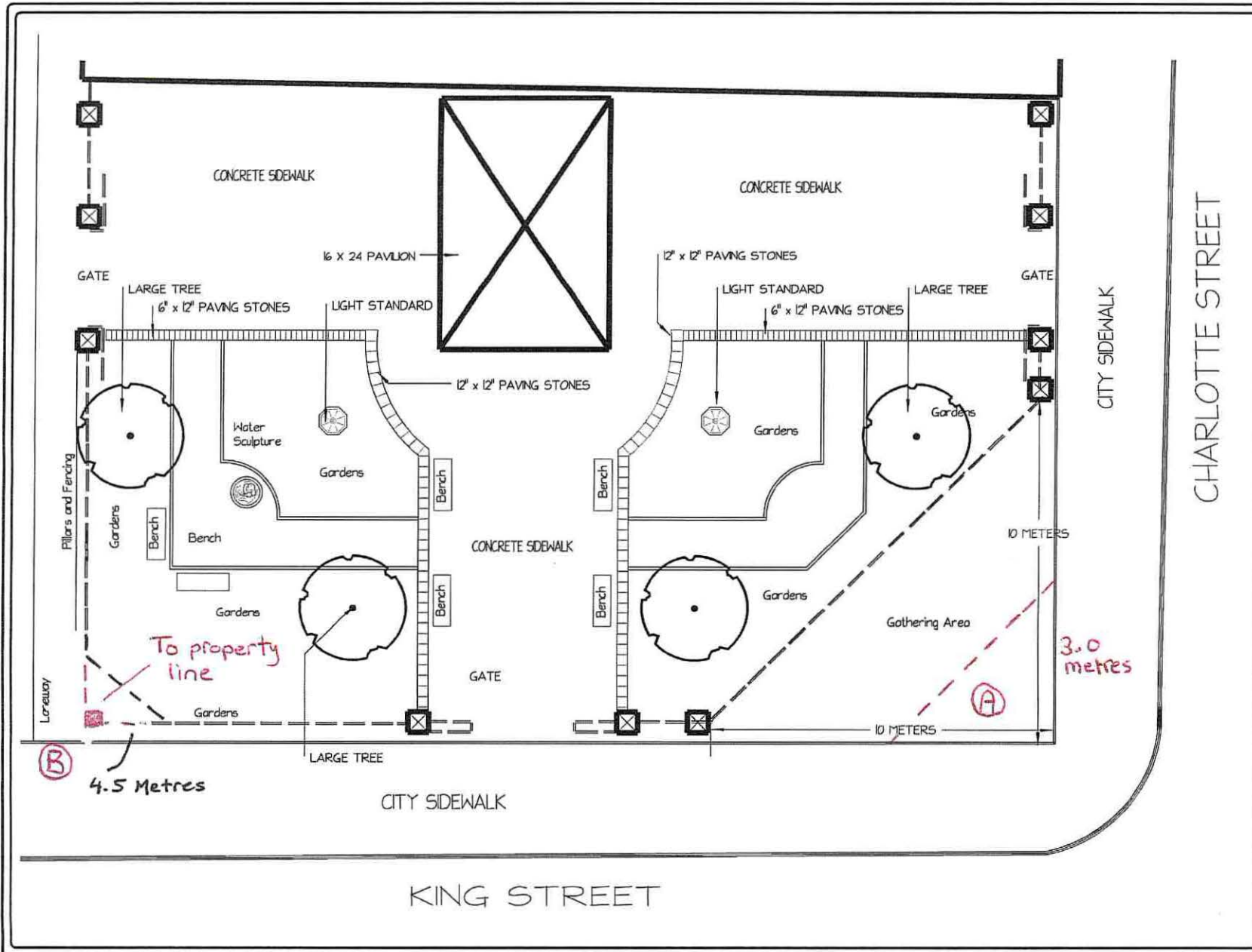
Comments: We would like to reduce the sight triangle from 10.5m to 3.0m on the corner of King + Charlotte to increase the size of the enclosed park. See fence description (attached).

Applicant Signature [Signature] Date: Sept 10, 2018

Office Use Only:

Variance Fee	\$450.00	Zoning	DC
Paid by:	CHE2 SEPT 10/18	Date	SEPT 10/18





NOTES

No.	Date	Description



Community Park Project

29-33 Charlotte St.  
PORT COLBORNE  
Ontario

SCALE	1/4" = 1'
DRAWN BY	J.D.
PROJECT	DEKORTES
DATE	SEPT. 2006
REV. OF PLAN	

PROJECT NO.	
METHOD	#2

**Examples of NUVO Iron Fencing  
to be used at 29-33 Charlotte Street**





**City of Port Colborne**  
 66 Charlotte Street  
 Port Colborne Ontario L3K 3C8

**RECEIPT OF PAYMENT**

PARISH OF ST. JAMES & ST.  
 BRENDAN

Receipt Number: 37795  
 HST Number: 10698 4107 RT0001  
 Date: September 10, 2018  
 Initials: KM

Type	Account / Ref. #	Description	Quantity	Amount Paid	Balance Remaining
General	GL	OTHER	N/A	\$450.00	N/A

Cheque Number: 124

Subtotal:	\$450.00
Taxes:	\$0.00
<b>Total Receipt:</b>	<b>\$450.00</b>
Cheque:	\$450.00

RECEIPT IS NOT VALID UNTIL CHEQUE HAS  
 CLEARED THE BANK

Total Amount Received:	\$450.00
Rounding:	\$0.00
Amount Returned:	\$0.00



Report Number: 2018-132

Date: September 24, 2018

**SUBJECT: Recommendation Report on Removing 60 Adelaide Street from the Municipal Registry of Heritage Properties**

**1) PURPOSE:**

The purpose of this report is to provide Council with a recommendation regarding a request to remove from the Municipal Registry of Heritage Properties the lands legally known as Plan Merr Survey Pt Lot 5 Pt Lot 6 NP 987, 988, 989, City of Port Colborne, Regional Municipality of Niagara; municipally known as 60 Adelaide Street.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

On September 11, 2018, the Planning Division received a request to remove 60 Adelaide Street from the City's Municipal Registry of Heritage Properties. The Municipal Registry was created under Section 27 of the *Ontario Heritage Act*. This section permits municipalities to maintain a register of properties that are of cultural heritage value or interest. This is not the same as a building or property being designated under Part IV or Part V of the *Ontario Heritage Act*. The heritage registry requires a 60-day delay after a demolition permit is applied for before any structure on a listed property can be demolished. This gives Council, with its Municipal Heritage Committee, the opportunity to review the property to determine if the property is worthy of designation under Part IV of the *Ontario Heritage Act*. If Council chooses not to designate the property, or no decision is made within 60 days, the demolition permit will be issued.

The subject property was added to the Municipal Registry of Heritage Properties under Council's direction at its meeting on November 9, 2009. The records for the subject property in the Registry are listed as follows:

ADDRESS	60 Adelaide Street
YEAR CONSTRUCTION COMMENCED/ COMPLETED	1880 (Estimated)
PRESENT USE	Single Detached Residential
ORIGINAL USE	Single Detached Residential
STYLE	Unknown
CONSTRUCTION	Composition shingle or sheet
ARCHITECT	Unknown
DESIGN	Single detached, rectangular plan, porch, low gable roof on 1st storey, high gable on 2nd storey
INTERIOR FEATURES	N/A
PROPERTY FEATURES	Storeys (2 Front, 1 Rear), Partial basement under original house, garage, fence
ORIGINAL OWNER	John Kinnard
OCCUPATION	Harness maker
EVENT	N/A
CONTEXT	N/A
CONTINUITY	N/A

SETTING	N/A
LANDMARK	N/A
SITE	Original
ALTERATIONS	Wall, window, doors, roof, chimney, porch
CONDITION (Survey 1982)	Good

The owner of 60 Adelaide Street, Patrick McSherry, has agreed to sell his property to Michael Smith. It is Mr. Smith's intention to demolish 60 Adelaide and move the house currently at 21 Adelaide Street to the property at 60 Adelaide. Moving 21 Adelaide Street to the property may require additional planning approvals including minor variances and site plan control.

It is usual practice for such requests to first be considered by the City of Port Colborne's heritage advisory committee, Heritage Port Colborne, before a recommendation is made to Council on removing the property from the registry. However, since December 2017, Heritage Port Colborne has been in abeyance since the membership dropped below the legal threshold for a municipal heritage advisory committee established by the *Ontario Heritage Act*. (At least five members are required for a committee to exist.) Therefore, staff is seeking direction from Council based only on staff's recommendation.

### 3) STAFF COMMENTS AND DISCUSSIONS

Staff visited the property on September 13, 2018, and walked around the exterior of the dwelling. Photographs from this visit are attached as Appendix B. Staff identified several deficiencies with the structure. The foundation appears to be bowing in several areas. The pointing between foundation stones is compromised and missing around most of the exterior. The rear stone cellar is in similar condition. Staff also note that extensive renovations have been made to the structure over its lifetime, with features such as porches and stoops being added. The original exterior finish has been covered with shingle-style cladding. The windows do not appear to be original and many have been capped with aluminium storm windows.

As a result of these modifications, the building lacks a cohesive architectural style and it appears much of the original trim boards and other adornments have been removed. As such, staff is of the opinion that the original dwelling would require extensive restoration work to return it to a near-original condition. Therefore, staff recommends removing 60 Adelaide Street from the City of Port Colborne's Municipal Registry of Heritage Properties.

### 4) OPTIONS AND FINANCIAL CONSIDERATIONS:

#### a) Do nothing

Though not advisable, Council may choose to do nothing. Council would likely be requested to reconsider the matter once the owner applies for a demolition permit and the 60-day review period starts. This option is not recommended.

#### b) Other Options

Council could refer the report back to staff for additional information.

Council could direct staff to hire a qualified architect to provide a more fulsome report on the condition of the building.

Council could initiate the process to designate the property under Part IV of the *Ontario Heritage Act* by issuing a Notice of Intention. Once Notice of Intention to designate is given no building or demolition permits for the property can be issued. Council will then be obliged to commence the designation process.

None of these options are recommended.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

N/A

**6) ATTACHMENTS**

Appendix A Request from Patrick McSherry to remove property from Municipal Registry

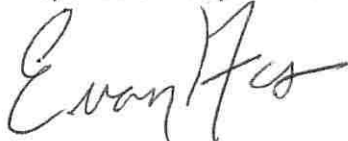
Appendix B Photos of the dwelling on the subject property

**7) RECOMMENDATION**

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

**8) SIGNATURES**

Prepared on September 13, 2018 by:



Evan Acs, MA, MSc  
Planner

Reviewed by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

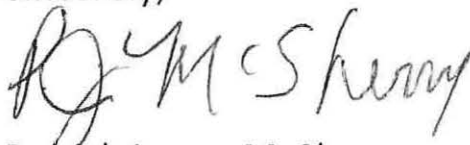
September 11, 2018

To Port Colborne City Council

I, Patrick James McSherry request that my property located at 60 Adelaide Street, Port Colborne be removed from the Heritage Home Registry, for the purpose of a sale and demolition of my current buildings to accommodate the purchaser's intent to re locate a 5 plex Character building from 21 Adelaide.

Your assistance on this matter will be greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "Patrick James McSherry". The signature is written in a cursive, flowing style.

Patrick James McSherry



# Photos of 60 Adelaide Street, Port Colborne



# North Elevation



# East Elevation



# South Elevation



# Partial West Elevation



# Stone Cellar on South Side



# Detached Garage



# Foundation Problems





# Foundation Problems



# Foundation Problems





Report Number: 2018-137

Date: September 24, 2018

**SUBJECT: Recommendation Report on Removing 94 West Street from the  
 Municipal Registry of Heritage Properties**

**1) PURPOSE:**

The purpose of the report is to provide Council with a recommendation regarding a request to remove from the Municipal Registry of Heritage Properties the lands legally known as Plan Merr Survey Lot 6, Pt Lot 7 NP 987, 988, 989, RP 59R-8922 Pt Part 2, City of Port Colborne, Regional Municipality of Niagara; municipally known as 94 West Street.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

On September 17, 2018, the Planning Division received a request to remove 94 West Street from the City's Municipal Registry of Heritage Properties. The Municipal Registry was created under Section 27 of the *Ontario Heritage Act*. This section permits municipalities to maintain a register of properties that are of cultural heritage value or interest. This is not the same as a building or property being designated under Part IV or Part V of the *Ontario Heritage Act*. The heritage registry requires a 60-day delay after a demolition permit is applied for before any structure on a listed property can be demolished. This gives Council, with its Municipal Heritage Committee, the opportunity to review the property to determine if the property is worthy of designation under Part IV of the *Ontario Heritage Act*. If council chooses not to the designate the property, or no decision is made within 60 days, the demolition permit will be issued.

The subject property was added to the Municipal Registry of Heritage Properties under Council's direction at its meeting on November 9, 2009. The records for the subject property in the Registry are listed as follows:

ADDRESS	94 West Street
YEAR CONSTRUCTION COMMENCED/ COMPLETED	1890 (Estimated)
PRESENT USE	Single Detached Residential
ORIGINAL USE	Unknown
STYLE	Unknown
CONSTRUCTION	Plaster/stucco
ARCHITECT	Unknown
DESIGN	Low gable roof, cross gable in roof
INTERIOR FEATURES	N/A
PROPERTY FEATURES	N/A
ORIGINAL OWNER	Unknown
OCCUPATION	Unknown
EVENT	N/A
CONTEXT	N/A
CONTINUITY	N/A
SETTING	N/A

LANDMARK	N/A
SITE	Unknown
ALTERATIONS	N/A
CONDITION (Survey 1982)	N/A

The owner of 94 West Street is seeking to remove the property from the registry with the intent of demolishing the building to permit redevelopment of a larger site. Site redevelopment will require additional planning applications.

It is usual practice for such requests to first be considered by the City of Port Colborne's heritage advisory committee, Heritage Port Colborne, before a recommendation is made to Council on removing the property from the registry. However, since December 2017, Heritage Port Colborne has been in abeyance since the membership dropped below the legal threshold for a municipal heritage advisory committee established by the *Ontario Heritage Act*. (At least five members are required for a committee to exist.) Therefore, staff is seeking direction from Council based only on staff's recommendation.

### 3) STAFF COMMENTS AND DISCUSSIONS

Staff visited the property on September 17, 2018, and walked around the exterior of the dwelling. Photographs from this visit are attached as Appendix B. While there are no structure deficiencies visible with the structure, there also does not appear to be any heritage features visible. The structure is clad in vinyl siding appears to have had a number of additions over the years. The windows and doors are not original to the building.

The records in the City's registry on the property are very scant. The original use and owner of the building is not known. There are no architectural features identified in the registry.

Staff is of the opinion that the building is of marginal heritage value. Therefore, staff recommends removing 94 West Street from the City of Port Colborne's Municipal Registry of Heritage Properties.

### 4) OPTIONS AND FINANCIAL CONSIDERATIONS:

#### a) Do nothing

Though not advisable, Council may choose to do nothing. Council would likely be reconsidering the matter once the owner applies for a demolition permit and the 60-day review period starts. This option is not recommended.

#### b) Other Options

Council could also refer the report back to staff for additional information.

Council could direct staff to hire a qualified architect to provide a more fulsome report on the condition of the building.

Council could initiate the process to designate the property under Part IV of the *Ontario Heritage Act* by issuing a Notice of Intention. Once Notice of Intention to designate is

given no building or demolition permits for the property can be issued. Council will then be obliged to commence the designation process.

None of these options are recommended.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

N/A

**6) ATTACHMENTS**

Appendix A Request from 2053048 Ontario Inc. to remove property from Municipal Registry

Appendix B Photos of the dwelling on the subject property

**7) RECOMMENDATION**

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

**8) SIGNATURES**

Prepared on September 17, 2018 by:



Evan Acs, MA, MSc  
Planner

Reviewed by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

9/17/2018

•••

## 2053048 Ontario Inc.

2053048 Ontario Inc.  
222 Martindale Road  
St. Catherines, Ontario  
L2R 7A3

City of Port Colborne  
Municipal Offices  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8

Attention: Mr. Evan, MA MSc  
Planner  
Planning and Development Department

Re: Removal From City of Port Colborne's Municipal Register of Heritage Properties  
94 (100) West Street, Port Colborne Ontario, Legally Described as,  
LT 6 W/S West ST PL 987-989 Port Colborne; PT LT 7 W/S West ST PL 987-989 Port  
Colborne PT 2, 59R-8922; S/T R0679536 PIN 64163-0218(LT)

**Dear Sir**

I am the Authorized Agent for 2053048 Ontario Inc. and this letter is to request that the above referenced property, which is listed on the City of Port Colborne's Municipal Register of Heritage Properties, the Register, be removed from the Register.

Best Regards



Garry Fraser  
2053048 Ontario Inc.

# Photos of 94 West Street, Port Colborne



# North Elevation





# East Elevation



# South Elevation



# West Elevation



This page intentionally left blank.



Planning and Development Department  
Planning Division

Report Number: 2018-125

Date: September 24, 2018

**SUBJECT: Municipal Land Sale Policy**

**1) PURPOSE:**

The purpose of this report to update the policy and procedure for the sale of municipal Land.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:**

In 1984, the City passed By-law 1470/45/84, which first put in place a policy and procedure for the disposal and sale of surplus property (land sale policy). In 1995, the City passed By-law 3218/90/95 and in 2005 the City passed By-law 4770/152/05 making changes to the land sale policy.

The land sale policy is in need of updating to 2018 municipal practices as it is silent about the recourse when a request to purchase land is made but the purchaser no longer wants to purchase.

Staff recently dealt with a request that involved many hours spent and costs associated with obtaining values, reviewing offers, plans, preparing offers and reports to then receive notice that the requesters were no longer interested in purchasing the land.

**3) STAFF COMMENTS AND DISCUSSIONS:**

A proposed land sale policy is attached as Appendix A. The new policy captures all previous by-laws, provides clarity and proposes the requirement that a \$300 fee be submitted with an application form (Appendix B) for any request to purchase municipal land. The \$300 application fee would then be deducted from the purchase price and would be forfeited if a purchaser decides to back out of the purchase or if the land is not approved to be sold.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

Council can decide to make or not make any changes to the land sale policy.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:**

N/A

**6) ATTACHMENTS:**

Appendix A: Land Sale Policy

Appendix B: Request to Purchase Municipal Land

**7) RECOMMENDATION:**

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

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

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

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

**8) SIGNATURES:**

Prepared on September 13, 2018 by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Approved and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

Schedule "A" to By-law No.

**SALE OF LAND POLICY**

**PART 1 – Definitions**

1.1. In this by-law:

- (a) **"Abutting"** shall mean a parcel of land adjoining another parcel of land having one (1) or more lot lines in common;
- (b) **"Applicant"** means a person who has enquired or requested to purchase City land;
- (c) **"Appraisal"** means a fair market valuation of land prepared by an accredited Appraiser or the market value obtained by a licensed real estate brokerage firm or a licensed independent real estate agent;
- (d) **"Appraiser"** means a member in good standing of the Appraisal Institute of Canada, holding an Accredited Appraiser Canadian Institute or Canadian Residential Appraiser designation as appropriate;
- (e) **"as is"** means without regard for state of repair, location of any and all structures, walls, retaining walls or fences (freestanding or otherwise) or encroachment by buildings or fences or otherwise, on the land or adjoining properties or streets, and without warranty or representation as to use, environmental contamination, hazards or risks;
- (f) **"Full Marketability Land"** means land which would in the opinion of the Director, Planning & Development Services, or designate, be of interest to potential purchasers in the open market due to size, shape, location, topography, environmental condition, permitted land uses, or any other factor which the Director of Planning & Development, or designate, considers relevant;
- (g) **"highway"** means:
  - i. all highways that existed on December 31, 2002,
  - ii. all highways established by by-law on or after January 1, 2003,
  - iii. all highways transferred to the municipality under the *Public Transportation and Highway Improvement Act*,
  - iv. all road allowances made by the Crown surveyors located in the municipality,
  - v. all road allowances, highways, streets and lanes shown on a registered plan of subdivision;
- (h) **"land(s)"** shall mean real property and any improvements thereon owned by the Town, including highways which have been or may be stopped up and closed, but does not include:
  - (i) any land which Council has otherwise determined by resolution or by-law is not available for sale;

- (i) **“Limited Marketability Land”** means land which would, in the opinion of the Director, Planning & Development Services, or designate, be of limited interest to potential purchasers due to size, shape, location, topography, environmental condition, land use restrictions, or any other factor which the Director, Planning & Development Services, or designate, considers relevant;
- (j) **“Official Plan”** means the Official Plan of the City of Port Colborne, as amended or replaced from time to time;
- (k) **“Real Estate Broker”** means a Real Estate Broker registered under the *Real Estate and Business Brokers Act, 2002*, as amended and Regulations thereto;
- (l) **“sale”** and **“sell”** shall not include:
  - (i) a lease of land by the City;
  - (ii) transfers of easement or rights-of-way by the City;
  - (iii) releases of restrictive covenants by the City; and
  - (iv) releases of rights of first refusal by the City.
- (m) **“City Solicitor”** means and includes the City’s Solicitor or external legal counsel from time to time, and in his/her absence, the Chief Administrative Officer or his/her designate.

**PART 2 - General**

- 2.1 A by-law containing a legal description of the land and the identity of the purchaser shall be passed to approve the sale of land.
- 2.2 Land required for any municipal purpose, including but not limited to present or future municipal facilities, infrastructure and parks, is not available for sale to the public.
- 2.3 Any survey and/or reference plan required shall be obtained at the expense of the purchaser(s) unless Council by resolution otherwise determines.
- 2.4 Council may impose conditions of sale if deemed appropriate.
- 2.5 All land, with or without improvements, shall be sold on an “as is” basis unless Council determines otherwise.
- 2.6 The City is under no obligation by virtue of the sale of land to grant any approvals, including approvals for changes to the Official Plan or zoning by-law or with respect to site plan control, minor variances, and building permits, or to support approvals required by any other approval authority, which may be necessary for any contemplated use of the land by the purchaser.



- 2.7 Any provisions for public notice provided for in this policy shall prevail over any other existing or future public notice by-law passed by Council.
- 2.8 The purchaser(s) shall be responsible for the City's legal fees unless Council by resolution otherwise determines.

### **PART 3 - Appraisals**

- 3.1 One (1) Appraisal of the fair market value of land to be sold shall be obtained and prepared by an Appraiser in accordance with the requirements of the Appraisal Institute of Canada or by a real estate brokerage firm or an independent real estate agent.
- 3.2 Notwithstanding Section 3.1, the Director of Planning & Development, or designate, may:
- (a) dispense with the requirement of an Appraisal for the following classes of land:
    - (i) Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*;
    - (ii) Land for which the City has obtained an Appraisal within the preceding one (1) year, in the discretion of the Director, Planning & Development Services, or designate.
  - (b) dispense with the requirement of an Appraisal for the disposition of land to:
    - (i) A municipality;
    - (ii) A corporation incorporated by a municipality;
    - (iii) A municipal service board of a municipality;
    - (iv) A local board, including a school board and a conservation authority;
    - (v) The Crown in right of Ontario or Canada and their agencies.

### **PART 4 – Land Deemed to be Not Marketable**

- 4.1 In addition to any other provisions herein, or any resolution or by-law passed by Council, the following lands are deemed to be not marketable:
- (a) land situated in the Open Space or Environmental Protection designations of the Official Plan, as amended from time to time, in order to protect and promote the public enjoyment of natural features;
  - (b) Any land which Council has by resolution or by-law declared shall not be sold.
- 4.2 City lands deemed to be not marketable are not available for sale to the public.

## **SALE OF LIMITED MARKETABILITY LAND**

### **PART 5 – Limited Marketability Land – Policy Statements**

- 5.1 The following policy statements shall be applied to all Limited Marketability Land:
- 5.1.1 Limited Marketability Land shall only be sold to an abutting owner(s) whose property if combined with the City's land creates a configuration which is acceptable to the

Director, Planning & Development Services, or designate, in accordance with good planning principles.

- 5.1.2 The land shall be required to legally merge in title with the abutting owner's property. Where necessary, Council shall pass a by-law deeming the City land and/or the abutting owner(s) land not to be part of a registered plan of subdivision in order to effect the merger, and the by-law shall be registered on title by the Town prior to the registration of the Transfer/Deed to the purchaser. No fee shall be charged to the abutting owner for the preparation and registration of the Deeming By-law.
- 5.1.3 In addition, the following restrictions shall apply to land in the Agricultural, Rural, or Rural Residential Designations of the Official Plan or outside the Urban Area:
  - a) if the total area of the combined City land and the abutting owner's property is less than 0.4 hectares (1 acre) in size, the City land will be recommended for sale to the abutting owner, only if there is an existing dwelling or non-residential building on the abutting land; or
  - b) if the total area of the combined City land and the abutting owner's property is greater than 0.4 hectares (1 acre) in size, but less than 1 hectare (2.2 acres) in size, the City land may be sold to the abutting owner notwithstanding that there is no existing dwelling.

## **PART 6 – Process for Sale of Limited Marketability Land**

- 6.1 The initial enquiry by a prospective purchaser (Applicant) shall be made to the Planning & Development Department.
- 6.2 The request process for the sale of Limited Marketability Land shall be divided into phases, as follows:

### **6.2.1 PHASE 1 – Preliminary Review**

Part 4 of this policy shall be reviewed to determine its applicability, and the Applicant shall be advised accordingly.

### **6.2.2 PHASE II - Circulation**

Staff shall conduct a formal circulation to internal departments and any outside agencies as appropriate, to determine any objections to the sale or conditions which may be required. The Applicant shall be advised of the results of this circulation. In addition, a site visit shall be conducted by City staff to determine any municipal requirements which may need to be addressed upon a sale.

### **6.2.3 PHASE III – Collection of Deposit and Appraisal**

- (a) Should the Applicant wish to proceed with the request to purchase the land, the deposit provided for in Part 7 shall be required.

- (b) Following receipt of the deposit, an Appraisal of the land shall be obtained in accordance with Part 3 of this Policy.

**6.2.4 PHASE IV – Notice to Abutting Owners and Disclosure of Appraisal**

- (a) The Applicant shall be advised of the appraised value and be required to submit his/her written offer to purchase the land at the appraised value within three (3) weeks, failing which, he/she shall be deemed to have declined to purchase the land.
- (b) All abutting property owners shall also be sent notice via regular mail of the following:
  - (i) a request to purchase City land has been received;
  - (ii) the identity of the Applicant; and
  - (iii) the appraised value;

and shall be required to submit any comments or objections to the sale of the lands in writing, or, submit the deposit as provided in Part 7 together with their offer in writing to purchase the lands at the appraised value, within three (3) weeks from the date of such notice, failing which, they shall be deemed to have no objection nor any interest in purchasing the land. Comments and objections will become part of the public record and included in any subsequent Report to Council.

- (c) In the event that:
  - (i) an abutting owner submits their written offer to purchase the land at the appraised value, and
  - (ii) provided dividing the land equally between the Applicant and the abutting owner would create a configuration acceptable to the Director, Planning & Development, or designate, in accordance with good planning principles,

then, the Applicant and the abutting owner may agree to divide the land equally between them with the purchase price and all survey/reference plan costs shared proportionately. If the Applicant and the abutting owner do not agree to divide the land, the land will be offered to each through a tender process to the highest bidder (the appraised value being the Reserve Bid), subject to the final approval by Council.

**6.2.5 PHASE V– Report to Council**

Following receipt of the Applicant's and/or another abutting owner's written offer to purchase the land at the appraised value and payment of the deposit required in Part 7, a report shall be submitted to Council for approval, with staff's recommendations.

- 6.3 The Agreement of Purchase and Sale shall be prepared by the City in a form satisfactory to the City Solicitor, who shall have authority to determine and extend the time for closing real estate transactions.

- 6.4 The Transfer/Deed of Land and Land Transfer Tax Affidavit, or electronic version thereof, shall be prepared in registrable form at the expense of the purchaser.
- 6.5 In the event that sale of the land is not completed within one (1) year from the date on which Council passes the by-law authorizing the sale, subsequent requests shall be subject to the provisions of this Policy in all respects.

#### **PART 7 – Limited Marketability Land – Payment of Deposit**

7.1 A deposit in the amount of \$300.00 shall be required as follows:

- (a) If the sale of land is prohibited in this policy, and the Applicant wishes to proceed, then the deposit is payable before proceeding to Phase II;
- (b) If the sale of the land to the Applicant will be recommended, payment of the deposit shall be required prior to ordering an Appraisal and submitting a Report to Council;
- (c) Following notice, if another abutting owner provides his written offer to purchase the land at the appraised value, such owner shall be required to submit payment of the deposit with his written offer to purchase the land.

7.2 The deposit shall be applied to the purchase price or forfeited, at the times and in the circumstances set out below:

In the event that:

- (i) the Applicant abandons the request before a Report is submitted to Council, the deposit shall be forfeited without interest or deduction;

**OR**

the sale of land is:

- (ii) not recommended by staff, and Council denies the request, the deposit shall be forfeited without interest or deduction;
- (ii) recommended by staff and Council denies the request, then the deposit shall be refunded without interest or deduction;
- (iii) approved by Council and the Applicant does not complete the transaction for any reason other than one which may be contemplated in the Agreement of Purchase of Sale, the deposit shall be forfeited without interest or deduction.

7.3 Should a tendering process occur:

- (i) the deposit paid by the successful bidder shall be applied towards the purchase price if the sale is approved and the transaction is completed;
- (ii) the deposit paid by the unsuccessful bidder shall be refunded without interest or deduction;
- (iii) and the successful bidder does not complete the transaction for any reason other than one which may be contemplated in the Agreement of Purchase of Sale, the deposit shall be forfeited without interest or deduction.

## **SALE OF FULL MARKETABILITY LAND**

### **PART 8 – Sale of Full Marketability Land**

- 8.1 Full Marketability Land shall be marketed to the public through listing with a Real Estate Broker or agent in such other manner which Council approves, having regard to the nature of the property. Alternative marketing strategies may include invitation to tender, and request for proposal.
- 8.2 When Full Marketability Lands are being sold, all of the abutting property owners shall be notified by letter of the proposed disposition, such notice being provided at the same time as the lands being marketed either through a Real Estate Broker or agent or such other method approved by Council.
- 8.3 Any offer to purchase shall be submitted by a Real Estate Broker or agent to the Director of Planning & Development, who shall review the same with Council. Acceptance or refusal of an offer to purchase shall be in Council's sole discretion.
- 8.4 The Agreement of Purchase and Sale shall be in a form satisfactory to the City Solicitor.

### **PART 9 – Non-Application of Policy**

- 9.1 This by-law does not apply to any sale of land by the City pursuant to the provisions of Part X1 of the Municipal Act, 2001, as amended (Sale of Land for Tax Arrears) and any Regulations thereto from time to time, which shall be effected in conformity with the said Act and Regulations.
- 9.2 This by-law does not apply to sale of land pursuant to other applicable legislation, including, but not limited to:  
Sections 107, 108, 110 and 203 of the Municipal Act, 2001, S.O. 2001, c.25, as amended; and  
Sections 28 and 60 of the Planning Act, R.S.O. 1990, c. P 13, as amended; and  
any approvals granted under the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended; and
- 9.3 Sections 11 and 42 of the Expropriations Act, R.S.O. 1990, c. E. 26, as amended; and any regulations thereunder.
- 9.4 The procedures for the closure of highways shall be in accordance with the Municipal Act, 2001, as amended, and other relevant statutes.

### **PART 10 - Application and Administration of Policy**

- 10.1 This policy shall be read and applied fairly with such variations as circumstances or the nature of the subject matter require provided the general purpose, intent, meaning and spirit of the policy are maintained.
- 10.2 The Director, Planning & Development Services shall be responsible for developing and implementing forms and procedures for the administration of this policy by Town staff. The Town Solicitor shall be responsible for the closing of sale transactions.



PORT COLBORNE

**CITY OF PORT COLBORNE**

Municipal Offices  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8  
www.portcolborne.ca

**REQUEST TO PURCHASE MUNICIPAL LANDS**  
By-law No.

**APPLICANT INFORMATION:**

Name of Applicant:		
Mailing Address:		
City/Town:	Province/State:	
Phone: (    )	Fax: (    )	e-mail:

**LOCATION OF MUNICIPAL PROPERTY:**

STREET:	WHICH SIDE OF STREET?
LEGAL DESCRIPTION:	
ASSESSMENT ROLL NO: 2703-	
PIN NO:	
IS THE APPLICANT AN ABUTTING PROPERTY OWNER?	

Describe in detail your intended use for the municipal property:

**Important Notice:**  
A deposit of \$300.00 is required to process this application, and the deposit is non-refundable in most cases. If you proceed with purchase, this deposit will be applied to the purchase price. See By-law No. /18 for details.

I/We hereby make this inquiry into the purchase of the above municipal property. I/We understand that this inquiry is non-binding on either the applicant or the City of Port Colborne with respect to the completion of any sale of land.

<b>SIGNATURE OF APPLICANT:</b>	
Print Name:	Date:

PERSONAL INFORMATION CONTAINED ON THIS FORM IS COLLECTED UNDER THE AUTHORITY OF THE MUNICIPAL ACT, 2001 AND WILL BE USED SOLELY IN THE ADMINISTRATION OF THE ABOVE NOTED INQUIRY

Report Number: 2018-136

Date: September 24, 2018

**SUBJECT: Recommendation Report – Amendment to Development Charge By-law 6131/97/14, 1-year Waiving of Charges for Residential and Non-Residential Development**

**1) PURPOSE:**

The purpose of this report is to provide Council with a recommendation regarding a proposed change to the City of Port Colborne Development Charge By-law 6131/97/14 to waive development charges imposed on all residential and non-residential development for a further year.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:**

On August 27, 2018, Council received Planning and Development Department, Planning Division Public Meeting Report 2018-111 – Proposed Amendment to the Development Charges By-law 6131/97/14: 1-year Waiving of Charges for Residential and Non-Residential Uses. Minutes of the public meeting are attached as Appendix A.

**3) STAFF COMMENTS AND DISCUSSIONS:**

At the public meeting, the following matters were requested by Councillors for further information:

- Additional taxes attributable to new residential development since 2015
- Developments that have not been built since the waiver began in 2015

Additional taxes attributable to new residential development since 2015

New residential development has attributed to \$216,540.10 in new City taxes. An additional 23 new dwellings were built, however, have not been assessed and therefore are not included. Using an average yearly amount of \$2,500 per dwelling in City taxes, this would attribute to \$57,500 in new taxes bringing the total approximate amount \$274,000 in new annual taxes. The dollar amounts listed above account for the City portion of collected taxes only.

Developments that have not been built since the waiver began in 2015

The only developments that have not yet been built are the two 12-unit apartment buildings at 57 Minto Street. The development was first proposed in 2014 and a Site Plan Agreement was entered into in 2016. Foundation permits were applied for in 2017.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

**a) Do nothing**

Not applicable as the City has an existing Development Charges By-law that requires consideration.

**b) Other Options**

A total of \$886,559 in Development Charges were waived since the exemption was put in place in 2015. A breakdown of what those charges could have been used for are as follows:

Roads	P. works	Fire	Out. Rec	Ind. Rec	Library	Admin.	Waste wat.	Water
\$148,667	\$39,215	\$29,653	\$166,149	\$162,953	\$55,636	\$30,513	\$50,945	\$202,828

Option (i) Council can choose to no longer waive Development Charges until a new Development Charges Background Study and By-law is completed.

Option (ii) Council can choose to reduce Development Charges to any other amount than 100% or for certain classes (for residential or non residential) of development only.

Although it has been proposed during budget deliberations in the past by the Planning and Development Department, Council has decided to not budget for lost development charge revenue. Council may want to consider this for 2019.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:**

Not applicable.

**6) ATTACHMENTS:**

Appendix A: Draft Public Meeting Minutes

**7) RECOMMENDATION:**

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

That the amendment to the Development Charges By-law, waiving development charges for all residential and non-residential development until a new Development Charges By-law hereby approved; and

That staff be directed to prepare the Notice of Passing as per the *Development Charges Act*.

**8) SIGNATURES:**

Prepared on September 14, 2018 by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer



**City of Port Colborne  
Special Council Meeting 19-18  
Minutes**

**Date:** August 27, 2018

**Time:** 6:30 p.m.

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

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

Absent: J. Mayne, Councillor (leave of absence)

**Staff Present:** D. Aquilina, Director of Planning and Development  
A. LaPointe, Manager of Legislative Services/City Clerk  
C. Lee, Director of Engineering & Operations  
S. Luey, Chief Administrative Officer  
P. Senese, Director of Corporate Services

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

1. **Call to Order:**

Mayor Maloney called the meeting to order.

2. **National Anthem:**

Joel Longfellow sang O Canada.

3. **Confirmation of Agenda:**

**No. 119** Moved by Councillor Y. Doucet  
Seconded by Councillor R. Bodner

That the agenda of the Special Meeting of Council dated  
August 27, 2018 be confirmed, as circulated or as amended.  
CARRIED.

4. **Disclosures of Interest:**

None.

5. **Public Hearing Under the Development Charges Act:**

**Planning and Development, Planning Division, Report 2018-111, Subject:  
Public Meeting Report – Proposed Amendment to the Development  
Charges By-law 6131/97/14: 1-year Waiving of Charges for Residential and  
Non-Residential Uses**

(i) **Presentation of Proposed Amendment to Development Charges By-law:**

Mr. Aquilina presented a brief power point presentation that first provided what development charges are collected for followed by a history of past

exemptions since 2014, what CIPs have in place regarding development charge waivers and what the applicable charges would be if no waiver is extended.

Mr. Aquilina also informed Council the amount of exempted charges for each year since 2014 being the first year of providing an exemption. Mr. Aquilina concluded by providing comments on the positive impacts since the waiver began and an option to collect 50% of charges that could be used for growth related matters.

Mr. Aquilina advised that Notice of the Public Meeting was administered in Meeting was published in Niagara This Week and no comments have been received.

**(ii) Questions of Clarification to Planning Staff:**

Councillor Kenny raised that new growth has contributed to the tax base and requested that this amount be calculated. Councillor Butters expressed her interest to know these amounts as well. Councillor Desmarais expressed her interest to know these amounts too and what developments have not occurred well.

Councillor Elliott inquired on how development charges related to growth can be collected and used. Mr. Aquilina mentioned he would provide information from the development charges background on how monies can be. Councillor Elliott inquired to the time when development charges would be collected and Mr. Aquilina commented they are at time of building permit application.

**(iii) Oral Presentations and/or Questions from the Public:**

Eric Beauregard, B237 Mitchell Street asked if any other municipalities are involved in the development charges study, if any other municipalities have waived development charges and what has been the impact. Mr. Aquilina responded that almost all municipalities have development charges and locally the City of St. Catharines that has none.

Mr. Aquilina concluded that once all information has been received from staff a future report will return to Council for their consideration.

**6. Adjournment:**

**No.120** Moved by Councillor D. Elliott  
Seconded by Councillor R. Bodner

That the Council meeting be adjourned at approximately  
6:53 p.m.  
CARRIED.

\_\_\_\_\_  
John Maloney  
Mayor

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

Minutes prepared by the Department of Planning and Development.

/da

Report Number: 2018-127

Date: September 24, 2018

**SUBJECT: Private Easement Across City Right of Way - 2207 Second Concession to 2453 Second Concession, on White Road**

**1) PURPOSE:**

This report was prepared by Steve Shypowskyj, Manager of Projects and Design under the authorization of Chris Lee, Director of Engineering and Operations. The purpose of this report is to obtain Council's approval to enter into an Agreement with Pinty's Delicious Foods Inc. to grant an easement for the purpose of a private irrigation connection between the two properties listed as: 2207 and 2453 Second Concession across the City's Right of Way on White Road.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

This is a request by Pinty's Delicious Foods Inc. to install a carrier casing and irrigation line across White Road to use effluent from their facility to irrigate the fields owned by Stam Acres Limited (Jeff Stam). Pinty's Delicious Foods Inc. is approved by the MOECC to discharge 307,700 cubic metres of treated wastewater in to the Beaverdam Drain and by adding these fields (measuring 87.5 acres which front Second Concession Road, White Road and Third Concession Road as shown in the attachment) to their current irrigation fields it will allow the plant to increase their production.

**3) STAFF COMMENTS AND DISCUSSIONS**

Staff reviewed the requested documentation regarding any governing authority requirements concerning the private irrigation connection and offers the following comments/conditions:

- The City be named as additional insured on the property owner's insurance policy and a copy of the renewal be issued to the Clerk's department for filing each year.
- Any costs associated with the private connection, now or in future, are borne by the property owner. Any works being completed within the City's Right of Way shall be subject to any applicable permits and policies in place by the City.
- That signage be installed indicating the presence of a buried irrigation and any maintenance associated with the signage will be the responsibility of the property owner.
- Should the properties be sold, the City shall be informed of the change in ownership within 30 days of the closing and it will be at the City's discretion to determine if the Easement Agreement would be extended to any future potential property owners.
- All connections must be made on private property, any piping within the road allowance must not have any joints.
- Ministry of Environment and Climate Change Environmental Compliance Approval must be adhered to at all times and all setbacks maintained.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

##### **a) Do nothing.**

The easement has no financial impact on the City, however, if the easement is not granted, the property owner would not be able to spray irrigate fields as requested.

##### **b) Other Options**

Allow the private connection between the two properties listed as: 2207 and 2453 Second Concession across the City's Right of Way on White Road, as long as the property owner meets the conditions as set out.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not Applicable.

#### **6) ATTACHMENTS**

Map displaying the private connection plan.

#### **7) RECOMMENDATION**

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

- The City be named as additional insured on the property owner's insurance policy and a copy of the renewal be issued to the Clerk's department for filing each year.
- Any costs associated with the private connection, now or in future, are borne by the property owner. Any works being completed within the City's Right of Way shall be subject to any applicable permits and policies in place by the City.
- That signage be installed indicating the presence of a buried irrigation line and any maintenance associated with the signage will be the responsibility of the property owner.
- Should the properties be sold the City shall be informed of the change in ownership within 30 days of the closing and it will be at the City's discretion to determine if the Easement Agreement would be extended to any future potential property owners.
- All connections must be made on private property, any piping within the road allowance must not have any joints.
- Ministry of Environment and Climate Change Environmental Compliance Approval must be adhered to at all times and all setbacks maintained.

8) **SIGNATURES**

Prepared on September 12, 2018 by:



Steve Shypowskyj  
Manager of Projects and Design

Reviewed by:



Chris Lee  
Director of Engineering and Operations

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

Third Concession Road

Field #1

White Road

Field #2

Field #3

Pinty's  
Delicious Foods

Second Concession Road



# Pinty's Effluent Irrigation





TEACHERS OF ENGLISH  
AS A SECOND LANGUAGE  
ASSOCIATION OF ONTARIO

27 Carlton Street, Suite 405  
Toronto, Ontario M5B 1L2  
T 416-593-4243 F 416-593-0164  
TF 1-800-327-4827  
administration@teslontario.org  
www.teslontario.org

August 17, 2018

His Worship Mayor John Maloney  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON  
L3K 3C8

Your Worship,

We thank you and your community for taking part in our Ontario wide initiative to raise awareness of the importance of English language learning opportunities for newcomers to Canada by declaring English as a Second Language (ESL) Week in the Fall of 2016, and in previous years, during the week in which our annual conference took place.

I am writing on behalf of TESL Ontario (Teachers of English as a Second Language) to invite you to again take part in our province-wide initiative to recognize Ontario's ESL community and to this year declare the week of October 28<sup>th</sup> to November 3<sup>rd</sup>, 2018 as "English as a Second Language Week" in your community. Given the ever growing diversity of the population of Ontario, we hope you will continue to support our efforts and grant us this request. In 2017, over 40 municipalities declared ESL Week and we anticipate that this number will continue to grow, helping the ESL community to celebrate and expand its development.

For 45 years, TESL Ontario has held its Annual Conference to provide professional development for the ESL educators, administrators, students and volunteers who make it possible for immigrants, refugees, citizens, and visitors to learn the English language. This year our conference, "Synergies of Language and Life", will be held November 1<sup>st</sup> & 2<sup>nd</sup>, 2018 and we would be honoured if representatives of your Council could participate in our conference, which is held in Downtown Toronto. If you, or any member of your Council, are interested in participating please contact our Office Manager, Kevin Gamble, at [administration@teslontario.org](mailto:administration@teslontario.org) for further details.

Last year's TESL Ontario Conference attracted more than 800 attendees. Our members travel from across the province and beyond to attend workshops, research symposia, a technology fair and publishers' displays. For many of us, this annual journey to Toronto marks a time when we can share our experiences, expand our skills, and reaffirm the positive contribution that diversity makes to our province.

Through a set of criteria developed to ensure measurable qualifications among ESL professionals, TESL Ontario demands the best of qualifications from our members, as well as the best of training from the TESL training programs accredited by TESL Ontario. As a result, we offer the finest in second language education to our students, who are capable of contributing a wealth of knowledge and experience to Ontario communities.

Attached, please find our suggested wording of the proclamation. If you have any suggestions or comments as to the content of this document, please contact our Executive Director, Renate Tilson, at 416-593-4243 ext. 203.

Thank you for your consideration,

Sincerely,

David Hazell,  
Chair

## SUGGESTED WORDING FOR ESL WEEK PROCLAMATION

WHEREAS the Province of Ontario has welcomed many peoples from around the world who have chosen this province as the place to start a new life in Canada, now as much as any other time in its history, and many of these immigrants undertake to learn English in order to communicate with their fellow Ontarians, allowing them to start the process of building productive and rewarding lives in their new country.

AND WHEREAS this diverse and multifaceted group of learners of English as a Second Language can be found throughout all levels of society in Ontario, whether they are students in school, at any level, teachers, researchers, caregivers, volunteers and workers, business owners and employees, professionals and labourers, all benefit from instruction in English as a Second Language and use that new knowledge to contribute to this province on an ongoing basis.

AND WHEREAS our professional organization, TESL (Teachers of English as a Second Language) Ontario, hosts a conference each fall in downtown Toronto that features professional development in the form of workshops, keynote speakers and diverse presentations for teachers of English as a Second Language to develop, update and expand their knowledge base, skills and abilities to aid newcomers to our province in their efforts to acquire English language skills.

NOW THEREFORE, I, \_\_\_\_\_ on behalf of \_\_\_\_\_ of \_\_\_\_\_ Council, do hereby proclaim October 28<sup>th</sup> to November 3<sup>rd</sup>, 2018 as "English as a Second Language Week" in the \_\_\_\_\_ of \_\_\_\_\_.



SEP 19 2018

CORPORATE SERVICES  
DEPARTMENT

CITY OF PORT COLBORNE

Municipal Offices  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8  
www.portcolborne.ca

PORT COLBORNE

CORPORATE SERVICES DEPARTMENT, CLERK'S DIVISION

**MEMORANDUM****To: Mayor and Members of Council****From: Amber LaPointe, Manager of Legislative Services/Clerk****Date: September 18, 2018****Subject: Notice of Appointments to Niagara Compliance Audit Committee**

In June Council approved Corporate Services Department Report 2018-91 updating the Terms of Reference for the Niagara Compliance Audit Committee (NCAC). The Terms of Reference was approved by the Region, Local Area Municipal Councils and the Public School Board and included the delegated authority to the Clerk to appoint members to the Committee.

Pursuant to the provisions of the Terms of Reference, a Nomination Committee was formed consisting of a majority of the Clerks to review the applications and submit a joint short list of candidates to the Clerks for appointment approval. A short-list of candidates were interviewed by the Nomination Committee on August 16, 2018 at the City of Thorold.

The following individuals were appointed to the NCAC for the term 2018-2022, as attached hereto:

Margo Pinder – Ridgeway  
John Bald – Niagara Falls  
Dinesh Parakh – Niagara Falls  
Keith Vogl – Grimsby  
Matthew Swindley – Thorold  
Lawrence Peebles – St. Catharines  
Robert Ciarlo – Grimsby

Respectfully submitted,

Handwritten signature of Amber LaPointe in cursive.

Amber LaPointe  
City Clerk

## **APPOINTMENT OF MEMBERS TO THE NIAGARA COMPLIANCE AUDIT COMMITTEE FOR THE TERM 2018-2022**

WE, the undersigned Clerks and School Board Secretaries, hereby appoint the following persons to the Niagara Compliance Audit Committee for the term 2018-2022 in accordance with Section 8 (3) of the 2018 Terms of Reference for the Niagara Compliance Audit Committee:

John Bald – Niagara Falls  
Robert Ciarlo – Grimsby  
Dinesh Parakh – Niagara Falls  
Lawrence Peebles – St. Catharines  
Margo Pinder – Ridgeway  
Matthew Swindley – Thorold  
Keith Vogl – Grimsby

DATED THIS 21<sup>st</sup> day of August, 2018.

**Carol Schofield, Clerk**  
Town of Fort Erie

**Hazel Soady-Easton, Clerk**  
Town of Grimsby

**Julie Kirkelos, Clerk**  
Town of Lincoln

**Bill Matson, A/Clerk**  
City of Niagara Falls

**Peter Todd, Clerk**  
Town of Niagara-on-the-Lake

**Nancy Bozzato, Clerk**  
Town of Pelham

**Amber LaPointe, Clerk**  
City of Port Colborne

**Bonnie Nistico-Dunk, Clerk**  
City of St. Catharines

**Donna Delvecchio, Clerk**  
City of Thorold

**William Kolasa, Clerk**  
Township of Wainfleet

**Carmela Radice, A/Clerk**  
City of Welland

**Joanne Scime, Clerk**  
Township of West Lincoln

**Ann-Marie Norio, Clerk**  
Region of Niagara Region

**Warren Hoshizaki, Secretary**  
DSBN

**John Crocco, Secretary**  
NCDSB

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

**Date:** September 10, 2018

**Time:** 6:32 p.m.

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

**Members Present:**

B. Butters, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
D. Elliott, Councillor  
J. Maloney, Mayor (presiding officer)  
J. Mayne, Councillor

Absent: R. Bodner, Councillor (due to a work commitment)  
Y. Doucet, Councillor (due to vacation)  
B. Kenny, Councillor (due to vacation)

**Staff Present:**

T. Cartwright, Fire Chief  
A. Grigg, Director of Community and Economic Development  
N. Halasz, Manager of Parks and Recreation  
S. Hanson, Supervisor, By-law Enforcement Division  
A. LaPointe, Manager of Legislative Services/City Clerk  
C. Lee, Director of Engineering and Operations  
S. Luey, Chief Administrative Officer  
C. McIntosh, Deputy Clerk (minutes)  
D. Rollo, Health Services Coordinator

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

**1. Call to Order:**

Mayor Maloney called the meeting to order.

**2. Introduction of Addendum Items:**

**Addition:**

The addition of item 6, request for a road closure for the 2018 Niagara Falls Barrelman Triathlon event on September 16, 2018.

By general consensus item 10 (Delegations) of the Committee of the Whole Agenda was brought forward for consideration after the Adoption of Minutes. The minutes reflect the order of the agenda.

**3. Confirmation of Agenda:**

Moved by Councillor D. Elliott  
Seconded by Councillor J. Mayne

That the agenda dated September 10, 2018 be confirmed, as circulated or as amended.

CARRIED.

**4. Disclosures of Interest:**

Nil.

**5. Adoption of Minutes:**

**(a) Regular meeting of Committee of the Whole 17-18, held on August 27, 2018**

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

(a) That the minutes of the regular meeting of the Committee of the Whole 17-18, held on August 27, 2018, be approved as presented.

CARRIED.

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

The following item was identified for separate discussion:

Item 2.

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

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

That items 1 to 6 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

**Items:**

**1. Community and Economic Development Department, Parks and Recreation Division, Report 2018-126, Subject: Eighth Annual Downtown Harvest Festival**

---

Committee of the Whole recommends:

That the request to host the eighth annual HarvestFest on Saturday, September 29, 2018 from 10:00 a.m. to 4:00 p.m., as outlined in

Community and Economic Development Department, Parks and Recreation Division Report 2018-126, be approved;

That Market Square be closed to vehicular traffic from 8:00 a.m. to 4:00 p.m. on September 29, 2018;

That emergency services, including ambulance, police and fire, and public works and public utility vehicles, be exempt from the above noted closure;

That the Engineering and Operations Department be directed to install and retrieve road closure barricades at the predetermined locations requiring same;

That the fee for a Noise By-law Exemption application, to be submitted to the By-law Enforcement Division, be waived;

That the permit fee for the use of the King George Park, be waived;

That all other permit/application fees and charges associated with 2018 HarvestFest, including the provision of hydro access and picnic tables, be waived;

That the Event Organizer submit a site plan prior to the event for review and approval by the Event Coordinator indicating the following: emergency access, locations of music stage, type and location of any food vendors, in compliance with Public Health requirements;

That the Event Organizer ensure that Certificates of Insurance are submitted from all third party vendors naming the BIA and City of Port Colborne as additional insured no less than \$2 million per occurrence in accordance with City's insurance requirements.

That the appropriate by-law be presented for approval.

**3. Stephen Covey, Chief of Police and Chief Security Officer, CN Re: Request for Proclamation of Rail Safety Week, September 23 – 29, 2018**

Committee of the Whole recommends:

That September 23 – 29, 2018 be proclaimed as "Public – Rail Safety Week" in the City of Port Colborne in accordance with the request received from Stephen Covey, Chief of Police and Chief Security Officer, CN.

**4. Town of Fort Erie Re: The Right of Passage Act**

Committee of the Whole recommends:

That the resolution received from the Town of Fort Erie Re: The Right of Passage Act respecting the Great Lakes Shorelines, be supported.

**5. Niagara Police Services Board Re: Salvage/Scrap Yards – Niagara Police Services Board Licensing By-law**

Committee of the Whole recommends:

That the correspondence received from Deb Reid, Executive Director, Niagara Police Services Board Re: Salvage/Scrap Yards – Niagara Police Services Board Licensing By-law, be received for information.

**6. Niagara Falls Barrelman Triathlon event on September 16, 2018**

Committee of the Whole recommends:

That the road closure necessary for the 2018 Niagara Falls Barrelman Triathlon event on September 16, 2018, as requested by Mr. Chris Pickering, be approved; and

That Elm Street between Stonebridge Drive and Forks Road be closed to general vehicular traffic and parking from 8 a.m. to 2 p.m.; and

That emergency service vehicles, including ambulance, police and fire, as well as public works and public utility vehicles, be exempt from the above noted closures; and

That members, qualified participants, and participants of the Niagara Falls Barrelman Triathlon, be exempt from the above noted closures, through the issuance of an authorized permit; and

That the Niagara Falls Barrelman Triathlon be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event; and

That traffic barricades be supplied by Public Works staff, on September 16, 2018 to, and delivered before the start of the race at the predetermined location requiring barricades; and

That the appropriate by-law be presented for approval.

CARRIED.

**8. Presentations:**

Nil.

**9. Delegations:**

- (a) **Laurie Elliott Leach, Safety at Home Program Manager and Darlene Upper, Snow Buddie Coordinator, regarding programs provided by Community Support Services of Niagara**

Laurie Elliott Leach presented with respect to the Safety at Home program and Darlene Upper presented with respect to the Snow Buddies program, provided by Community Support Services of Niagara. Ms. Upper advised that there are twelve clients in need in Port Colborne, however there are no volunteers from the community. The presentation is attached.

- (b) **Vic Kerschl, Chair, Board of Directors, Alzheimer Society Niagara Foundation regarding the 2018 Coffee Break Campaign and updates regarding dementia in the Niagara Region**

Vic Kerschl provided a verbal presentation with respect to the 2018 Coffee Break for Alzheimer's Campaign. A copy of the presentation is attached. The City of Port Colborne is holding a Coffee Break fundraiser for the Alzheimer's Society at the Farmers' Market on Friday, September 21, 2018.

**10. Mayor's Report:**

A copy of the Mayor's Report is attached.

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

Regional Councillor Barrick provided a synopsis of the Niagara Region's 2015-2018 Council Strategic Priority Projects. Regional Councillor Barrick also advised that although he is a member of the Police Services Board, he does not represent the Board for the purposes of the evening's public meeting but that he would bring concerns back to the Police Services Board.

**12. Councillors' Items:**

- a) **Parking at Pleasant Beach (Butters)**

Councillor Butters advised that she received a request from a resident to increase the no parking area at Pleasant Beach.

- b) **Pleasant Beach Signage (Butters)**

In response to an inquiry by Councillor Butters with respect to the timeline for installation of directional signage to Nickel and Centennial beaches, the Chief Administrative Officer advised that the City is undertaking a parks and recreation master plan and directional and wayfinding signage will be considered in the plan therefore it is anticipated that the directional signage may be in place for summer 2019.

**c) Niagara Peninsula Conservation Authority (Butters)**

In response to an inquiry by Councillor Butters with respect to the closed session meeting the NPCA held with respect to the Auditor General's report, the Mayor advised that he was unable to comment on the closed session meeting and that he anticipates the release of the full report shortly.

**e) Stop signs at Chippawa Road and Berkley Avenue (Desmarais)**

Councillor Desmarais advised that she has received complaints from residents about the stop signs at Chippawa Road and Berkley Avenue. The Director of Engineering and Operations advised that he would direct staff to review the intersection for improvements.

**f) Intersection of Killaly Street East and Elizabeth Street (Desmarais)**

In response to Councillor Desmarais' concern with respect to the intersection of Killaly Street East and Elizabeth Street and her request for a traffic study at the intersection, the Chief Administrative Officer advised that Council previously considered this item and since Council decided not to take action on this item, this was direction to staff not to initiate a traffic study or explore other options with respect to the intersection.

**Staff Responses to Previous Councillor Enquiries:**

Nil.

**13. Consideration of Items Requiring Separate Discussion:****2. Public Meeting to Discuss Vandalism in Downtown Port Colborne**

This meeting was called to address concerns reported by residents and business owners in the downtown area. City Council heard delegations from the public and discuss how to improve conditions in the future.

**a) Staff Sergeant Rob LaPlante and Deputy Police Chief Brett Flynn, Niagara Regional Police Services**

Staff Sergeant Rob LaPlante advised that with input from citizens, business owners, Council and City staff at the meeting and in the future, the police can implement operational solutions to make the City a safer place for visitors and residents. Staff Sergeant LaPlante provided a powerpoint presentation to with respect to the 6 District Detachment - Port Colborne, NRPS resources, 6 District statistics and crime prevention tips. A copy of the presentation is attached.



**b) Betty Konc, Chair, Downtown Business Improvement Area**

Betty Konc provided a verbal presentation and expressed the belief that there are a complex set of issues including joblessness, homelessness and mental health that are driving the vandalism and negative issues in the downtown area. Ms. Konc suggested that a community committee be implemented to address the issues occurring in the downtown, that the Staff Sergeant visit downtown businesses to recommend how business owners can increase security, and that CCTV cameras could be a budget consideration for the downtown area.

**c) Fred Davies, CEO Laketown Investments and President, Niagara Business & Innovation Fund**

Fred Davies provided a verbal presentation and related concerns with respect to the vandalism, theft and people behaving badly in the downtown area. A copy of the presentation is attached.

**d) Brian Abbott, 30 Ridgewood Avenue**

Brian Abbott expressed concerns with respect to the number of questions asked by the 911 dispatch and length of time it took when he called to report an act of indecent exposure as well as the lack of follow up by the NRPS.

**e) Kim Simons, Port Colborne**

Kim Simons provided a verbal presentation expressing her concern about criminal activity by tenants of supportive living facilities that are unregulated boarding homes in the City that provide precarious housing to destitute people who often come from outside of the City, having been discharged from the St. Catharines hospital or corrections facilities. Ms. Simons advised that municipalities such as Ottawa, Hamilton and London adopted by-laws to regulate these facilities and upon a request by Councillor Desmarais, Ms. Simons agreed to address the Social Determinants of Health Committee about this issue.

**f) Rick Osborne, Owner, Ozzy's Garage (youth mentorship program), 25 Charlotte Street**

Rick Osborne provided suggestions about how to make changes to the environment to deter crime, including blocking alleyways, removing places where people can hide and increased police visibility.

**g) Bob Saracino, representing the Royal Canadian Legion Branch 56**

Bob Saracino expressed concern about people sleeping behind the Legion's patio and finding needles on the property. The Chief Administrative Officer advised that property owners are responsible for

cleaning private property and that directions for proper disposal of needles are provided on the Region's website. The Chief Administrative Officer also advised that the Region or City will dispose of needles on public property reported to the waste information line or the City's public works number.

**h) Brad Cutler, 266 West Street**

Brad Cutler expressed the concern about escalating problems such as people stealing from the Salvation Army at night and physical violence. Mr. Cutler noted that the East Village Task Force made some impact on issues facing the East Village and advised that he would volunteer to be a part of a committee to address issues in the downtown.

**i) Shawn Tedder, Niagara Falls**

Shawn Tedder provided suggestions to improve conditions in the downtown including, a needle exchange program, a graffiti wall to deter vandalism, proper lighting, clothing receptacles that cannot be opened and a neighbourhood watch program.

**j) Christine Clark-Lafleur, Port Cares**

Christine Clark-Lafleur advised that Port Cares is working collectively with the police and community agencies through the PORTal program to take action to help people in the community who are in dangerous circumstances. Ms. Clark-Lafleur noted that the crime in the downtown is being committed by a few individuals and asked that the public recognize the distinction between people in need and individuals who want to cause social chaos.

**k) Norman Leon, 629 Clarence Street**

Norman Leon provided a verbal presentation and provided suggestions about how to address crime in the downtown and surrounding neighbourhoods. A copy of the presentation is attached.

Moved by Councillor A. Desmarais

Seconded by Councillor B. Butters

That the rules respecting delegations, as outlined under Section 10 of the Procedural By-law, be suspended in order to permit members of the public to speak regarding concerns about crime in the downtown area and how to improve conditions in the future.

CARRIED.

**l) Ted Kalailieff, 15 Charlotte Street**

Ted Kalailieff advised that thefts are occurring in the downtown area that people are not reporting and expressed concern with the length of time 911 dispatch questions a caller prior to dispatching police.

**m) Chantale Tetroe, 27 Main Street East**

Chantale Tetroe expressed concern with the consumption of drugs and youth who have broken into her business.

**n) Norbert Gieger, 188 West Street**

Norbert Gieger suggested that better communication and people working together are the best ways to solve the problems occurring in the community.

**o) Janice Phillips, 481 Sugarloaf Street**

Janice Phillips advised that there are a number of people living in tents at the quarry. Sherry Hanson, Supervisor of the By-law Enforcement Division advised that staff is working with the private property owner to remove the people from the property.

**p) Jesse Boles, Green Apple Coffee House, West Street**

Jesse Boles advised that his business was broken into and expressed concern about the perceived lack of action or consequences to offenders. Mr. Boles also expressed concern about harassment, loitering and squatters in the downtown area.

**14. Notice of Motion:**

Nil.

**15. Adjournment:**

Moved by Councillor F. Danch  
Seconded by Councillor J. Mayne

That the Committee of the Whole meeting be adjourned at approximately 9:44 p.m.

CARRIED.

AL/cm



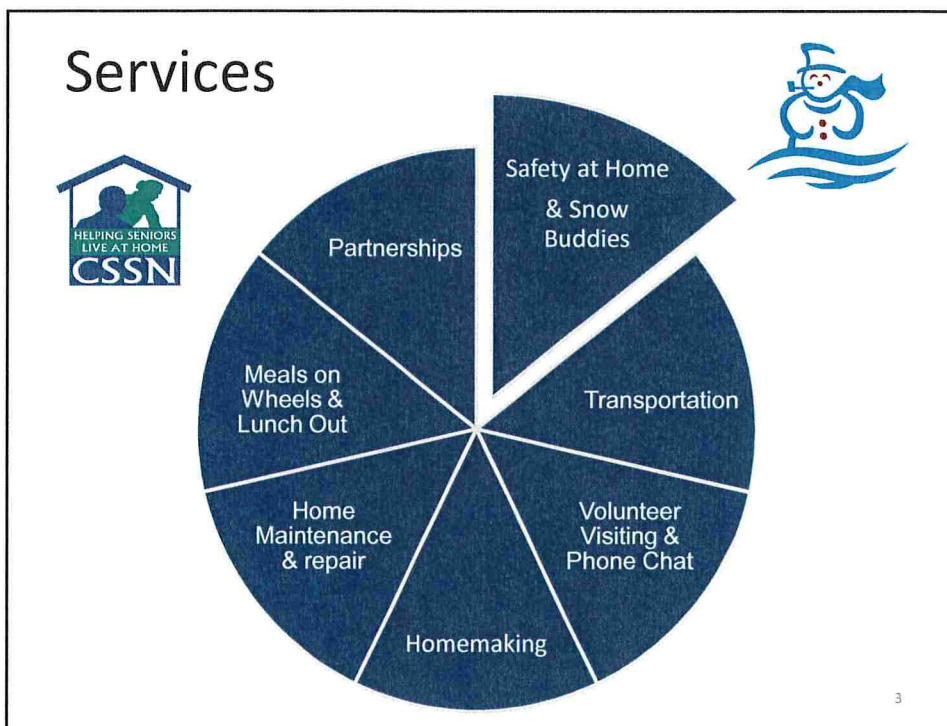
## Community Support Services of Niagara

September 10, 2018  
Port Colborne City Hall



### **“We help seniors live at home”**

- Serve both seniors & adults with disabilities
- Non-profit; funding from the LHIN
- 3 offices; St.Catharines; Welland; Beamsville
- CSSN: Serving all of the Niagara Region
- Many services supported by volunteers



## DID YOU KNOW?

- **Every 10 minutes** at least one senior visits an emergency department due to a fall<sup>[1]</sup>
- **In Niagara, falls are the leading cause of injury related to hospital admissions.** In 2016 there were 18400 ED visits<sup>(2)</sup>
- **\$962 million** is the estimated annual cost for senior's falls in Ontario<sup>[1]</sup>

[1] "The Economic Burden of Injury in Ontario" SMARTRISK – 2006 report 18400 ED visits

2 "Ambulatory Emergency External Cause (2009-16)"



## Why do you need to know this?



## Why Safety at Home?


- People are injured at home more than any other location
- This program can help people stay living independent in their home





## How “Safety at Home” helps?

### *Promoting Independence & Mobility*

- Free individualized home visit & referrals
- Snow removal volunteers “Snow Buddies” 
- Assistive devices subsidy option
- Home modifications
- Brokered worker; Home Maintenance & Repair

7

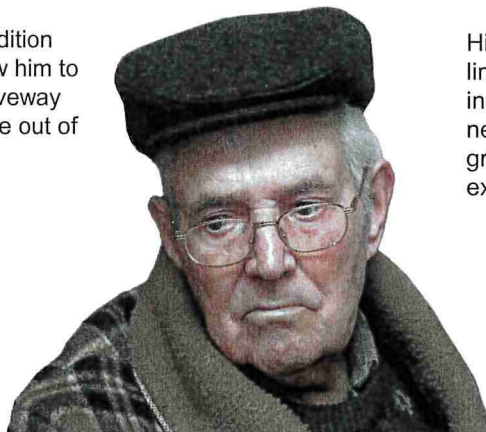


Leaf & Snow Buddies



## Profile of a CSSN Client

His heart condition does not allow him to shovel his driveway ... His kids live out of town



His income is limited...expenses include medical needs, medications, groceries and home expenses

**Leaf & Snow Buddies** help a senior stay independent and safe in their homes.... Allowing support services to get to his home and allowing him to leave for medical appointments and the grocery store..... Snow Buddies can help him not feel trapped in his own house in the winter.

## Leaf Buddies

- ✓ A lot of seniors also need support in the fall
- ✓ Prevents falls
- ✓ Gives students more volunteer hours
- ✓ Matching earlier and carries into the winter
- ✓ Community involvement; helping a neighbour
- ✓ Intergenerational interaction
- ✓ Free support; people cannot afford to pay







# Snow Buddies



- ✓ Match volunteers with seniors
- ✓ Provide FREE snow removal
- ✓ Prevent slips & falls
- ✓ Volunteer opportunity
- ✓ A support for seniors



11



## What we have accomplished:



Media

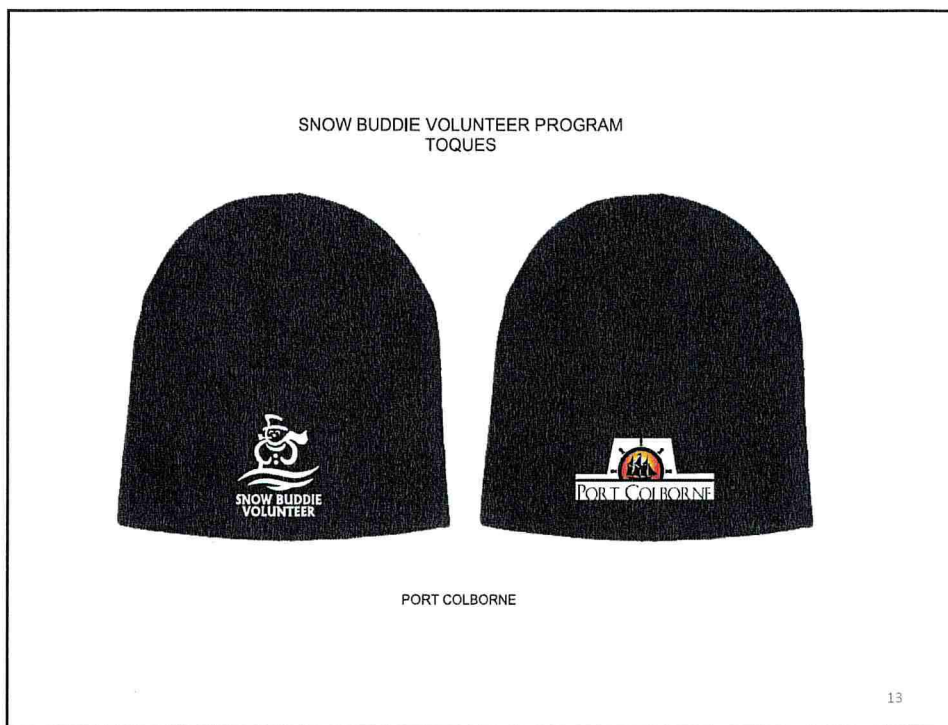


Partnerships



Ambassador Award

12



## What are we asking of you?

- Continue to be Supportive of Leaf & Snow Buddies**
- Encourage students** to volunteer with the Leaf & Snow Buddies program
- You have been a Champion Partner**





*Thank you*

**Darlene Upper**  
**Snow/Leaf Buddie Coordinator**  
[dupper@cssn.ca](mailto:dupper@cssn.ca) 905-682-3800 ext 35



**Laurie Elliott Leach**  
Safety at Home Program Manager  
**Community Support Services of Niagara**  
[l Elliott@cssn.ca](mailto:l Elliott@cssn.ca)  
905-682-3800 ext 28 [www.cssn.ca](http://www.cssn.ca)

*Soci t  Alzheimer Society*

NIAGARA REGION  
R GION DE NIAGARA



*Alzheimer Society*

Alzheimer Society of Niagara Region – 23rd Annual Coffee Break

**City of Port Colborne, Mayor John Maloney**

**Presenter: Vic Kerschl**

**Alzheimer Society of Niagara Region**

**September 10, 2018 – 6:30 pm**

Mayor Maloney, members of council, City staff and members of the public, my name is Vic Kerschl, Chair of the Board of Directors for the Alzheimer Society of Niagara Foundation. Thank you for the opportunity to appear before you this evening and share information about our Annual Coffee Break campaign, now in its 23<sup>rd</sup> year.

Originally the inspiration of the Niagara Alzheimer Society, Coffee Break is now the longest-standing national annual fundraising event for Alzheimer societies across Canada. Thousands of Coffee Breaks are held each year and annually raises more than \$1 Million to support the work of local Alzheimer Societies.

National Coffee Break Day is Thursday, September 20<sup>th</sup>, and we anticipate that more than 10,000 Coffee Breaks will take place across the country that day. In the Niagara Region, our Campaign will kick off in St. Catharines at the Lake Street Meridian Credit Union with a lunch with this year's Honourary Chair, Wade Stayzer, Senior Vice President and Chief Member Experience Officer for Meridian Credit Union. From 12 noon to 2 pm, Johnny Rocca's mobile pizza truck will be selling pizza with partial proceeds being donated back to the event, along with free ice cream samples from Marble Slab Creamery and Tim Hortons coffee from the Riediger Family.

Alzheimer's disease, already the seventh-leading cause of death in Canada, continues to grow as a public health concern as the number of Canadians with dementia rises. The latest statistics from Alzheimer Canada indicate that as of today, there are over half a million Canadians living with dementia - plus about 25,000 new cases diagnosed every year. By 2031, that number is expected to rise to 937,000, an increase of 66

per cent. The annual cost to care for those with dementia is currently estimated at \$10.4 billion.

Dementia doesn't discriminate – it can affect anyone regardless of background, education, lifestyle or status. It is not a normal part of aging. It's one of the fastest-growing diseases of our time, but still has no cure or effective treatments. Dementia is also a health condition with important social implications that impacts our communities. There is often a lack of awareness and understanding of dementia, resulting in stigmatization and barriers to diagnosis and care.

In the Niagara Region, there are over 10,000 people experiencing a progressive dementia and the number of cases continues to grow. Last year, we saw more than 1,900 new referrals to our Society and educated more than 11,000 Niagara residents and frontline staff. With a diagnosis of dementia, an individual and their family most likely will have questions about what it means, what to do and who can help, both in the short term and in planning for the future. Our service provision includes all individuals impacted by the diagnosis of dementia - spouses, families and friends who also need education and support to facilitate lifestyle, health and wellness changes for their family member.

The Alzheimer Society of Niagara Region is a recognized leader in the field of Dementia Care. Our vision is a community where individuals with dementia and their care partners are fully supported to maximize their quality of life and well-being. Working in partnership with those living with dementia, their care partners and the broader community, we offer a range of specialized programs and services that provide information, education, support and advocacy at every stage of the dementia journey.

Our goal is to enhance safety and independence within the home and community, strengthen resilience and coping capacity, and ensure that people living with dementia continue to participate in family and community life for as long as possible.

We offer people living with dementia a welcoming place where they can access information and support, as well as connect with others who share a similar experience. By accessing education, personalized in-home support services and wellness programs, families can better understand dementia, navigate the health system and access the resources they need

when they need them. We have had tremendous success with our Brain Wave Cafes that are offered in 6 communities across the Region.

To support a large variety of programs, the majority of which focus on those with early stage dementia and are provided at no charge to individuals or their families, our Society must fundraise for approximately \$500,000 each year and Coffee Break is our signature event.

Coffee Breaks are an opportunity to invite your friends, family, neighbours, co-workers, clients or customers to come together to enjoy a cup of coffee or other beverage and even treats at a break time or another social get-together in exchange for making a donation to support the work of your local Alzheimer Society.

Hosting a coffee break is easy to organize and provides a fun social opportunity. Our Society supplies each host with a free kit, while hosts supply the people and place. The kit includes coffee for that first pot, supplied locally by Barclay & Todd's, promotional signage and literature, as well as a donation box to support each event. While many of the Alzheimer Coffee Breaks in Canada will be held on the National Day, you can choose a date that is more convenient for you, since the Niagara campaign runs from September through to December. You may even consider organizing your event to coincide with World Alzheimer Day, which is September 21<sup>st</sup>.

Coffee Break events are held in homes, work places, community centres, schools, churches, city halls, stores, businesses – just about anywhere you can imagine a social gathering taking place, and where coffee, other beverages, or food and goodies can be served and a donation collected. Some of the most successful events have been a result of doing something a little different. Whether it's a barbecue, open house, raffle, dress-down days, selling coffee cup or forget-me-not decals or rounding up your bill at the cash register, no Coffee Break event is too big or too small and each one truly makes a difference in the lives of those living with the effects of dementia in the Niagara Region!

Thanks to this Council and over 100 hosts, we raised close to \$70,000 last year.

Organizing or taking part in a Coffee Break event in your community not only raises much-needed funds, but it can raise awareness and encourage discussion about Alzheimer's disease and dementia. You not only make all of the Society's accomplishments possible, but you ensure that individuals and their families – your loved ones, friends and neighbours, know that they are not alone in their journey.

Consider hosting a Coffee Break event this year and 'make your coffee count'. It's a fun and easy way to show your support for the Alzheimer Society. Anyone can register for a free Coffee Break kit by calling the Alzheimer Society of Niagara Region at 905-687-3914 or by visiting the website at [www.alzheimerniagara.ca](http://www.alzheimerniagara.ca).

Thank you for your time this evening and your consideration in making a difference in your community today and making memories matter.

Mayor Maloney, may I please present you with your Coffee Break Host Kit? (present kit). Thank you.

## NIAGARA REGIONAL POLICE SERVICE PORT COLBORNE PUBLIC MEETING




SEPTEMBER 10, 2018

### Agenda

- 6 District - who are we?
- NRPS Resources
- 6 District statistics
- Crime prevention tips

### NRPS 6 District

6 District provides front line policing services to the citizens and visitors of Port Colborne & Wainfleet.



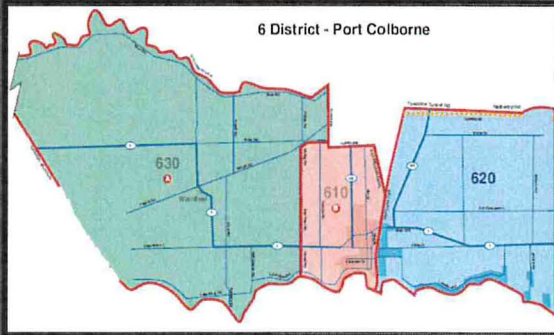
**Population**

- Port Colborne – 18,306
- Wainfleet – 6,372
- 20 million<sub>2</sub> visitors annually

1-2016 Canada Census  
2-Port Colborne Economic Development Brochure


### 6 District Patrol Area

6 District - Port Colborne






### NRPS 6 District

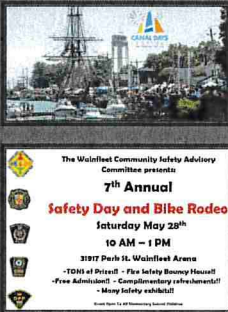



Uniform members efforts include both proactive initiatives to address concerns – usually identified by the community, as well as, reactive responses to a wide variety of calls for service.


6 District initiatives include: targeted traffic enforcement, ATV patrols & community engagement patrol (foot patrol).



### NRPS 6 District







### NRPS 6 District

#### Port- All Situation Table

- Situation Tables initiated in Prince Albert Saskatchewan in 2011
- Over 50 Situation Tables operating throughout Ontario
- Port-all represents first Situation Table in Niagara Region
- 11 agencies represented
- Designed to assist persons in the community
- Multi-agency response for rapid intervention strategies
- Assisting persons who are experiencing acutely elevated risk of harm

### Port-All Representatives

<ul style="list-style-type: none"> <li>● NRPS</li> <li>● Port Cares</li> <li>● Bridges Community Health Centre</li> <li>● Community Living of PTC / WFLT</li> <li>● Gateway Residential and Community Support Services of Niagara</li> <li>● Canadian Mental Health Association</li> </ul>	<ul style="list-style-type: none"> <li>● Pathstone Mental Health</li> <li>● City of Port Colborne By-Law Dept.</li> <li>● RMON Community Mental Health</li> <li>● Community Addiction Services of Niagara</li> <li>● Contact Niagara</li> <li>● The Raft</li> <li>● Family Children Services (FACS)</li> </ul>
--	--

### NRPS 6 District

**NRPS School Resource Officer (SRO)**

**Mandate** – Support and educate Port Colborne youths while building a positive relationship with students, staff and the public.

**Locations** - Port Colborne High School  
Lakeshore Catholic High School

**Goal** - Work with the students, parents, school staff and local business to promote positive relations between youth, the police and the school's neighbors.

### NRPS 6 District

⊙ A District Detective Office is located in each of the districts and acts as a general investigative unit to investigate criminal matters, except those assigned to Uniformed members or other specialty units.

Types Of Investigations	
Attempt murders	Surpicious deaths & circumstances
Deaths that may require an inquest	Firearms and offensive weapons crimes
Serious assaults	Criminal harassment (stalking)
Robberies	Thefts over \$3000
Bomb threats	Missing persons
Mischief (damage)	Assault/obstruct police
Officer involved shooting (non-SIU)	Other – requiring detective office expertise
Street Crime Unit	
Street level drugs	Break & enters
	Other street level crimes

### NRPS Resources

**INVESTIGATIVE SUPPORT**

- Major Crime Homicide Unit
- Forensic Services
- Central Fraud
- Polygraph

**S.I.S.**

- Intelligence Unit
- Morality Unit
- Guns, Gangs & Grows
- Opiate
- Education/Enforcement Unit
- Surveillance Unit

**SPECIAL VICTIMS**

- Child Abuse
- Sexual Assault
- Domestic Violence
- Offender Management
- E Crimes
- Crime Analysis

### NRPS Resources cont....

- I.C.E. UNIT
- Technological Crimes Unit
- Computer Cyber Crime Unit (C3)
- Collision Reconstruction Unit
- Traffic Enforcement Unit

- Emergency Task Unit (ETU)
- K9 Unit
- Underwater Search and Recovery Unit (USRU)
- Corporate Communication and Community Engagement
- NRPS Auxiliary Unit

### 6 District Statistics

January 1 to December 31, 2016

January 1 to December 31, 2017

January 1 to August 30, 2018

	2016	2017	2018 year-to-date
B&E count/inf/steal	137	183	96
Assaults	80	74	48
Homicide	2	0	0
Robbery	5	2	2
Mischief under cover	89	94	78
Noise comp.	5 (140)	12 (164)	5 (81)
MVC's	278	244	162

### 6 District Stats by Zones

2016				
Count of 610	Column Labels			Grand Total
Row Labels	610	620	630 (blank)	Grand Total
ASSAULT	43	25	12	80
B&E	39	53	24	116
HOMICIDE	1			1
MISCHIEF	46	33	10	89
MVC	137	73	68	278
NOISE COMPLAINT	1	2	2	5
ROBBERY	3	2		5
(blank)			1	1
<b>Grand Total</b>	<b>290</b>	<b>188</b>	<b>117</b>	<b>595</b>

2017				
Count of 610	Column Labels			Grand Total
Row Labels	610	620	630 (blank)	Grand Total
ASSAULT	43	20	11	74
B&E	38	63	21	122
HOMICIDE				
MISCHIEF	39	39	13	91
MVC	123	55	66	244
NOISE COMPLAINT	1	9	2	12
ROBBERY	1	1		2
(blank)				
<b>Grand Total</b>	<b>305</b>	<b>186</b>	<b>114</b>	<b>605</b>

2018 year-to-date				
Count of 610	Column Labels			Grand Total
Row Labels	610	620	630 (blank)	Grand Total
ASSAULT	25	19	4	48
B&E	42	26	27	95
HOMICIDE				
MISCHIEF	35	28	15	78
MVC	78	46	38	162
NOISE COMPLAINT	1	3	1	5
ROBBERY	2			2
(blank)				
<b>Grand Total</b>	<b>183</b>	<b>122</b>	<b>85</b>	<b>390</b>

### Crime Prevention Tips

- ⦿ ALWAYS lock your vehicles
- ⦿ ALWAYS take your keys with you
- ⦿ NEVER EVER LEAVE CHILDREN in a vehicle that is unattended or running
- ⦿ DO NOT leave your vehicle running when unattended
- ⦿ DO NOT leave any valuables in a vehicle in plain view
- ⦿ Park your vehicles inside the garage if you have one
- ⦿ Use your remote to unlock your vehicle, especially at night. This will activate interior dome light.

Don't become a victim of crime, it is simple to safeguard your vehicle and your property.

### Home Security and Target Hardening

- ⦿ Arrange for mail and flyer pick up, grass cutting and/or snow removal.
- ⦿ Lock all doors when at home or in the yard
- ⦿ Tell a trusted neighbor(s) when you will be away and your date of return
- ⦿ Garages with home access—lock entry door to home
- ⦿ Consider a house sitter for short periods away—trusted friend or relative
- ⦿ Lock detached sheds and gates
- ⦿ Lock all doors and windows when away
- ⦿ Install motion sensor lights outdoors
- ⦿ Video surveillance—install CCTV cameras and recording device

## Home Security and Target Hardening

- ⦿ Indoor lights on timers with varying times
- ⦿ Alarm systems are a deterrent not a guarantee
- ⦿ Secure valuables within the house—safes are good but it should be lag bolted into studs or concrete so that it cannot be easily removed
- ⦿ Safes should be located discreetly within the home (furnace room is better than the master bedroom closet)
- ⦿ Shred all personal information before recycling (identity theft)
- ⦿ Park your vehicles inside the garage if you have one


## NRPS Reporting

1. Emergency 9-1-1
2. Non-emergency (905) 688-4111
3. Report a Crime On-line
  - ⦿ Use only if it's NOT an emergency.
  - ⦿ You MUST have a valid email address to use this system.
  - ⦿ Use only if there are NO known suspects; if a suspect is known, please contact us.
  - ⦿ Use to report:
    - ⦿ Lost property
    - ⦿ Supplemental
    - ⦿ Theft under \$10,000.00
    - ⦿ Damage / Mischief to Property
    - ⦿ Theft from Vehicle
    - ⦿ Damage / Mischief to Vehicle
4. Crime Stoppers

## Information

[www.niagarapolice.ca](http://www.niagarapolice.ca)

- ⦿ Alarm program
- ⦿ Child Seat Safety
- ⦿ Community Safety info
- ⦿ Crime Prevention strategies
- ⦿ Internet Transaction Zones
- ⦿ Know Your Neighbor program
- ⦿ Road Safety Tips



**Crime Reports**

- ⦿ Provides neighborhoods with valuable info about recent crime activity
- ⦿ Be vigilant, implement crime awareness and prevention efforts

Thank You



Niagara Regional  
Police Service

905 - 688 - 4111 x3200

EMERGENCY  
9-1-1

- We have a big problem but we can't lose sight of the fact that we have a downtown that is growing and new opportunities are being created. We are on the verge of something better than we have had in many decades.
- Clarify: We don't want to exaggerate the problem or create a view that Port Colborne is not generally safe. Port Colborne is not alone with these issues.
- **Every few years we seem to return to a disproportionate level of vandalism, theft and a bunch of people behaving badly.**
- I've been told before that for the most part, the trouble-makers eventually move on, but that is no longer a viable solution if we want to create and maintain a positive investment climate.
- Many people here have significant investments in the downtown and the community. We are not here to point fingers, but to find solutions.
- Clarify another point: - I see well dressed people with nice cars stealing too.
- But there is a high level of frustration. As much as the police want reports to be made, there appears to be very little investigation, visibility and follow up.
- I spend more time downtown than most people and I see an increasing level of suspicious activity. I was assaulted a few weeks ago, in the middle of the day, on Clarence Street.
- There have been several attempts to break into our buildings downtown. Security cameras have been broken. This has happened in several other places as well.

- I am interested in learning now the NRP can step up the activity, help us find some solutions, but we need a multi pronged approach:
  - Security Cameras downtown – we’ve talked about this before.
  - Live security options with patrols through the business community
  - Bylaw enforcement
  
- The business community needs to buy into the solutions, perhaps through a small increase in BIA assessment to help pay for additional security.
- City Hall needs to help us too.
- The police need to help us solve this too. With all due respect to the police, we pay big taxes and expect more than what we are getting at the moment.



## PORT COLBORNE

### Mayor's Report to the September 10, 2018 Council Meeting

#### **Fire Chief of the Year Award**

Port Colborne Fire & Emergency Services Chief Thomas B. Cartwright is the recipient of the Ontario Municipal Fire Prevention Officers Association Fire Chief of the Year Award and it was presented to him in Windsor last week.

This award recognizes the significant contributions made by a Fire Chief to the prevention of fire and public education in the community.

Since the fatal fire on December 14, 2016, Chief Cartwright has been a strong voice in the Province, advocating that fire services have to change to a pro-active approach to fire safety with the spotlight on prevention.

Chief Cartwright has prescribed that all members of Port Colborne Fire & Emergency Services increase prevention activities, with multiple initiatives created including a joint promotion on public education in Niagara Region.

Congratulations Chief Cartwright.

Norman Leon

Introduction, Hi My name is Norman Leon and I reside on Clarence street. Many nights I enjoy bicycling around the city during the late hours when the temps are cooler and the cars are almost non-existent.

On an early Wednesday morning about 1 month ago I saw the person riding the bike with the loaded trailer behind it after he crossed the Clarence street bridge. He was turning right into the East Village neighborhood. A couple of days later when I was made aware of Mr. Davies posting on the internet I told his son what I had saw. It is normal during the night to see people raiding the Salvation Army donation boxes. They also go behind the stores and through the neighborhoods combing for valuables. Break-ins are city-wide and epidemic. It isn't just a downtown issue. It seems to be organized and precise.

Before the summer months it was usual to see a Police Officer parked downtown, usually around the Food Basics between 1 and 4 am. Then during July and August you wouldn't see the police as much. I concluded that the increase in vacation population in the Niagara Region during the summer season time had stretched our Police Services to a minimum.

During this period the break-ins sky rocketed.

As I have experience with the so called '**night-life**' of the city ,,,

I suggest

1. Have a committed surveillance schedule during the hours of 11 p.m. and 4 a.m. Especially around the downtown core and surrounding neighborhoods.



2. If necessary install the CCTV cameras similar to those used by the Toronto Police Service. These can be located in the downtown core and on the canal bridges.
  
3. Have an officer riding a bicycle patrolling the downtown and close-by subdivisions. This will allow closer monitoring without the ability to spot the oncoming headlights and police vehicles.

My opinion is that there is a small amount of people responsible for this crime wave and once rooted out the trouble will quickly pass.

Thank you for letting me present.

[Skip to main](#)  
[City of Toronto homepage](#)

## Welcome to the three one one Toronto website



- [Home](#) |
- [Knowledge Base](#)

### Toronto Police Service - CCTV cameras - CCTV signs



The TPS locates CCTV cameras where they have the biggest impact on protecting public safety. Those decisions are made only after exhaustive research. Divisions requesting CCTV cameras are required to do considerable work, including detailed crime analysis, and put together a comprehensive plan that explains why they believe that CCTV cameras will increase public safety.

The Toronto Police Service is mindful there are privacy concerns with respect to CCTV cameras in public places. Those concerns are important. The TPS is working and will continue to work, very closely with government agencies and community groups to ensure that, as the TPS continue to use CCTV to protect public safety, its policies reflect those concerns and it conforms to all government privacy legislation.

Each TPS division that requests CCTV cameras undertakes, as part of the project, to measure the cameras' impact by conducting detailed crime analysis for the selected locations for six months prior to the installation of cameras, for the six months the cameras are in place, and then for six months after the cameras have been removed. Surveys will be distributed to gauge community impact. The results of all measurements will be posted on the Toronto Police Service website and reported to the community through post-deployment public consultation meetings.

The TPS principles that govern the use of CCTV cameras in public places are:

1. The use of CCTV is to be considered only after other measures of deterrence or detection have been considered or rejected as unworkable;
2. The use of each camera is justified by verifiable crime reports and significant safety concerns from the public;
3. CCTV cameras are used to view public areas only;
4. Ongoing assessments of the impact on privacy are carried out and reported;
5. Ongoing consultation with the community as to the necessity and acceptability of CCTV;
6. All records and stored video are under the control of the Toronto Police Service;
7. There will be public notification before, during and after installation of CCTV cameras;
8. Large signs indicating the presence of CCTV cameras are displayed prominently at the perimeter of the area under observation.

#### [CCTV FAQs](#)

Contact Toronto Police with any CCTV camera or CCTV sign maintenance concerns.

#### Contact Info:

[Contact List - SPB - ABCC - LB - 4 - Toronto Police Service](#)

[Privacy statement](#)

© [City of Toronto 1998-2018](#)



**City of Port Colborne  
Regular Meeting of Council 24-18  
Monday, September 24, 2018  
following Committee of the Whole Meeting  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

1. **Call to Order:** Mayor John Maloney
2. **Introduction of Addendum Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
  - (a) Regular meeting of Council 20-18, held on September 10, 2018.
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Consideration of Items Requiring Separate Discussion:**
9. **Proclamations:**
  - (a) English as a Second Language Week, October 28<sup>th</sup> – November 3<sup>rd</sup>, 2018
10. **Minutes of Boards, Commissions & Committees:**
  - (a) Minutes of the Canal Days Advisory Committee Meeting of May 1, 2018
  - (b) Minutes of the Port Colborne Active Transportation Advisory Committee Meeting of June 12, 2018
11. **Consideration of By-laws:**
12. **Council in Closed Session:**
  - (i) Motion to go into Closed Session  
  
That Council do now proceed into closed session in order to address the following matter(s):
    - (a) Minutes of the closed session portion of the following Council meetings:  
August 27, 2018.
    - (b) Planning and Development Department, By-law Enforcement Division  
Report 2018-130, concerning an update with respect to ongoing property

investigations, pursuant to *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

- (c) Planning and Development Department, Planning Division Report 2018-134, concerning an appeal under the *Planning Act* to the Local Planning Appeal Tribunal of Committee of Adjustment Decision B04-17-PC related to 2229 Highway 3 East, Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- (d) Verbal report from Tammy Morden, Human Resources Coordinator, concerning the performance appraisal of the Chief Administrative Officer, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees.

**Note: This item was circulated under limited distribution to Council.**

- (ii) Disclosures of Interest (closed session agenda):
- (iii) Consideration of Closed Session Items:
- (iv) Motion to Rise With Report:

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

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

**15. Adjournment:**

**Council Items:**

Notes			Item	Description / Recommendation															
JDM AD DE	BB FD BK	RB YD JM	1.	<p><b><u>Corporate Services Department, Finance Division, Report 2018-133, Subject: Municipal Officers' Expense Allowance</u></b></p> <p>That Corporate Services Department, Finance Division Report 2018-133 Subject: Municipal Officers' Expense Allowance, be received for information.</p>															
JDM AD DE	BB FD BK	RB YD JM	2.	<p><b><u>Fire and Emergency Services Department, Report 2018-124, Subject: Regulating the Sale and Discharge of Fireworks</u></b></p> <p>That the proposed by-law for prohibiting and regulating the sale and discharge of fireworks attached to Fire and Emergency Services Department Report 2018-124 be approved, effective January 1, 2019; and</p> <p>That staff be directed to make the necessary changes to the applicable fee schedule.</p>															
JDM AD DE	BB FD BK	RB YD JM	3.	<p><b><u>Planning and Development Department, By-law Enforcement Division, Report 2018-113, Subject: Parking and Traffic – Davis Street</u></b></p> <p>That an amendment to By-law 89-2000 being a by-law regulating traffic and parking on City roads, be amended as follows:</p> <p>1. That Schedule "B" Standing Prohibitions, to By-law 89-2000 as amended, be amended by deleting therefrom the following:</p> <table border="1" data-bbox="509 1303 1396 1543"> <thead> <tr> <th><u>Column 1</u></th> <th><u>Column 2</u></th> <th colspan="2"><u>Column 3</u></th> <th><u>Column 4</u></th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> <th>Times/Days</th> </tr> </thead> <tbody> <tr> <td>Davis Street</td> <td>West</td> <td>52m north of the north limit of Fraser Street</td> <td>6m north therefrom</td> <td>Anytime</td> </tr> </tbody> </table>	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>	Highway	Side	From	To	Times/Days	Davis Street	West	52m north of the north limit of Fraser Street	6m north therefrom	Anytime
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>															
Highway	Side	From	To	Times/Days															
Davis Street	West	52m north of the north limit of Fraser Street	6m north therefrom	Anytime															

JDM AD DE	BB FD BK	RB YD JM	4.	<p><b>Planning and Development Department, By-law Enforcement Division, Report 2018-129, Subject: Parking and Traffic – Elm Street</b></p> <hr/> <p>That the amendment to By-law 89-2000, being a by-law regulating traffic and parking on City roads, be approved as follows:</p> <p>1. That Schedule “C” Parking Prohibition, to By-law 89-2000, be amended by adding thereto the following:</p> <table border="1"> <thead> <tr> <th><u>Column 1</u></th> <th><u>Column 2</u></th> <th colspan="2"><u>Column 3</u></th> <th><u>Column 4</u></th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> <th>Times/Days</th> </tr> </thead> <tbody> <tr> <td>Elm Street</td> <td>West</td> <td>42m north of Delhi Street</td> <td>80m north therefrom</td> <td>Anytime</td> </tr> </tbody> </table>	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>	Highway	Side	From	To	Times/Days	Elm Street	West	42m north of Delhi Street	80m north therefrom	Anytime
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>															
Highway	Side	From	To	Times/Days															
Elm Street	West	42m north of Delhi Street	80m north therefrom	Anytime															
JDM AD DE	BB FD BK	RB YD JM	5.	<p><b>Planning and Development Department, By-law Enforcement Division, Report 2018-135, Subject: Parking for Persons with Disabilities – 184 Mitchell Street at Decew Street</b></p> <hr/> <p>That By-law 4310/146/02 being a by-law to regulate on and off street parking for persons with disabilities, be further amended by adding to Schedule “I” the following:</p> <table border="1"> <thead> <tr> <th><u>Column 1</u></th> <th><u>Column 2</u></th> <th colspan="2"><u>Column 3</u></th> <th><u>Column 4</u></th> </tr> <tr> <th>Highway</th> <th>Side</th> <th>From</th> <th>To</th> <th>Times/Days</th> </tr> </thead> <tbody> <tr> <td>Decew Street</td> <td>South</td> <td>20m west of Mitchell Street</td> <td>7m south therefrom</td> <td>Anytime</td> </tr> </tbody> </table>	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>	Highway	Side	From	To	Times/Days	Decew Street	South	20m west of Mitchell Street	7m south therefrom	Anytime
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>															
Highway	Side	From	To	Times/Days															
Decew Street	South	20m west of Mitchell Street	7m south therefrom	Anytime															
JDM AD DE	BB FD BK	RB YD JM	6.	<p><b>Planning and Development Department, By-law Enforcement Division, Report 2018-128, Subject: Fence Variance 29-33 Charlotte Street</b></p> <hr/> <p>That the fence variance request for 29-33 Charlotte Street, on the corner of Charlotte and King Streets, be approved.</p>															

JDM AD DE	BB FD BK	RB YD JM	7.	<p><b>Planning and Development Department, Planning Division, Report 2018-132, Subject: Recommendation Report on Removing 60 Adelaide Street from the Municipal Registry of Heritage Properties</b></p> <hr/> <p>That the lands legally known as Plan Merr Survey Pt Lot 5 Pt Lot 6 NP 987, 988, 989, City of Port Colborne, Regional Municipality of Niagara; municipally known as 60 Adelaide Street be removed from the City of Port Colborne's Municipal Registry of Heritage Properties.</p>
JDM AD DE	BB FD BK	RB YD JM	8.	<p><b>Planning and Development Department, Planning Division, Report 2018-137, Subject: Recommendation Report on Removing 94 West Street from the Municipal Registry of Heritage Properties</b></p> <hr/> <p>That Council of the City of Port Colborne removes the lands legally known as Plan Merr Survey Lot 6, Pt Lot 7 NP 987, 988, 989, RP 59R-8922 Pt Part 2, City of Port Colborne, Regional Municipality of Niagara; municipally known as 94 West Street from the City of Port Colborne's Municipal Registry of Heritage Properties.</p>
JDM AD DE	BB FD BK	RB YD JM	9.	<p><b>Planning and Development Department, Planning Division, Report 2018-125, Subject: Municipal Land Sale Policy</b></p> <hr/> <p>That the Land Sale Policy attached to Planning and Development Department, Planning Division Report 2018-125 be approved; and                  That By-law No. 4770/152/05 be repealed; and                  That the City Clerk be directed to bring forward the necessary by-law for approval; and                  That the City Clerk be authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after its passage.</p>

<p>JDM BB RB AD FD YD DE BK JM</p>	<p>10.</p>	<p><b>Planning and Development Department, Planning Division, Report 2018-136, Subject: Recommendation Report – Amendment to Development Charge By-law 6131/97/14, 1-year Waiving of Charges for Residential and Non- Residential Development</b></p> <hr/> <p>That no further public meeting is required under Section 12(3) of the <i>Development Charges Act</i> prior to adoption of the by-law to amend by-law 3131/97/14, being a by-law to impose Development Charges for the City of Port Colborne; and</p> <p>That the amendment to the Development Charges By-law, waiving development charges for all residential and non-residential development until a new Development Charges By-law hereby approved; and</p> <p>That staff be directed to prepare the Notice of Passing as per the <i>Development Charges Act</i>.</p>
<p>JDM BB RB AD FD YD DE BK JM</p>	<p>11.</p>	<p><b>Engineering and Operations Department, Engineering Division, Report 2018-127, Subject: Private Easement Across City Right of Way – 2207 Second Concession to 2453 Second Concession, on White Road</b></p> <hr/> <p>That an easement be approved across the City’s Right of Way between 2207 Second Concession and 2453 Second Concession, on White Road, in accordance with the following conditions:</p> <ul style="list-style-type: none"> <li>• The City be named as additional insured on the property owner’s insurance policy and a copy of the renewal be issued to the Clerk’s department for filing each year.</li> <li>• Any costs associated with the private connection, now or in future, are borne by the property owner. Any works being completed within the City’s Right of Way shall be subject to any applicable permits and policies in place by the City.</li> <li>• That signage be installed indicating the presence of a buried irrigation line and any maintenance associated with the signage will be the responsibility of the property owner.</li> <li>• Should the properties be sold the City shall be informed of the change in ownership within 30 days of the closing and it will be at the City’s discretion to determine if the Easement Agreement would be extended to any future potential property owners.</li> <li>• All connections must be made on private property, any piping within the road allowance must not have any joints.</li> <li>• Ministry of Environment and Climate Change Environmental Compliance Approval must be adhered to at all times and all setbacks maintained.</li> </ul>



<b>Miscellaneous Correspondence</b>				
JDM	BB	RB	12.	<p><b>David Hazell, Chair, Teachers of English as a Second Language Association of Ontario Re: Request for Proclamation of English as a Second Language Week, October 28<sup>th</sup> to November 3<sup>rd</sup>, 2018</b></p> <p>That the week of October 28<sup>th</sup> to November 3<sup>rd</sup> be proclaimed as “English as a Second Language Week” in the City of Port Colborne in accordance with the request received from David Hazell, Chair, Teachers of English as a Second Language Association of Ontario.</p>
AD	FD	YD		
DE	BK	JM		
JDM	BB	RB	13.	<p><b>Memorandum from Amber LaPointe, Manager of Legislative Services/Clerk Re: Notice of Appointment to Niagara Compliance Audit Committee</b></p> <p>That the memorandum from Amber LaPointe, Manager of Legislative Services/Clerk Re: Notice of Appointment to Niagara Compliance Audit Committee, be received for information.</p>
AD	FD	YD		
DE	BK	JM		
<p><b>Outside Resolutions – Requests for Endorsement</b>                      Nil.</p>				
<p><b>Responses to City of Port Colborne Resolutions</b>                      Nil.</p>				

**Consideration of By-laws  
(Council Agenda Item 11)**

<b>By-law No.</b>	<b>Title</b>
6613/68/18	Being a by-law for prohibiting and regulating the sale of fireworks and the setting off of fireworks in the City of Port Colborne and to repeal By-law No. 2708/25/92
6614/69/18	Being a by-law to amend By-law No. 89-2000, being a by-law regulating traffic and parking on City roads (Davis Street)
6615/70/18	Being a by-law to amend By-law No. 89-2000, being a by-law regulating traffic and parking on City roads (Elm Street)
6616/71/18	Being a by-law to amend By-law No. 4310/46/02 a by-law Prescribing on and off street parking for persons with disabilities within the City of Port Colborne
6617/72/18	Being a by-law to adopt a Policy and Procedure for disposal of Surplus property in the City of Port Colborne
6618/73/18	Being a by-law to amend by-law No. 6131/97/14, being a by-law to impose Development Charges for the City of Port Colborne
6619/74/18	Being a by-law to Appoint a Deputy Fire Chief
6620/75/18	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 Special and Regular Meetings of September 24, 2018

The Corporation of the City of Port Colborne

By-law no. 6613/68/18

Being a by-law for prohibiting and regulating the sale of fireworks and the setting off of fireworks in the City of Port Colborne and to repeal By-law No. 2708/25/92

Whereas Subsection 121(a) of the *Municipal Act 2001*, provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks; and

Whereas Subsection 121(b) of the *Municipal Act, 2001*, provides that a by-law passed under Subsection 121(1) may prohibit the activities described in that subsection unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans; and

Whereas Section 128 of the *Municipal Act, 2001*, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become public nuisances; and the opinion of Council with respect to public nuisances, if arrived at in good faith, is not subject to review by any court; and

Whereas Section 129 of the *Municipal Act, 2001*, as amended provides that a municipality may prohibit and regulate with respect to noise; and

Whereas Section 11(2) of the *Municipal Act, 2001*, as amended provides that a lower tier municipality may pass by-laws respecting the health, safety and well-being of persons; and

Whereas it is the desire of the Council of The Corporation of the City of Port Colborne to regulate the sale and setting off of fireworks with a view to ensuring the safety of the public in respect to the sale and setting off of fireworks; and

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

SECTION 1            SHORT TITLE

1.1    This by-law may be cited as "The Fireworks By-law".

SECTION 2            SCOPE

2.1    The provisions of this by-law shall be applicable on all lands and properties within the limits of The Corporation of the City of Port Colborne.

2.2    This by-law shall be considered separate from the *Explosives Act* and Explosives Regulations and passage of this by-law does not mean the City is responsible for any aspect of enforcement of the *Explosives Act* or Explosives Regulations, which is the sole responsibility of the Federal Government of Canada.

2.3    By-law exemptions

2.3.1    This by-law does not apply to the Federal Government of Canada, the Province of Ontario, the Regional Municipality of Niagara of the City of Port Colborne.

SECTION 3            DEFINITIONS

3.1    In this by-law

3.1.1    Definitions in the *Building Code Act* and the Building Code shall be used with respect to matters pertaining to buildings and which are undefined in this By-law.

- 3.1.2 Definitions in the *Explosives Act* and the Explosives Regulations shall be used with respect to matters pertaining to fireworks which are undefined in this by-law.
- 3.1.3 "Applicant" means the applicant for a permit required by this by-law.
- 3.1.4 "Authority Having Jurisdiction" means the Fire Chief of the City of Port Colborne or their designate.
- 3.1.5 "City" or City of Port Colborne means The Corporation of the City of Port Colborne and includes all land and properties within its limits.
- 3.1.6 "City Property" means any property owned by the City including park land, buildings and lands, vacant land, pathways, streets, opened and unopened road allowances.
- 3.1.7 "Consumer Fireworks" means an outdoor, low hazard, recreational firework that is classed as a class 7, division 2, subdivision 1 firework under the *Explosives Act* and includes fireworks, showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes and sparklers but does not include Christmas crackers and caps for toy guys containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap.
- 3.1.8 "Consumers Fireworks Sales Permit" means a permit issued in accordance with this by-law by the Fire Chief of the City of Port Colborne for the sale of consumer fireworks.
- 3.1.9 "Council" means the Council of The Corporation of the City of Port Colborne.
- 3.1.10 "Discharge" means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off and the words "discharged" and "discharging" have a similar meaning.
- 3.1.11 "Display Fireworks" means an outdoor, high hazard, recreational firework that is classed as class 7, division 2, subdivision 2 firework under the *Explosive Act* and include, but not limited to, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons, but does not include firecrackers.
- 3.1.12 "Display Fireworks Manual" means the latest edition manual produced by the Explosive Regulatory Division of the Department of Natural Resources Canada, and as amended from time-to-time.
- 3.1.13 "Display Fireworks Permit" means a permit issued in accordance with this by-law by the Fire Chief of the City of Port Colborne or their designate for the display fireworks.
- 3.1.14 "Display Supervisor" means a person whom is an approved purchase of display fireworks and whom is qualified, under the *Explosives Act*, to supervise the discharge of display fireworks.
- 3.1.15 "Enforcement Officer" means every member of Port Colborne Fire & Emergency Services designated as an Assistant to the Fire Marshal, every By-law Enforcement Officer for the City of Port Colborne and every Police Constable with the Niagara Regional Police service.
- 3.1.16 "*The Explosives Act*" means the *Explosives Act*, revised Statutes of Canada 1985, Chapter E-17, as amended for time to time.
- 3.1.17 "Explosives Regulations" means regulations made under the *Explosives Act*.
- 3.1.18 "Fire Chief" means the Fire Chief appointed by the City of Port Colborne for purposes described in the *Fire Protection and Prevention Act* or their designate.

- 3.1.19 "Firecracker" means a high hazard device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion and includes those devices commonly known as Chinese firecrackers, but does not include paper caps for toy guns.
- 3.1.20 "Fireworks" means class 7, division 2, subdivisions 1 to 5 inclusive, fireworks as defined in the Explosives Regulations.
- 3.1.21 "FPPA" means the *Fire Protection and Prevention Act, 1997* and the regulations enacted thereunder as amended from time to time or any act and regulations enacted in substitution therefor.
- 3.1.22 "Owner" means the building or property owner or other person in control of the building or property from which the subject fireworks are used, sold or set off or proposed to be used, sold or set off.
- 3.1.23 "Operator" includes the owner, manager or person in charge of the fireworks and includes a fireworks supervisor.
- 3.1.24 "Prohibited Fireworks" includes, but is not limited to, cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clips, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes, flash crackers, throw down torpedoes and crackling balls, exploding golf balls, stink bombs, table rockets and battle sky rockets, fake firecrackers and other trick devices as included on the most recent list of prohibited fireworks as published from time to time under the *Explosives Act*.
- 3.1.25 "Public Fireworks Display" means an exhibition of fireworks in an outdoor assembly or open air occupancy in which the public is invited, attends, may attend or is admitted with or without a fee being charged.
- 3.1.26 "Pyrotechnic Special Effect Fireworks" means a high hazard firework that is classed as a class 7, division A, subdivision 5 firework under the *Explosives Act* and that is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effects, flash powder, air bursts, smoke composition, gerbs, lances and wheels.
- 3.1.27 "Residential Lands or District" means property actually used for residential purposes.
- 3.1.28 "Sell" includes offer for sale, cause or permit to be sold and possess for the purpose of sale and the words "selling" and "sold" have similar meaning.
- 3.1.29 "Street" means a highway, road, or other public right-of-way as defined by "*The Highway Traffic Act*" and "*The Municipal Act, 2001*" but does not include a private land or unopened road allowance.

#### SECTION 4 PROHIBITED FIREWORKS AND FIRECRACKERS

- 4.1 No person shall sell, use, set off, store or cause to be used, set off or store firecrackers in the City of Port Colborne.
- 4.2 No person shall sell, use, set off, store or cause to be used, set off or store any prohibited fireworks in the City of Port Colborne that are included on the most recent list of prohibited fireworks published under the *Explosives Act*.

#### SECTION 5 GENERAL PROVISIONS

- 5.1 Every owner, operator and fireworks supervisor required to hold a licence or certificate pursuant to the *Explosives Act* or Explosives Regulations shall forthwith produce a copy of such licence or certificate to the authority having jurisdiction.

- 5.2 No person shall use, sell, set off, or cause to be used, sold or set off, fireworks in the City of Port Colborne except in accordance with the provisions of this by-law.
- 5.3 No person shall set off fireworks in or on or into any highway, street, lane, square, park or other City property unless authorized in writing by Council.
- 5.4 No person shall use, sell, set off, or cause to be used, sold or set off, fireworks located on City property.
- 5.5 No person shall set off, or cause to be set off, display fireworks unless a permit has been issued by the Fire Chief for the City of Port Colborne.
- 5.6 Every owner, operator and fireworks supervisor shall ensure the provisions of this by-law are complied with.
- 5.7 Fireworks set off or discharged in conformance with this by-law shall be deemed exempt from the Noise Control By-law.
- 5.8 A licensed fireworks supervisor shall notify the Fire Chief of their intention to do business or perform any action within the City which involves display fireworks, prior to undertaking the business or action.
- 5.9 Prohibitions
  - 5.9.1 Indoor pyrotechnic special effects fireworks are deemed a public safety hazard and hereby prohibited by this by-law.
  - 5.9.2 Fireworks obstructing or interfering with the intended operation of any public utility, traffic control, fire route or building health/safety system, are hereby prohibited.

## SECTION 6 CONSUMER FIREWORKS SALES

- 6.1 No person shall sell consumer Fireworks unless a consumer fireworks sales permit has first been obtained from the Fire Chief in accordance with this by-law.
  - 6.1.2 An Enforcement Officer as prescribed by this by-law shall be permitted to conduct a site inspection in relation to each consumer fireworks sales permit application received.
  - 6.1.3 No person shall sell consumer fireworks in a building unless the provisions of the Ontario Fire Code and all other applicable acts and regulations are complied with.
  - 6.1.4 A person applying for a consumer fireworks sales permit shall be required to submit the following:
    - a) A completed application, in the form provided by the Fire Chief;
    - b) Written consent of the owner of the property on which the sale of consumer fireworks is proposed, unless the applicant is the owner;
    - c) Any fees associated with an application for a consumer fireworks sales permit shall be paid in conformance with By-law 6558 /13 /18, being a by-law to establish fees and charges for various services as amended from time-to-time;
    - d) A site plan for the sale location;
    - e) A description of the fire emergency procedures; and
    - f) Any other information that may be required by the Fire Chief to review the application.

- 6.1.5 A consumer fireworks sales permit shall not be issued where:
- a) The permit application is incomplete;
  - b) The property on which the sale of consumer fireworks is proposed is not zoned to permit retail sales;
  - c) There are reasonable grounds to believe that the sale of consumer fireworks by the applicant will result in a breach of this by-law, the FPPA, *Explosive Act*; or
  - d) The information provided in support of the consumer fireworks sales permit pursuant to section 6 of this by-law is unacceptable to the Fire Chief in their sole discretion, acting reasonably.
- 6.1.6 The Fire Chief may revoke a consumer fireworks sales permit where:
- a) The person to whom the permit was issued fails to comply with all provisions and conditions to which the permit is subject in accordance with this by-law;
  - b) The application for the consumer fireworks sales permit contains false or misleading information; or
  - c) The person to whom the permit was issued, fails to comply with a direction, instruction, or order of the Fire Chief or their designate.
- 6.1.7 No person shall sell consumer fireworks unless they are eighteen (18) years of age or older.
- 6.1.8 No person shall sell consumer fireworks from an outdoor stand, tent, unenclosed trailer, shipping container, motor vehicle or residential dwelling.
- 6.1.9 No person shall store consumer fireworks except as permitted under the Act.
- 6.1.10 No person shall exhibit consumer fireworks unless the consumer fireworks are separated into individual lots that do not exceed 25 kilograms in gross weight, and such separation between lots shall be sufficient to prevent fire from spreading rapidly from one lot to the next by:
- a) Maintaining a minimum aisle width of 1.1 metres between lots;
  - b) Maintaining a partition, constructed of 6 millimetre plywood or other suitable material that extends a minimum of 15 centimetres above the right of the lot or to the display shelf above; or
  - c) Maintaining sufficient separation between lots by such other suitable method or means, and;
  - d) Ensuring that no more than ten percent (10%) of the area of any display shelf on which consumer fireworks are exhibited contain holes or other openings.
- 6.1.11 No person shall exhibit consumer fireworks that are not in consumer packs, unless the consumer fireworks are inaccessible to the public and are displayed in a glass or Plexiglas case, or other suitable receptacle.
- 6.1.12 No person shall exhibit consumer fireworks that are exposed, or may be exposed, to the rays of the sun or to excess heat, or that are within close proximity to flammable goods.
- 6.1.13 No person shall exhibit consumer fireworks on a display board or in a shop window unless the display consists of mock samples only and does not contain any explosive composition.

- 6.1.14 No person shall sell consumer fireworks at any time unless, the location is designated as a non-smoking area and has been posted with "No Smoking" signs and is equipped with the appropriate number and class of fire extinguishers, as may be required by the Fire Chief.
- 6.1.15 No person who sells consumer fireworks shall exhibit consumer fireworks to the public at any time unless the location or shop is attended by the vendor or an employee thereof.
- 6.1.16 No person shall exhibit consumer fireworks in an indoor shop or location, or in a trailer unless there is a minimum of two (2) unobstructed, clearly identified exits to ensure that employees and the public can quickly evacuate in the event of a fire or emergency.
- 6.1.17 No person shall sell consumer fireworks except on the following days:
- a) Victoria Day, each of the seven (7) days immediately preceding Victoria Day,
  - b) Canada Day, each of the seven (7) days immediately preceding Canada Day, and
  - c) July 4<sup>th</sup>, each of the seven (7) days immediately preceding July 4<sup>th</sup>.
- 6.1.18 No person shall advertise the sale of consumer fireworks except on Victoria Day, Canada Day, July 4<sup>th</sup>, and the preceding twenty-one (21) days in each case.
- 6.1.19 No person shall store for sale, or future use, consumer fireworks except during the 30 day period prior to any of the lawful date(s) thereof and not longer than 30 days after the lawful date(s) thereof, unless stored by a licensed fireworks supervisor and permitted in the Explosives Regulations.

#### SECTION 7 CONDITIONS FOR CONSUMER FIREWORKS SALES PERMIT

- 7.1 The Fire Chief may issue permits for the sale of consumer fireworks on the following conditions set forth in section 6 of this by-law.
- 7.1.2 The following conditions shall apply to all consumer fireworks sales permits:
- a) The permit shall be valid for the calendar year in which it was issued;
  - b) The permit is only valid for the sales location identified in the permit and is to be posted on site;
  - c) Every permit holder shall provide and maintain fire extinguishers in conformance with the Ontario Fire Code ready for immediate use;
  - d) The permit holder shall sell consumer fireworks in conformance with the information provided to the Fire Chief pursuant to section 6 of this by-law;
  - e) The permit holder shall comply at all times with the provisions of the *Explosives Act*, FPPA and the provisions of this by-law; and
  - f) The permit holder shall comply with any other condition deemed reasonable in the circumstances by the Fire Chief.

#### SECTION 8 DISCHARGE OF CONSUMER FIREWORKS

- 8.1 No person shall discharge consumer fireworks, except on the following days:
- a) Victoria Day
  - b) The day immediately preceding Victoria Day



- c) The day immediately following Victoria Day
  - d) Canada Day
  - e) The day immediately preceding Canada Day
  - f) The day immediately following Canada Day
  - g) July 4<sup>th</sup>
  - h) The day immediately preceding July 4
  - i) The day immediately following July 4
  - j) Such other times and dates as permitted by the Fire Chief
- 8.1.2 No person shall sell, give or distribute consumer fireworks to any person under the age of eighteen (18) years.
- 8.1.3 No person under the age of eighteen (18) years shall use, handle, discharge, set off, purchase or store consumer fireworks.
- 8.1.4 Subject to compliance with the provisions of this by-law, a person eighteen (18) years of age or over may hold a display of consumer fireworks on any land belonging to them or on any other privately owned land where the owner thereof has given written permission for such a discharge of consumer fireworks.
- 8.1.5 No person shall use, discharge or set off, or permit to be used, discharged or set off consumer fireworks in such a place or in such a manner as might create a danger to the public or constitute a nuisance to any person or property.
- 8.1.6 No person shall use, discharge or set off, or permit to be used, discharged or set off consumer fireworks in an area containing dead undergrowth, dry grass, highly flammable substances or any other thing susceptible to combustion.
- 8.1.7 No person shall use, discharge or set off, or permit to be used, discharged or set off consumer fireworks in or into any building, tent, structure, doorway, automobile or other place unless authorized in writing by the Fire Chief and permitted by the Explosives Regulations.
- 8.1.8 No person shall discharge consumer fireworks in or on any street or public place, unless prior written permission has been obtained from the Fire Chief.
- 8.1.9 No person shall discharge consumer fireworks except in conformance with this by-law and between the hours of dusk and 11:00 pm.

#### SECTION 9 DISPLAY FIREWORKS / PERMITS AND DISCHARGING

- 9.1 No person, shall set off or discharge, or permit to be set off or discharged display fireworks unless a permit to do so has been issued by the Fire Chief.
- 9.1.2 The Fire Chief or Enforcement Officer shall be permitted to conduct a site inspection or inspections in relation to each permit application received pursuant to section 7 of this by-law.
- 9.1.3 A person applying for a display fireworks permit shall be required to submit the following:
- a) A completed permit application in the form provided by the Fire Chief, submitted no later than thirty (30) days prior to the date of the display event;
  - b) A site plan providing a description of the site to be used for the discharging of the display fireworks;

- c) A description of the fire and emergency procedures;
- d) Proof that the applicant is certified as a display fireworks supervisor;
- e) Written consent of the owner of the property on which the discharge of display fireworks is proposed, unless the applicant is the owner of the property;
- f) The fee prescribed in conformance with By-law 6558/13/18, being a by-law to establish fees and charges for various services as amended from time-to-time.

9.1.4 No person, owner, operator or fireworks supervisor shall set off or discharge or permit to be set off or discharged display fireworks unless liability insurance has been obtained by the person, owner or operator to the satisfaction of the City. The insurance policy must be in the amount of \$5,000,000.00 or greater and must list the City as an additional insured. Proof of liability insurance shall be provided at time of application. Any notice of cancellation of insurance shall be provided 30 days prior to the event.

9.2 A display fireworks permit shall not be issued where:

- a) The permit application is incomplete;
- b) The applicant is not a display supervisor; or
- c) There are reasonable grounds in the belief that the holding of the display fireworks will result in a breach of this by-law, the FPPA or the *Explosive Act*.

9.2.1 The Fire Chief may revoke a display fireworks permit where;

- a) The person to whom the permit was issued fails to comply with all provisions and conditions to which the permit is subject in accordance with this by-law;
- b) The application for display fireworks permit contains false or misleading information;
- c) Environmental concerns such as weather conditions, wind speed and or wind direction are a factor; or
- d) The Fire Chief has instituted an open air fire ban.

9.2.2. The following conditions shall apply to all display fireworks permits:

- a) All display fireworks events shall be undertaken, planned, conducted and executed under the direction of a fireworks supervisor, who shall be responsible to ensure all requirements of the *Explosives Act* and this by-law have been met prior to setting off any fireworks.
- b) All display fireworks shall be planned, conducted and executed in compliance with the most current edition of the display fireworks manual, or any part of the manual specified. For purposes of the manual, Port Colborne Fire & Emergency Services is the authority having jurisdiction.
- c) No display fireworks shall be set off, discharged or permitted to be set off or discharged where the firing point is less than the fallout and separation distance from the public, structures, vehicles and overhead objects specified in the display fireworks manual.
- d) A danger zone shall be established around the firing site in conformance with the clearances identified in the display fireworks manual for display fireworks. A means of identifying and restricting access to the danger zone such as security personnel, barricades or fences must be provided. No person shall

enter or remain in the danger zone unless authorized.

- e) The permit holder shall comply at all time with the provisions of the *Explosives Act*, FPPA, the display fireworks manual published by Natural Resources Canada or any other successor publication, and the provisions of this by-law.
- f) The permit holder shall conduct the display of display fireworks in conformance with the information provided to the Fire Chief pursuant to Section 9 of this by-law.
- g) A trial shot of at least one (1) large shell shall be fired in the presence of the Fire Chief or designate, prior to commencement of a display fireworks show to check trajectory, wind effect and proper location of the fallout zone, if deemed necessary.

9.3 No display fireworks shall be set off, discharged or permit to be set off or discharged where the surface wind speed exceeds 45 kilometres per hour (28 miles per hour).

9.3.1 No person shall set off or discharge, or permit to be set off or discharged display fireworks unless the fire and first aid equipment specified in the display fireworks manual is available at the event site, including a fire blanket, eye wash, fire extinguishers and personal protection for all crew members.

#### 9.4 Inspections

9.4.1 The fireworks supervisor shall notify the Fire Chief or designate at least 2 hours prior to the following stages of display fireworks:

- (a) Commencement of preparation of the site for display fireworks;
- (b) Completion of preparation of the site for display fireworks;
- (c) Commencement of the display fireworks show.

9.4.2 The Fire Chief or designate shall inspect the display fireworks site, before, during and after the display as deemed necessary, and may issue directions, instructions, or orders to the fireworks supervisor, owner or operator or any other person.

9.4.3 Upon receipt of orders from the Fire Chief, the person shall comply with the orders.

9.4.4 The permit holder shall remove all unused display fireworks and all debris resulting from the display from the property on which the event was held, and from any adjacent property affected forthwith and ensure that it is safely disposed of.

### SECTION 10 USE OF CITY PROPERTY

10.1 No person shall set off consumer fireworks or display fireworks in or on or into any City property unless authorized in writing by Council.

### SECTION 11 ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS

11.1 This by-law shall be administered and enforced by the City, the Fire Chief, every Enforcement Officer or any person appointed or otherwise delegated the authority of administration and enforcement.

11.2 The Fire Chief or Enforcement Officer may at any reasonable time and without prior notice inspect any land, property, places, premises, buildings or structures where Fireworks are stored or offered for sale.

- 11.3 The Fire Chief or Enforcement Officer may at any reasonable time and without prior notice inspect any land, property, places, premises, buildings or structures for which an application under this by-law has been received for the purposes of conducting site inspections pursuant to section 9 of this by-law.
- 11.4 The Fire Chief or Enforcement Officer may at any reasonable time and without prior notice inspect any land, property, places, premises, buildings or structures for the purposes of carrying out an inspection to determine if any section of this by-law is complied with.
- 11.5 No person shall obstruct, hinder or interfere with the Fire Chief or an Enforcement Officer in their enforcement of this by-law.
- 11.6 Notwithstanding section 9, the officer shall not enter or remain in any room or place actually used as a dwelling unless the provisions of Section 437 of the *Municipal Act, 2001* are complied with.
- 11.7 The Fire Chief may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

#### SECTION 12 PENALTIES

- 12.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the penalty specified by the *Provincial Offences Act*, R.S.O., Chapter P33, as amended.

#### SECTION 13 VALIDITY

- 13.1 Should any section, clause or provision of this by-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the by-law shall not be affected.
- 13.2 Nothing in the *Explosives Act* relieves any person of the obligation to comply with this by-law as stated in Section 29 of the *Explosives Act*.

#### SECTION 14 FORMER BY-LAWS REPEALED

- 14.1 By-law No. 4989/45/07 of The Corporation of the City of Port Colborne being "A By-law For Prohibiting and Regulating the Sale of Fireworks and the Setting Off of Fireworks in the City of Port Colborne is hereby repealed.

Enacted and passed this 24th day of September, 2018

\_\_\_\_\_  
John Maloney  
Mayor

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

The Corporation of the City of Port Colborne

By-law no. 6614/69/18

Being a by-law to amend By-law No. 89-2000,  
being a by-law regulating traffic and parking on  
City roads (Davis Street)

Whereas at its meeting of September 24, 2017, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendation of Planning and Development Department, By-law Enforcement Division Report 2018-113, Subject: Parking and Traffic Davis Street; and

Whereas Council is desirous of amending the provisions of By-law 89-2000, being a by-law regulating traffic and parking on City roads, as amended, in accordance with the recommendation of the above referenced report;

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

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

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

2. That this by-law shall come into force and take effect on the day of passing, subject to the display of official signs.

Enacted and passed this 24th day of September, 2018.

---

John Maloney  
Mayor

---

Amber LaPointe  
City Clerk

The Corporation of the City of Port Colborne

By-law no. 6615/70/18

Being a by-law to amend By-law No. 89-2000,  
being a by-law regulating traffic and parking on  
City roads (Elm Street)

Whereas at its meeting of September 24, 2018, the Council of the Corporation of the City of Port Colborne (Council) approved the recommendation of Planning & Development, By-law Enforcement Division, Report 2018-129, Subject: Parking & Traffic Elm Street; and

Whereas Council is desirous of amending the provisions of By-law 89-2000, Being a By-law Regulating Traffic and Parking on City Roads, as amended, in accordance with the recommendation of the above referenced report;

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

1. That Schedule "C" Parking Prohibitions, to By-law 89-2000, as amended, be further amended by adding thereto the following:

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

2. That this by-law shall come into force and take effect on the day of passing, subject to the display of official signs.

Enacted and passed this 24th day of September, 2018.

\_\_\_\_\_  
John Maloney  
Mayor

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

The Corporation of the City of Port Colborne

By-law no. 6616/71/18

Being a by-law to amend By-law No. 4310/146/02 a by-law Prescribing on and off street Parking for persons with disabilities within the City of Port Colborne

Whereas the Council of the Corporation of the City of Port Colborne enacted By-law 4310/146/02, Being a By-law Prescribing On and Off-Street Parking for Persons With Disabilities Within the City of Port Colborne, on the 25<sup>th</sup> day of November 2002; and

Whereas By-law 4310/146/02 has been amended from time to time; and

Whereas Council is desirous of further amending By-law 4310/146/02 in accordance with the recommendations of Department of Planning & Development, By-law Enforcement Division Report 2018-135, Subject: Parking for Persons with Disabilities – 184 Mitchell Street at Decew Street, adopted on September 24, 2018;

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

1. That Schedule "I" to Bylaw 4310/146/02 as amended, be further amended by adding thereto the following:

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

2. The provisions of this By-law shall take effect on passing, subject to the display of official signs.

Enacted and passed this 24th day of September, 2018.

\_\_\_\_\_  
John Maloney  
Mayor

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

This page intentionally left blank.



The Corporation of the City of Port Colborne

By-law no. 6617/72/18

Being a by-law to adopt a Policy and Procedure for disposal  
of Surplus property in Port Colborne

Whereas the Council of the Corporation of the City of Port Colborne  
deems it necessary to amend the policy and procedure for the disposal of surplus  
property in the City of Port Colborne.

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

1. That the policy and procedure respecting the disposal of surplus property in  
the City of Port Colborne appended hereto as Schedule "A" and made part of  
this By-law be approved.
2. That By-law No. 4770/152/05 passed on December 12, 2005 be hereby  
repealed.

Enacted and passed this 24<sup>th</sup> day of September, 2018.

---

John Maloney  
Mayor

---

Amber LaPointe  
City Clerk

This page intentionally left blank.

## SALE OF LAND POLICY

### PART 1 – Definitions

1.1. In this by-law:

- (a) **"Abutting"** shall mean a parcel of land adjoining another parcel of land having one (1) or more lot lines in common;
- (b) **"Applicant"** means a person who has enquired or requested to purchase City land;
- (c) **"Appraisal"** means a fair market valuation of land prepared by an accredited Appraiser or the market value obtained by a licensed real estate brokerage firm or a licensed independent real estate agent;
- (d) **"Appraiser"** means a member in good standing of the Appraisal Institute of Canada, holding an Accredited Appraiser Canadian Institute or Canadian Residential Appraiser designation as appropriate;
- (e) **"as is"** means without regard for state of repair, location of any and all structures, walls, retaining walls or fences (freestanding or otherwise) or encroachment by buildings or fences or otherwise, on the land or adjoining properties or streets, and without warranty or representation as to use, environmental contamination, hazards or risks;
- (f) **"Full Marketability Land"** means land which would in the opinion of the Director, Planning & Development Services, or designate, be of interest to potential purchasers in the open market due to size, shape, location, topography, environmental condition, permitted land uses, or any other factor which the Director of Planning & Development, or designate, considers relevant;
- (g) **"highway"** means:
  - i. all highways that existed on December 31, 2002,
  - ii. all highways established by by-law on or after January 1, 2003,
  - iii. all highways transferred to the municipality under the *Public Transportation and Highway Improvement Act*,
  - iv. all road allowances made by the Crown surveyors located in the municipality,
  - v. all road allowances, highways, streets and lanes shown on a registered plan of subdivision;
- (h) **"land(s)"** shall mean real property and any improvements thereon owned by the Town, including highways which have been or may be stopped up and closed, but does not include:
  - (i) any land which Council has otherwise determined by resolution or by-law is not available for sale;

- (i) **“Limited Marketability Land”** means land which would, in the opinion of the Director, Planning & Development Services, or designate, be of limited interest to potential purchasers due to size, shape, location, topography, environmental condition, land use restrictions, or any other factor which the Director, Planning & Development Services, or designate, considers relevant;
- (j) **“Official Plan”** means the Official Plan of the City of Port Colborne, as amended or replaced from time to time;
- (k) **“Real Estate Broker”** means a Real Estate Broker registered under the *Real Estate and Business Brokers Act, 2002*, as amended and Regulations thereto;
- (l) **“sale”** and **“sell”** shall not include:
  - (i) a lease of land by the City;
  - (ii) transfers of easement or rights-of-way by the City;
  - (iii) releases of restrictive covenants by the City; and
  - (iv) releases of rights of first refusal by the City.
- (m) **“City Solicitor”** means and includes the City’s Solicitor or external legal counsel from time to time, and in his/her absence, the Chief Administrative Officer or his/her designate.

**PART 2 - General**

- 2.1 A by-law containing a legal description of the land and the identity of the purchaser shall be passed to approve the sale of land.
- 2.2. Land required for any municipal purpose, including but not limited to present or future municipal facilities, infrastructure and parks, is not available for sale to the public.
- 2.3 Any survey and/or reference plan required shall be obtained at the expense of the purchaser(s) unless Council by resolution otherwise determines.
- 2.4 Council may impose conditions of sale if deemed appropriate.
- 2.5 All land, with or without improvements, shall be sold on an “as is” basis unless Council determines otherwise.
- 2.6 The City is under no obligation by virtue of the sale of land to grant any approvals, including approvals for changes to the Official Plan or zoning by-law or with respect to site plan control, minor variances, and building permits, or to support approvals required by any other approval authority, which may be necessary for any contemplated use of the land by the purchaser.

- 2.7 Any provisions for public notice provided for in this policy shall prevail over any other existing or future public notice by-law passed by Council.
- 2.8 The purchaser(s) shall be responsible for the City's legal fees unless Council by resolution otherwise determines.

### **PART 3 - Appraisals**

- 3.1 One (1) Appraisal of the fair market value of land to be sold shall be obtained and prepared by an Appraiser in accordance with the requirements of the Appraisal Institute of Canada or by a real estate brokerage firm or an independent real estate agent.
- 3.2 Notwithstanding Section 3.1, the Director of Planning & Development, or designate, may:
- (a) dispense with the requirement of an Appraisal for the following classes of land:
    - (i) Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*;
    - (ii) Land for which the City has obtained an Appraisal within the preceding one (1) year, in the discretion of the Director, Planning & Development Services, or designate.
  - (b) dispense with the requirement of an Appraisal for the disposition of land to:
    - (i) A municipality;
    - (ii) A corporation incorporated by a municipality;
    - (iii) A municipal service board of a municipality;
    - (iv) A local board, including a school board and a conservation authority;
    - (v) The Crown in right of Ontario or Canada and their agencies.

### **PART 4 – Land Deemed to be Not Marketable**

- 4.1 In addition to any other provisions herein, or any resolution or by-law passed by Council, the following lands are deemed to be not marketable:
- (a) land situated in the Open Space or Environmental Protection designations of the Official Plan, as amended from time to time, in order to protect and promote the public enjoyment of natural features;
  - (b) Any land which Council has by resolution or by-law declared shall not be sold.
- 4.2 City lands deemed to be not marketable are not available for sale to the public.

## **SALE OF LIMITED MARKETABILITY LAND**

### **PART 5 – Limited Marketability Land – Policy Statements**

- 5.1 The following policy statements shall be applied to all Limited Marketability Land:
- 5.1.1 Limited Marketability Land shall only be sold to an abutting owner(s) whose property if combined with the City's land creates a configuration which is acceptable to the

Director, Planning & Development Services, or designate, in accordance with good planning principles.

- 5.1.2 The land shall be required to legally merge in title with the abutting owner's property. Where necessary, Council shall pass a by-law deeming the City land and/or the abutting owner(s) land not to be part of a registered plan of subdivision in order to effect the merger, and the by-law shall be registered on title by the Town prior to the registration of the Transfer/Deed to the purchaser. No fee shall be charged to the abutting owner for the preparation and registration of the Deeming By-law.
- 5.1.3 In addition, the following restrictions shall apply to land in the Agricultural, Rural, or Rural Residential Designations of the Official Plan or outside the Urban Area:
- a) if the total area of the combined City land and the abutting owner's property is less than 0.4 hectares (1 acre) in size, the City land will be recommended for sale to the abutting owner, only if there is an existing dwelling or non-residential building on the abutting land; or
  - b) if the total area of the combined City land and the abutting owner's property is greater than 0.4 hectares (1 acre) in size, but less than 1 hectare (2.2 acres) in size, the City land may be sold to the abutting owner notwithstanding that there is no existing dwelling.

## **PART 6 – Process for Sale of Limited Marketability Land**

- 6.1 The initial enquiry by a prospective purchaser (Applicant) shall be made to the Planning & Development Department.
- 6.2 The request process for the sale of Limited Marketability Land shall be divided into phases, as follows:

### **6.2.1 PHASE 1 – Preliminary Review**

Part 4 of this policy shall be reviewed to determine its applicability, and the Applicant shall be advised accordingly.

### **6.2.2 PHASE II - Circulation**

Staff shall conduct a formal circulation to internal departments and any outside agencies as appropriate, to determine any objections to the sale or conditions which may be required. The Applicant shall be advised of the results of this circulation. In addition, a site visit shall be conducted by City staff to determine any municipal requirements which may need to be addressed upon a sale.

### **6.2.3 PHASE III – Collection of Deposit and Appraisal**

- (a) Should the Applicant wish to proceed with the request to purchase the land, the deposit provided for in Part 7 shall be required.

- (b) Following receipt of the deposit, an Appraisal of the land shall be obtained in accordance with Part 3 of this Policy.

#### **6.2.4 PHASE IV – Notice to Abutting Owners and Disclosure of Appraisal**

- (a) The Applicant shall be advised of the appraised value and be required to submit his/her written offer to purchase the land at the appraised value within three (3) weeks, failing which, he/she shall be deemed to have declined to purchase the land.
- (b) All abutting property owners shall also be sent notice via regular mail of the following:
  - (i) a request to purchase City land has been received;
  - (ii) the identity of the Applicant; and
  - (iii) the appraised value;

and shall be required to submit any comments or objections to the sale of the lands in writing, or, submit the deposit as provided in Part 7 together with their offer in writing to purchase the lands at the appraised value, within three (3) weeks from the date of such notice, failing which, they shall be deemed to have no objection nor any interest in purchasing the land. Comments and objections will become part of the public record and included in any subsequent Report to Council.

- (c) In the event that:
  - (i) an abutting owner submits their written offer to purchase the land at the appraised value, and
  - (ii) provided dividing the land equally between the Applicant and the abutting owner would create a configuration acceptable to the Director, Planning & Development, or designate, in accordance with good planning principles,

then, the Applicant and the abutting owner may agree to divide the land equally between them with the purchase price and all survey/reference plan costs shared proportionately. If the Applicant and the abutting owner do not agree to divide the land, the land will be offered to each through a tender process to the highest bidder (the appraised value being the Reserve Bid), subject to the final approval by Council.

#### **6.2.5 PHASE V– Report to Council**

Following receipt of the Applicant's and/or another abutting owner's written offer to purchase the land at the appraised value and payment of the deposit required in Part 7, a report shall be submitted to Council for approval, with staff's recommendations.

- 6.3 The Agreement of Purchase and Sale shall be prepared by the City in a form satisfactory to the City Solicitor, who shall have authority to determine and extend the time for closing real estate transactions.

- 6.4 The Transfer/Deed of Land and Land Transfer Tax Affidavit, or electronic version thereof, shall be prepared in registrable form at the expense of the purchaser.
- 6.5 In the event that sale of the land is not completed within one (1) year from the date on which Council passes the by-law authorizing the sale, subsequent requests shall be subject to the provisions of this Policy in all respects.

### **PART 7 – Limited Marketability Land – Payment of Deposit**

- 7.1 A deposit in the amount of \$300.00 shall be required as follows:
- (a) If the sale of land is prohibited in this policy, and the Applicant wishes to proceed, then the deposit is payable before proceeding to Phase II;
  - (b) If the sale of the land to the Applicant will be recommended, payment of the deposit shall be required prior to ordering an Appraisal and submitting a Report to Council;
  - (c) Following notice, if another abutting owner provides his written offer to purchase the land at the appraised value, such owner shall be required to submit payment of the deposit with his written offer to purchase the land.
- 7.2 The deposit shall be applied to the purchase price or forfeited, at the times and in the circumstances set out below:
- In the event that:
- (i) the Applicant abandons the request before a Report is submitted to Council, the deposit shall be forfeited without interest or deduction;
- OR**
- the sale of land is:
- (ii) not recommended by staff, and Council denies the request, the deposit shall be forfeited without interest or deduction;
  - (ii) recommended by staff and Council denies the request, then the deposit shall be refunded without interest or deduction;
  - (iii) approved by Council and the Applicant does not complete the transaction for any reason other than one which may be contemplated in the Agreement of Purchase of Sale, the deposit shall be forfeited without interest or deduction.
- 7.3 Should a tendering process occur:
- (i) the deposit paid by the successful bidder shall be applied towards the purchase price if the sale is approved and the transaction is completed;
  - (ii) the deposit paid by the unsuccessful bidder shall be refunded without interest or deduction;
  - (iii) and the successful bidder does not complete the transaction for any reason other than one which may be contemplated in the Agreement of Purchase of Sale, the deposit shall be forfeited without interest or deduction.



## **SALE OF FULL MARKETABILITY LAND**

### **PART 8 – Sale of Full Marketability Land**

- 8.1 Full Marketability Land shall be marketed to the public through listing with a Real Estate Broker or agent in such other manner which Council approves, having regard to the nature of the property. Alternative marketing strategies may include invitation to tender, and request for proposal.
- 8.2 When Full Marketability Lands are being sold, all of the abutting property owners shall be notified by letter of the proposed disposition, such notice being provided at the same time as the lands being marketed either through a Real Estate Broker or agent or such other method approved by Council.
- 8.3 Any offer to purchase shall be submitted by a Real Estate Broker or agent to the Director of Planning & Development, who shall review the same with Council. Acceptance or refusal of an offer to purchase shall be in Council's sole discretion.
- 8.4 The Agreement of Purchase and Sale shall be in a form satisfactory to the City Solicitor.

### **PART 9 – Non-Application of Policy**

- 9.1 This by-law does not apply to any sale of land by the City pursuant to the provisions of Part X1 of the Municipal Act, 2001, as amended (Sale of Land for Tax Arrears) and any Regulations thereto from time to time, which shall be effected in conformity with the said Act and Regulations.
- 9.2 This by-law does not apply to sale of land pursuant to other applicable legislation, including, but not limited to:  
Sections 107, 108, 110 and 203 of the Municipal Act, 2001, S.O. 2001, c.25, as amended;  
and  
Sections 28 and 60 of the Planning Act, R.S.O. 1990, c. P 13, as amended; and  
any approvals granted under the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended; and
- 9.3 Sections 11 and 42 of the Expropriations Act, R.S.O. 1990, c. E. 26, as amended; and any regulations thereunder.
- 9.4 The procedures for the closure of highways shall be in accordance with the Municipal Act, 2001, as amended, and other relevant statutes.

### **PART 10 - Application and Administration of Policy**

- 10.1 This policy shall be read and applied fairly with such variations as circumstances or the nature of the subject matter require provided the general purpose, intent, meaning and spirit of the policy are maintained.
- 10.2 The Director, Planning & Development Services shall be responsible for developing and implementing forms and procedures for the administration of this policy by Town staff. The Town Solicitor shall be responsible for the closing of sale transactions.

# REQUEST TO PURCHASE MUNICIPAL LANDS

By-law No. \_\_\_\_\_

## APPLICANT INFORMATION:

Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City/Town: \_\_\_\_\_

Province/State: \_\_\_\_\_

Phone: (        ) \_\_\_\_\_

Fax: (        ) \_\_\_\_\_

e-mail: \_\_\_\_\_

## LOCATION OF MUNICIPAL PROPERTY:

STREET: \_\_\_\_\_

WHICH SIDE OF STREET? \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

ASSESSMENT ROLL NO: **2703-** \_\_\_\_\_

PIN NO: \_\_\_\_\_

IS THE APPLICANT AN ABUTTING PROPERTY OWNER? \_\_\_\_\_

Describe in detail your intended use for the municipal property:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Important Notice:

A deposit of **\$300.00** is required to process this application, and the deposit is non-refundable in most cases. If you proceed with purchase, this deposit will be applied to the purchase price. See By-law No.        /18 for details.

I/We hereby make this inquiry into the purchase of the above municipal property. I/We understand that this inquiry is non-binding on either the applicant or the City of Port Colborne with respect to the completion of any sale of land.

## SIGNATURE OF APPLICANT:

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

PERSONAL INFORMATION CONTAINED ON THIS FORM IS COLLECTED UNDER THE AUTHORITY OF THE *MUNICIPAL ACT, 2001* AND WILL BE USED SOLELY IN THE ADMINISTRATION OF THE ABOVE NOTED INQUIRY

The Corporation of the City of Port Colborne

By-law No. 6618/73/18

Being a by-law to amend by-law No. 6131/97/14, Being a by-law to impose Development Charges for the City of Port Colborne

Whereas the Council of the City of Port Colborne passed By-law 6131/97/14 on September 8, 2014; and

Whereas Council wishes to further amend By-law 6131/97/14; and

Whereas the Development Charges Act, S.O. 1997, c.27, as amended, (the "Act") provides that the Council of a municipality may amend a by-law imposing development charges; and

Whereas a development charge background study was completed in 2014 in accordance with the Act; and

Whereas the Council of the City of Port Colborne has given notice of and held a public meeting on the 24th day of July in accordance with the Act and the regulations thereto;

Now Therefore the Council of the Corporation of the City of Port Colborne enacts as follows:

1. That Section 3.11 (b), is hereby amended by replacing the existing policy with the following:
  - b) In regards to Schedule B, the following percentage of each service for residential uses, as provided below, shall be imposed for the period of September 9, 2014 to September 8, 2019.

Percentage of Schedule "B" Charges to be Imposed					
Service	RESIDENTIAL				
	09/09/14 to 09/08/15	09/09/15 to 09/08/16	09/09/16 to 09/08/17	09/09/17 to 09/08/18	09/09/18 to 09/08/19
<b>City-Wide Services:</b>					
Roads Services	0%	0%	0%	0%	0%
Public Works	0%	0%	0%	0%	0%
Fire Protection Services	0%	0%	0%	0%	0%
Outdoor Recreation	0%	0%	0%	0%	0%
Indoor Recreation	0%	0%	0%	0%	0%
Library Services	0%	0%	0%	0%	0%
Administration	0%	0%	0%	0%	0%
<b>Urban Area Services:</b>					
Wastewater Services	0%	0%	0%	0%	0%
Water Services	0%	0%	0%	0%	0%

2. That Section 3.12 (b), is hereby amended by replacing the existing policy with the following:

b) In regards to Schedule B, the following percentage of each service for commercial, institutional and industrial uses, as provided below, shall be imposed for the period of September 9, 2014 to September 8, 2019.

Percentage of Schedule "B" Charges to be Imposed					
Service	COMMERCIAL/INSTITUTIONAL				
	09/09/14 to 09/08/15	09/09/15 to 09/08/16	09/09/16 to 09/08/17	09/09/17 to 09/08/18	09/09/18 to 09/08/19
<b>City-Wide Services:</b>					
Roads Services	0%	0%	0%	0%	0%
Public Works	0%	0%	0%	0%	0%
Fire Protection Services	0%	0%	0%	0%	0%
Outdoor Recreation	0%	0%	0%	0%	0%
Indoor Recreation	0%	0%	0%	0%	0%
Library Services	0%	0%	0%	0%	0%
Administration	0%	0%	0%	0%	0%
<b>Urban Area Services:</b>					
Wastewater Services	0%	0%	0%	0%	0%
Water Services	0%	0%	0%	0%	0%

Percentage of Schedule "B" Charges to be Imposed					
Service	INDUSTRIAL				
	09/09/14 to 09/08/15	09/09/15 to 09/08/16	09/09/16 to 09/08/17	09/09/17 to 09/08/18	09/09/18 to 09/08/19
<b>City-Wide Services:</b>					
Roads Services	0%	0%	0%	0%	0%
Public Works	0%	0%	0%	0%	0%
Fire Protection Services	0%	0%	0%	0%	0%
Outdoor Recreation	0%	0%	0%	0%	0%
Indoor Recreation	0%	0%	0%	0%	0%
Library Services	0%	0%	0%	0%	0%
Administration	0%	0%	0%	0%	0%
<b>Urban Area Services:</b>					
Wastewater Services	0%	0%	0%	0%	0%
Water Services	0%	0%	0%	0%	0%

Enacted and passed this 24th day of September, 2018.

\_\_\_\_\_  
John Maloney  
Mayor

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

The Corporation of the City of Port Colborne

By-law No. 6619/74/18

Being a By-law to Appoint a Deputy Fire Chief

Whereas at its meeting of August 27, 2018, the Council of The Corporation of the City of Port Colborne enacted By-law 6606/61/18, Being a by-law to Establish and Regulate the City of Port Colborne Fire and Emergency Services (Composite); and

Whereas subsection 6(1) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended, requires that the Council of a municipality that has established a fire department shall appoint a Fire Chief for the fire department; and

Whereas section 3 of By-law 6606/61/18 provides that Council shall appoint a Fire Chief and may appoint a Deputy Fire Chief for the fire department; and

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

1. That Scott Lawson is hereby appointed as Deputy Fire Chief for the City of Port Colborne.
2. That the Deputy Fire Chief shall report to the Fire Chief, and in absence of the Fire Chief shall have all the powers and shall perform all the duties of the Fire Chief.
3. That By-law No. 6264/90/15 appointing Michael Bendia as Deputy Fire Chief is hereby repealed.
4. That this by-law shall come into full force and effect on the date of final passing.

Enacted and passed this 24th day of September, 2018.

---

John Maloney  
Mayor

---

Amber LaPointe  
City Clerk

The Corporation of the City of Port Colborne

By-Law No. 6620/75/18

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 Special and Regular Meetings of September 24, 2018.

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council;

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

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

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Special and Regular Meetings of September 24, 2018 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof except where the approval of the Ontario Municipal Board is required, in which case the effective date shall be the day after the approval of the Ontario Municipal Board is obtained or such other day as the Ontario Municipal Board may order; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

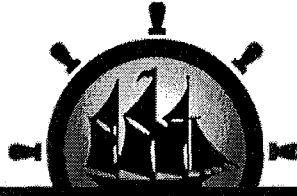
Enacted and passed this 24th day of September, 2018.

---

John Maloney  
Mayor

---

Amber LaPointe  
City Clerk



# PORT COLBORNE

September 24, 2018

Moved by Councillor  
Seconded by Councillor

**WHEREAS** the Province of Ontario has welcomed many people from around the world who have chosen this province as the place to start a new life in Canada, now as much as any other time in its history;

**AND WHEREAS** many of these immigrants undertake to learn English in order to communicate with their fellow Ontarians, allowing them to start the process of building productive and rewarding lives in their new country;

**AND WHEREAS** this diverse and multifaceted group of learners of English as a Second Language can be found throughout all levels of society in Ontario. They are students, teachers, researchers, caregivers, volunteers and workers, business owners and employees, professionals and labourers, all benefit from instruction in English as a Second Language and use that new knowledge to contribute to this province on an ongoing basis;

**AND WHEREAS** the professional organization Teachers of English as a Second Language Ontario, hosts a conference in Toronto each year to maintain and expand the skills and abilities of its members to aid new comers to our province in their efforts to acquire English Language skills.

**NOW THEREFORE**, I, Mayor, John Maloney, proclaim October 28<sup>th</sup> to November 3<sup>rd</sup>, 2018 as “English as a Second Language Week” in the City of Port Colborne.

John Maloney  
Mayor

This page intentionally left blank.



**City of Port Colborne  
Regular Council Meeting 21-18  
Minutes**

**Date:** September 10, 2018

**Time:** 9:44 p.m.

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

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

Absent: R. Bodner, Councillor (due to a work commitment)  
Y. Doucet, Councillor (due to vacation)  
B. Kenny, Councillor (due to vacation)

**Staff Present:** T. Cartwright, Fire Chief  
A. Grigg, Director of Community and Economic Development  
N. Halasz, Manager of Parks and Recreation  
S. Hanson, Supervisor, By-law Enforcement Division  
A. LaPointe, Manager of Legislative Services/City Clerk  
C. Lee, Director of Engineering and Operations  
S. Luey, Chief Administrative Officer  
C. McIntosh, Deputy Clerk (minutes)  
D. Rollo, Health Services Coordinator

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

**1. Call to Order:**

Mayor Maloney called the meeting to order.

**2. Introduction of Addendum Items:**

**Addition:**

The addition of item 6, request for a road closure for the 2018 Niagara Falls Barrelman Triathlon event on September 16, 2018.

**3. Confirmation of Agenda:**

**No. 129** Moved by Councillor D. Elliott  
Seconded by Councillor B. Butters

That the agenda dated September 10, 2018 be confirmed, as circulated or as amended.

CARRIED.

4. **Disclosures of Interest:**

Nil.

5. **Adoption of Minutes:**

**No. 130** Moved by Councillor B. Butters  
Seconded by Councillor J. Mayne

- (a) That the minutes of the special meeting of Council 19-18, August 27, 2018, be approved as presented.
- (b) That the minutes of the regular meeting of Council 20-18, August 27, 2018, be approved as presented.

CARRIED.

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

Nil.

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

**No. 131** Moved by Councillor A. Desmarais  
Seconded by Councillor F. Danch

That items 1 to 6 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.

1. **Community and Economic Development Department, Parks and Recreation Division, Report 2018-126, Subject: Eighth Annual Downtown Harvest Festival**

---

Council resolved:

That the request to host the eighth annual HarvestFest on Saturday, September 29, 2018 from 10:00 a.m. to 4:00 p.m., as outlined in Community and Economic Development Department, Parks and Recreation Division Report 2018-126, be approved;

That Market Square be closed to vehicular traffic from 8:00 a.m. to 4:00 p.m. on September 29, 2018;

That emergency services, including ambulance, police and fire, and public works and public utility vehicles, be exempt from the above noted closure;

That the Engineering and Operations Department be directed to install and retrieve road closure barricades at the predetermined locations requiring same;

That the fee for a Noise By-law Exemption application, to be submitted to the By-law Enforcement Division, be waived;

That the permit fee for the use of the King George Park, be waived;

That all other permit/application fees and charges associated with 2018 HarvestFest, including the provision of hydro access and picnic tables, be waived;

That the Event Organizer submit a site plan prior to the event for review and approval by the Event Coordinator indicating the following: emergency access, locations of music stage, type and location of any food vendors, in compliance with Public Health requirements;

That the Event Organizer ensure that Certificates of Insurance are submitted from all third party vendors naming the BIA and City of Port Colborne as additional insured no less than \$2 million per occurrence in accordance with City's insurance requirements.

That the appropriate by-law be presented for approval.

**3. Stephen Covey, Chief of Police and Chief Security Officer, CN Re: Request for Proclamation of Rail Safety Week, September 23 – 29, 2018**

Council resolved:

That September 23 – 29, 2018 be proclaimed as "Public – Rail Safety Week" in the City of Port Colborne in accordance with the request received from Stephen Covey, Chief of Police and Chief Security Officer, CN.

**4. Town of Fort Erie Re: The Right of Passage Act**

Council resolved:

That the resolution received from the Town of Fort Erie Re: The Right of Passage Act respecting the Great Lakes Shorelines, be supported.

**5. Niagara Police Services Board Re: Salvage/Scrap Yards – Niagara Police Services Board Licensing By-law**

Council resolved:

That the correspondence received from Deb Reid, Executive Director, Niagara Police Services Board Re: Salvage/Scrap Yards – Niagara Police Services Board Licensing By-law, be received for information.

**6. Niagara Falls Barrelman Triathlon event on September 16, 2018**

Council resolved:

That the road closure necessary for the 2018 Niagara Falls Barrelman Triathlon event on September 16, 2018, as requested by Mr. Chris Pickering, be approved; and

That Elm Street between Stonebridge Drive and Forks Road be closed to general vehicular traffic and parking from 8 a.m. to 2 p.m.; and

That emergency service vehicles, including ambulance, police and fire, as well as public works and public utility vehicles, be exempt from the above noted closures; and

That members, qualified participants, and participants of the Niagara Falls Barrelman Triathlon, be exempt from the above noted closures, through the issuance of an authorized permit; and

That the Niagara Falls Barrelman Triathlon be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event; and

That traffic barricades be supplied by Public Works staff, on September 16, 2018 to, and delivered before the start of the race at the predetermined location requiring barricades; and

That the appropriate by-law be presented for approval.

CARRIED.

**8. Consideration of Items Requiring Separate Discussion:**

Nil.

**9. Proclamations:**

**No. 132** Moved by Councillor D. Elliott  
Seconded by Councillor B. Butters

Whereas Public - Rail Safety Week is to be held across Canada and the United States from September 23 to 29, 2018; and

Whereas it is in the public's interest to raise citizens' awareness on reducing avoidable accidents, injuries and damage caused by

collisions at level crossings or incidents involving trains and citizens; and

Whereas Operation Lifesaver is a public/private partnership whose aim is to work with the rail industry, governments, police services, the media and other agencies and the public to raise rail safety awareness; and

Whereas CN has requested City Council adopt this resolution in support of its ongoing effort to save lives and prevent injuries in communities, including our municipality.

Now therefore, I Mayor John Maloney proclaim the week of September 23 to 29, 2018 as "Public – Rail Safety Week" in the City of Port Colborne.

CARRIED.

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

Nil.

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

**No. 132** Moved by Councillor A. Desmarais  
Seconded by Councillor B. Butters

That the following by-laws be enacted and passed:

- 6610/65/18 Being a By-law to Temporarily close sections of Various streets to Vehicular traffic for the purpose of the Eighth Annual Downtown Harvest Festival
- 6611/66/18 Being a by-law to temporarily close sections of various streets to vehicular traffic for the purpose of the Niagara Falls Barrelman Triathlon
- 6612/6718 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 September 10, 2018

CARRIED.

**12. Adjournment:**

**No. 123** Moved by Councillor F. Danch  
Seconded by Councillor A. Desmarais

That the Council meeting be adjourned at approximately 9:47 p.m.  
CARRIED.

---

John Maloney  
Mayor

---

Amber LaPointe  
City Clerk

AL/cm

Canal Days Advisory Committee Meeting  
Tuesday May 1, 2018 – 5:00 pm  
3<sup>rd</sup> Floor Committee Room, City Hall

City of Port Colborne  
**RECEIVED**

**SEP 17 2018**

**CORPORATE SERVICES  
DEPARTMENT**

**MINUTES**

**Attendance**

Present: Claudia Brema, Ed Cleveland, Betty Konc, Greg Poisson  
Councillor: Mayor John Maloney, Councillor Ron Bodner, Councillor Dave Elliott  
Staff: Gina Tartaglia, Luke Rowe, Stephanie Baswick, Michelle Cuthbert (left at 5:30), Karen Walsh, Nicole Halasz  
Regret: Scott Luey, Ashley Grigg

**1. Call to Order by Claudia Brema:**

The meeting was called to order at 5:04 p.m.

Chair Claudia Brema asked why staff has change meeting dates and cancelled meetings without her being consulted as chair. Staff should not be making that decision on their own. Canal Days meetings have always been on the third Wednesday of the month and they should remain there.

Meeting date changed to the third Wednesday of the month.

**2. Amendments:**

Motion to change the meeting date.

Motion to accept the meeting date back to the third Wednesday of the month at 5 p.m.

Moved by: Betty Konc  
Seconded by: Greg Poisson  
CARRIED

Introductions around the table.

**3. Approval of the Minutes:**

From March 27, 2018

Moved by: Councillor Dave Elliott  
Seconded by: Ed Cleveland

THAT we accept minutes as presented.  
CARRIED

**4. Business Arising from Minutes**

None

**Canal Days Advisory Committee Meeting**  
**Tuesday May 1, 2018 – 5:00 pm**  
**3<sup>rd</sup> Floor Committee Room, City Hall**

**5. Correspondence Received:**  
None

**6. Staff Reports:**

a. Communications/Marketing (presented by Michelle Cuthbert)

- Media Launch, Tuesday, June 12<sup>th</sup> at Marina and catered by Don Cherry's, same set up as last year with the media panel.
- Any interest from the committee to sit at the media panel – Ed Cleveland volunteered, he would participate in answering some questions.
- Niagara Life Magazine interviewed Stephanie from the Museum on Canal Days and the Mayor and Gina have been asked to provide a quote for the article.
- Radio is not secured – coming to the table with a little more and promotion.
- Publication needs to be finalized

Car Show – Chair Claudia Brema is concern about the new location and why have we not announced where it will be located. Staff response - The Car Show and Kite Show organizers and sponsors have no concerns with the new location. The location is double the size, has parking, food and beverage just like in the past, and there will be shuttle stop. Need to have a site plan worked out yet. Once everything is finalizing the Car and Kite show will work with Michelle to do a press release about the location. The event will miss the backdrop but are happy with double size.

b. Financial (presented by Karen Walsh)

- Financial statement was provided by Stephen Corr, no comments.
- Sponsorship \$81,000 and continue working on them.

MOTION to accept the Financial statement be accepted has presented.

Moved by: Ed Cleveland

Seconded by: Betty Konc

THAT we accepted the Financial statements.

CARRIED

c. Logistics (presented by Gina Tartaglia, Event Coordinator)

- Shuttles and Parking – same
- S.E.R.T. – happy with the new layout, secured medical service.
- Entertainment – Patio on West entertainment is secured, 97.7 HTZ-FM is doing an VIP event from 4-6 on the Friday, Patio on West will open to the general festival attendees after 6 p.m., H.H. Knoll Park entertainment is confirmed.
- Greg Poisson said the city does not charge enough for alcohol, and his customers complain to him about his cost being more. A discussion took place on the cost of alcohol.
- Ticket sales the same for both days, pre buy your tickets through Active Net to pre-purchase. Ideas are being worked on by staff.



**Canal Days Advisory Committee Meeting**  
**Tuesday May 1, 2018 – 5:00 pm**  
**3<sup>rd</sup> Floor Committee Room, City Hall**

MOTION to raise the alcohol tickets to \$7.00

Moved by: Councillor Ron Bodner

Seconded by: Councillor Dave Elliott

THAT we raise the alcohol tickets to \$7.00.

CARRIED

- Vendors - 6 not returning but have replacement, several vendors returning.
- Vessel – not sure which vessel will be but we will have 3. Empire Sandy will have cruises; others will have twoonie tours.

d. Museum

- Arabella Tea's room will sponsor the admission at the museum.
- Received funding for a student for Media.
- Back to 1979 prices for the lemonade sales.
- Museum will be have T-shirts, tank tops and more variety to sell.
- Library Quilting group is doing a quilt for Canal Days.
- Welland Canal Panel will be ready.
- Lots of support with volunteers and props.

e. Volunteers (presented by Luke Rowe, Assistant Event/Volunteer Coordinator)

- Main focus is getting the database up to date
- Delivery volunteer application to Port Colborne High School and going to Lakeshore as well.
- Smartserv is being offer to the public. City will pay if they volunteered. It is scheduled for June 12, 5:30 p.m. at Roselawn.

f. Partners of the Festival (presented by Gina Tartaglia, Event Coordinator)

\*A reminder that these are no longer called sanction events – As well, all interest to participate in any capacity in Canal Days needs to be presented on or before the February meeting of each calendar year. Anything past this date will not be reviewed.

- Boat Parade – nothing new but will be putting on light show. Have asked for an increase in funding. \$1,000 each year, in the past it was prize, staff have asked that they provide a breakdown in writing of what they use and or require the money for before a decision will be made.
- YMCA will be working in the Kids Zone again and assist where necessary.
- Craft Show – need to hear from Sue Brown. It will be at Vale Health & Wellness Centre.
- Lighthouse Tours – everything is good, has forwarded a list of their volunteers.
- Lock 8 Down Races – have come forward to do it again. Have asked for shuttle but it can not be done. They need deadline for publication to participate.
- Kite Show – will provide a list of where the kite flyers are coming from.

**Canal Days Advisory Committee Meeting**  
**Tuesday May 1, 2018 – 5:00 pm**  
**3<sup>rd</sup> Floor Committee Room, City Hall**

Motion to accept staff reports as presented.

Moved by: Greg Poisson  
Seconded by: Councillor Dave Elliott

THAT we accept staff report has presented.  
CARRIED

**7. New Business:**

- Shirts have been order and we ask if you wear them for the Launch and when you volunteer to work the festival.
- Mayor's Launch – presentation to long standing partners of the festival. Recognize all that have been here at the festival. Stephanie will work with Gina.

**8. Other Events:**

Nothing to report at this time.

**9. Adjournment:**

That the Canal Days Advisory Committee Meeting is adjourned at 5:58 pm.

Moved by Ed Cleveland  
Seconded by Greg Poisson  
CARRIED

Next meeting will be Wednesday June 20, 2018 at 5:00 pm.

**SEP 17 2018****CORPORATE SERVICES  
DEPARTMENT**

**June 12, 2018**  
**MEETING OF THE PORT COLBORNE ACTIVE TRANSPORTATION  
ADVISORY COMMITTEE**

Minutes of the ninth regular meeting of the Committee Members of the Port Colborne Active Transportation Advisory Committee, held in the Library, Third Floor Library, City Hall, 66 Charlotte Street, Port Colborne June 12, 2018, 6:00 p.m.

The following Committee Members were in attendance:

Committee Members: Ann Kennerly, George McKibbon, Michael Scott, Wade Smith  
Staff: Nicole Halasz, Stefanie DeCicco, Karen Walsh  
Regrets: Councillor Angie Desmarais

**1. CALLED TO ORDER: 6:01 p.m.**

**2. CONFIRMATION OF PREVIOUS MINUTES:**

Moved by: Wade Smith  
Seconded by: George McKibbon

THAT the minutes from the May 22, 2018 be accepted as presented.  
CARRIED

**3. BUSINESS ARISING FROM THE MINUTES:**

- Bicycle Repair Stands are ready – Ann will have Mike the teacher, contact Nicole to arrange, for Library and H.H. Knoll, and bike pump for Sherston Include Welcome cyclist, Niagara tourism cycling centre in all media release.
- Memo to City Clerk and By-law to have similar policy as Hamilton for vehicle types, multi-use recreational trails and sidewalks.
- Workshop Review – not receive will send out once received.

**4. BUSINESS**

- a) Community Safety Day – busy, good turn out – one of the busiest ones they have had. Chief Cartwright recommends to same time of the year instead of moving in to the fall.
- b) Crosswalk on Clarence St. & Catharine St is moving to the East side waiting to hear from the region.
- c) signs on the trails

- Repair stand
  - city centre
  - parks & marina
  - attractions in Port Colborne such as, nickel beach, locks, library & museum
  - restaurants, and the two downtown areas.
- d) Need to design the sign. Look at neighbouring communities sign – bring ideas and locations to next meeting. Have signs like the social media logos at the entrance.
- e) Social Media posts on our different trails. Quick easy visual. Overall like, reminder to cyclist. Do a follow up with a copy of the map. In the winter use People use the trails for cross country skiing, dog sledding, snowshoeing, no snowmobile. Can do for watersports – paddling board, beaches for active transportation. Surfing. No ATV logo.
- f) The Globe and Mail had an article on surfing with the 5 unknown surfing places to go, including Port Colborne.
- g) Historical Walking Tour – Historic Homes walking. Architecture work, mural from post office Quartek basement. – Ann would love to work on creating a tour.
- h) Workshop – we have not received the report yet, once we do it will be sent out.

## 5. NEW BUSINESS

- a) Environmental Committee working on boulevard trees – hoping to have something in place to replace the trees that have been cut down. Want to identify the types of trees that do not raise the sidewalk.
- b) On the trails the trees need to be replace there as well.
- c) Mike Scott to send George guidelines for tree replacement.
- d) Environmental committee is working with staff to implement a tree replacement for boulevards policy. They would like to solve a problem before it is critical. Other cities have free tree give away. Our city policy now is if a tree comes down in front of your home, the city will give you a tree to be planted on your property but not on City property. This solution does not provide shade for the walker on the street or streetscape.
- e) The City has had to replace the elm tree and then will need to replace oak trees.

- f) Bike corrals – Canal Days, contain area such as a cage. Pay for the code and then lock your bike inside. Operations or marina has some fencing. King Edward Park or ask St. James Church park (corner of Charlotte and King St.) - Contact St. James Church – Ann will reach out to them.

## 6. INFORMATION/CORRESPONDENCE

none

## 7. ADJOURNMENT:

Moved by: Wade Smith  
Seconded by: George McKibbon

Resolved that we do now adjourn.  
CARRIED

Time of adjournment 6:53 p.m.

Next Meeting: Monday, July 16, 2018 at 5:00 p.m.

This page intentionally left blank.