

**City of Port Colborne
Regular Committee of the Whole Meeting 11-18
Minutes**

- Date:** April 23, 2018
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** R. Bodner, Councillor
B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
Y. Doucet, Councillor
D. Elliott, Councillor
B. Kenny, Councillor
J. Mayne, Councillor
J. Maloney, Mayor (presiding officer)
- Staff Present:** D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
J. Douglas, Economic Development Officer
A. Grigg, Director of Community and Economic Development
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)
P. Senese, Director of Corporate Services

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

1. Call to Order:

Mayor Maloney called the meeting to order.

2. National Anthem:

Joel Longfellow sang O Canada.

3. Introduction of Addendum Items:

Nil.

4. Confirmation of Agenda:

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

That the agenda dated April 23, 2018 be confirmed, as circulated or as amended.

CARRIED.

5. Disclosures of Interest:

Nil.

6. Adoption of Minutes:

- (a) **Regular meeting of the Committee of the Whole 09-18, held on April 9, 2018**

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

- (a) That the minutes of the regular meeting of the Committee of the Whole 09-18, held on April 9, 2018, be approved as presented.

CARRIED.

7. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 3, 4, 11, 12.

8. Approval of Items Not Requiring Separate Discussion:

Moved by Councillor Y. Doucet
Seconded by Councillor A. Desmarais

That Items 1 to 20 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:

- 5. Corporate Services, Clerk's Division, Report No. 2018-58, Subject: Use of Corporate Resources for Election Purposes**

Committee of the Whole recommends:

That the Use of Corporate Resources for Election Purposes policy, attached as Appendix A to report Corporate Services Department, Clerk's Division Report 2018-58, be approved.

6. Corporate Services, Finance Division, Report No. 2018-41, Subject: Cancellation, Reduction or Refund of Realty Tax

Committee of the Whole recommends:

That the applications pursuant to Section 357/358 of the *Municipal Act, 2001*, as amended, numbered 2015-39, 2017-50, 2017-51, 2017-49 and 2016-49 be approved to cancel or reduce taxes in the total amount of \$8,230.59, in which \$3,957.20 is the municipal portion.

7. Corporate Services, Finance Division, Report No. 2018-53, Subject: Ontario's Main Street Revitalization Initiative Municipal Funding Agreement

Committee of the Whole recommends:

That the Mayor, City Clerk and City Treasurer be authorized to execute the Funding Agreement with the Association of Municipalities of Ontario for the use of Ontario's Main Street Revitalization Initiative funds from the Province of Ontario; and

That the appropriate by-law be executed by the Mayor and City Clerk.

8. Community and Economic Development, Parks and Recreation Division, Report No. 2018-51, Subject: Port Colborne Cruiser's Association – 2018 Cruise Nights

Committee of the Whole recommends:

That the road closures necessary for the 2018 Downtown Cruise Night event on recurring Thursday evenings, from May 17, 2018 to September 27, 2018, as requested by the Port Colborne Downtown Cruiser's Association, (PCDCA) and outlined in Community and Economic Development, Parks and Recreation Division Report No; 2018-51, be approved;

That the following roads be closed to general vehicular traffic and parking from 5:00 p.m. to 9:00 p.m., each Thursday from May 17, 2018 to September 27, 2018:

- Market Square;
- Clarence Street, from eastern limit of the western driveway of the Food Basics parking lot, to the western limit of Catharine Street;
- Clarence Street, from the eastern limit of Catharine Street to the western limit of King Street;

- Clarence Street, from the eastern limit of King Street to the western limit of West Street;

That Market Square be closed to vehicular traffic on May 17, June 8, June 15, July 13, and September 21, 2018 from 1:00 p.m. to 5:00 p.m., with the exception of the western access laneway, to be used as an ingress and egress to the CIBC Bank;

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;

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

That traffic barricades be supplied by Public Works staff every Thursday, from May 17, 2018 to September 27, 2018, and delivered before the end of the regular work day at the predetermined locations requiring barricades;

That PCDCA volunteers be responsible for installing appropriate signage at each intersection, stating "Cruise Night Clarence Street Temporarily Closed – 5:00 to 9:00 p.m.", including Market Square, for the duration of the event;

That PCDCA volunteers be responsible for ensuring road closure barricades are promptly removed and returned to the pick-up points at the end of the event each week;

That the PCDCA 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;

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

That the appropriate by-law be presented for approval.

**9. Community and Economic Development, Parks and Recreation Division,
Report No. 2018-54, Subject: 2018 Moonlight Flicks at H.H. Knoll
Lakeview Park**

Committee of the Whole recommends:

That the Moonlight Flicks event, to be held on Wednesday July 4, 11, 18, 25 and August 22 and 29, 2018, be supported;

That fees for the application for a Noise By-law Exemption, to be filed with the By-law Enforcement Division, be waived;

That an exemption from Section 4 (Prohibited Hours of Entrance) to By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, be approved;

That use of the restrooms until 12:00 a.m. at the H.H. Knoll Lakeview Park Bandshell, be approved;

That Moonlight Flicks 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;

That the City's park permit, hydro, and waste receptacle fees, be waived.

10. Community and Economic Development, Parks and Recreation Division, Report No. 2018-56, Subject: 2018 Heart & Stroke Big Bike Campaign

Committee of the Whole recommends:

That the 2018 Heart & Stroke Big Bike Event, to be held on May 16, 2018, be approved;

That the Niagara Region Heart & Stroke Foundation be responsible for coordinating emergency services support; and

That the Niagara Region Heart & Stroke Foundation 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.

13. Niagara Regional Labour Council Re: Request for Proclamation of National Day of Mourning, April 28, 2018

Committee of the Whole recommends:

That April 28, 2018 be proclaimed as "National Day of Mourning" in the City of Port Colborne in accordance with the request received from Lou Ann Binning, President, Niagara Regional Labour Council; and

That the request for all flags to be flown at Half-Mast at City Hall on April 28th, 2018 be referred to the Mayor's Office.

14. The New Humberstone Speedway, 1716 Highway 3 East, Port Colborne Re: Request Permission to Hold Fireworks Display Events for 2018

Committee of the Whole recommends:

That pursuant to Section 6.1.1 of By-law 4989/45/07, the Council of The Corporation of the City of Port Colborne authorizes the New Humberstone Speedway to hold Display Fireworks Events between the hours of 9:30 p.m. and 10:30 p.m. on the following dates:

- May 20th, 2018
- July 1st, 2018
- August 5th, 2018
- August 26th, 2018
- September 2nd, 2018
- September 9th, 2018

That such approval be conditional on the issuance of a permit by the Fire Chief, in compliance with By-law 4989/45/07 and payment of the applicable fees;

That the following information be submitted to the Port Colborne Fire & Emergency Services a minimum of two weeks prior to the holding of the first event;

- A fireworks site plan including but not limited to, separation distances to the public and vulnerable areas, location from where the fireworks are being fired, fallout zone, and direction of firing;
- Event description information is required including description of fireworks, type, size and quantity;
 - firing procedures, manual or electric
 - emergency procedures
 - traffic control plans
 - Require a copy of the Fireworks Operator Certificate with Endorsements;

That the New Humberstone Speedway be advised that, as the Authority Having Jurisdiction, Port Colborne Fire & Emergency Services will conduct spot site inspections and may revoke approval for any violation of the *Ontario Fire Code* or the *Explosives Act* prior to or during any one of the scheduled events.

15. Memorandum from Janice Peyton, Executive Assistant, DEO Re: Environmental Advisory Committee – Motion Regarding Delayed Roadside Mowing

Committee of the Whole recommends:

That the memorandum from Janice Peyton, Executive Assistant to the Director of Engineering and Operations, on behalf of the Environmental Advisory Committee Re: Environmental Advisory Committee – Motion Regarding Delayed Roadside Mowing, be received for information.

16. Richard Rybiak, Chair, Niagara Central Airport Commission Re: First Quarter Report 2018 for the Niagara Central Dorothy Rungeling Airport

Committee of the Whole recommends:

That the correspondence received from Richard Rybiak, Chair, Niagara Central Airport Commission Re: First Quarter Report 2018 for the Niagara Central Dorothy Rungeling Airport, be received for information.

17. Region of Niagara Re: 2018 Property Tax Policy, Ratios and Rates (Report CSD 18-2018)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: 2018 Property Tax Policy, Ratios and Rates, be received for information.

18. Town of Pelham Re: Appointment Process for Niagara Peninsula Conservation Authority

Committee of the Whole recommends:

That the resolution received from the Town of Pelham Re: Appointment Process for Niagara Peninsula Conservation Authority, be received for information.

19. City of Welland Re: Remediation of Abandoned Contaminated Properties

Committee of the Whole recommends:

That the resolution received from the City of Welland Re: Remediation of Abandoned Contaminated Properties, be received for information.

20. Region of Halton Re: Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton

Committee of the Whole recommends:

That the resolution received from the Region of Halton Re: Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton, be received for information.

CARRIED.

9. Presentations:

- (a) **The Friends of Roselawn Centre Cheque Presentation for Roselawn Centre Capital Campaign 2017-2018**

The Friends of Roselawn Centre members Pat Bowman, Arlene Lessard and Glenda Buck presented a \$12,590 cheque to the City raised from events and donations. On behalf of the Friends of Roselawn, Ms. Buck thanked the community, donors and volunteers for their support. Councillor Bodner accepted the cheque and thanked the Friends of Roselawn for their contribution of \$50,000 to support capital repairs at the showpiece facility.

10. **Delegations:**

(a) **Patty Moss regarding the trial roadside mowing delay, which delayed rural roadside cutting on municipal roads for pollinating**

Patty Moss presented with respect to the results of the study she conducted related to the roadside mowing delay and its effect on various plant species and the population of pollinators. A copy of Ms. Moss' speaking notes is attached.

Moved by Councillor B. Kenny
Seconded by Councillor Y. Doucet

That the continued use of the pollinator study area, including the roadsides of Cedar Bay Road, Pinecrest Road and Weaver Road south of Killaly Street East and Highway #3, be approved;

That the roadside mowing delay be expanded to include the sections of the north side of Second Concession from Wilhelm Road to Babion Road and the south side of Killaly Street East from Pinecrest Road to Lorraine Road;

That staff be directed to further delay the roadside mowing in the study area until the first week of June; and

That staff be directed to post the appropriate signage within the expanded pollinator area.

CARRIED.

11. **Mayor's Report:**

A copy of the Mayor's Report is attached.

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

Nil.

13. **Councillors' Items:**

(a) **Minor variance application fee (Kenny)**

Councillor Kenny inquired with respect to the Committee of Adjustment's approval of an application for a minor variance for footprint and setback for an

accessory building. Councillor Kenny advised that a height variance should have been included in the original application and requested that the second minor variance application fee be waived.

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

That the provisions of By-law 6473/40/17 Being a By-law to Establish Fees for Various Planning and Development Services/Applications be waived for the minor variance application to the Committee of Adjustment for the accessory building height at 47 Chippawa Road.
CARRIED.

(b) Garbage along the weir (Bodner)

In response to a request from Councillor Bodner, the Chief Administrative Officer advised that the St. Lawrence Seaway Management Corporation was contacted with respect to cleaning the garbage from their property along the weir and that staff strives for voluntary compliance from property owners including the federal government. The Chief Administrative Officer further advised that he would discuss a solution to the ongoing issue with senior staff.

(c) Frozen service remediation project (Mayne)

Councillor Mayne inquired why frozen service remediation was not yet complete for 59 Michael Drive North, 109 Steele Street and 106 Knoll Street. The Director of Engineering and Operations responded that he would inquire about completion of the reinstatements.

(d) Westwood Estates Phase II sidewalk (Mayne)

In response to an inquiry from Councillor Mayne, the Director of Planning and Development advised that sidewalk installation on Renfield Street by the developer is a condition of the subdivision agreement. The Director of Planning and Development further advised that sidewalks were not installed on other streets in the Westwood Estates subdivision as a result of a petition submitted by residents.

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

That the Director of Planning and Development be directed to contact the developer to request the delay of the sidewalk installation on Renfield Street in order that the homeowners and lot owners can be consulted.
CARRIED.

(e) Bell Internet speed (Mayne)

In response to an inquiry from Councillor Mayne, the Director of Engineering and Operations advised that staff would contact Bell to clarify the message to its staff that the City is not preventing the company from installing further infrastructure. The Director of Engineering and Operations explained that a past experience of the City denying Bell infrastructure that the public may be referring to was located at the intersection of Killaly Street West and Elm Street due to a moratorium the City placed on the newly installed asphalt roadway and concrete sidewalk which Bell was clearly notified well before so they could place any infrastructure needed.

(f) Traffic from Clarence Street to Cement Plant Road (Elliott)

In response to an inquiry from Councillor Elliott, the Director of Engineering and Operations advised that a traffic study to determine if there has been an increase in traffic cutting through from Clarence Street to Cement Plant Road would be more appropriate to conduct once the neighbourhood is complete. The Director further advised that enforcement of the speed limit is advisable at this point.

Staff Responses to Previous Councillor Inquiries:**(a) Fire Safety (Cartwright)**

The Fire Chief advised that residents in the area of Clarence and Steele Streets have been sent letters requesting that they contact the Fire Department to set up an appointment for a house inspection.

(b) Annual Safety Awareness Day and Bicycle Rodeo (Cartwright)

The Fire Chief advised that the Annual Safety Awareness Day and Bicycle Rodeo will be held on Saturday, May 26 from 11 a.m. until 2 p.m. at the Fire Hall.

(g) Open Burning By-law No. 6280/106/15 (Cartwright)

The Fire Chief reminded residents that open burning is not permitted as per the Open Burning By-law No. 6280/106/15.

Moved by Councillor F. Danch
Seconded by Councillor R. Bodner

That the Fire Department be directed to provide a report with respect to establishing a permit system at a reasonable annual fee for open burning in order that Council may reconsider the matter.

CARRIED.

14. Consideration of Items Requiring Separate Discussion:**1. Motion (Councillor B. Kenny) Re: Provision of Grants to Community Groups**

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

That the motion approved at the Council meeting of November 23, 2015 in respect of Community and Corporate Services, Report No. 2015-212 regarding the provision of grants to community groups be reconsidered.
CARRIED.

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

That an amount equal to the initial amount invested in Niagara Regional Broadband Network (NRBN), namely \$775,000, from the proceeds of the disposition of the NRBN shares be placed in an interest bearing account and the interest earned each year be used to provide grants to community groups in 2017 and each subsequent year to a maximum of \$30,000.

That when the annual interest does not amount to \$30,000 that the shortfall is topped up from the principal amount invested; and

That the Director of Corporate Services be directed to borrow the difference from the general account until 2022 when the principal amount matures.

CARRIED.

2. Community and Economic Development, Economic Development Division, Report No. 2018-57, Subject: Economic Development Strategic Plan: 2018-2028

Moved by Councillor B. Kenny
Seconded by Councillor B. Butters

That, in accordance with the recommendation of the Economic Development Advisory Committee, the Port Colborne Economic Development Strategic Plan 2018-2028, prepared by MDB Insight, be approved; and

That the goals and initiatives identified in the Economic Development Strategic Plan 2018-2028, be included in Council's future strategic planning processes and budget deliberations.
CARRIED.

3. Planning and Development, Planning Division, Report No. 2018-50, Subject: Supplemental Recommendation Report – Proposed New Comprehensive Zoning By-law

Jack Hellinga attended as a delegation to Item 3 and requested that the notice to neighbouring properties related to the future public meeting to address the Mineral Aggregate Operations zone be expanded from those prescribed by the *Planning Act*. The Director of Planning and Development was directed to meet with Councillors Bodner and Butters about the notification area for inclusion in the mailout as well as possible additional ways to provide notice about the public meeting.

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

That By-law 1150/97/81, being the existing Zoning By-law and any and all amendments thereto, be rescinded and repealed;

That the draft by-law approving the draft Comprehensive Zoning By-law attached to Planning and Development Department, Planning Division Report 2018-50 as Appendix A, be approved;

That pursuant to the provisions of Section 34(17) of the *Planning Act*, no further notice of public meeting be required;

That pursuant to Section 34(10.0.0.2) of the *Planning Act*, applications for an amendment to the by-law are allowed before the second anniversary of the day on which the Council approves the Comprehensive Zoning By-law.

That an interim Control By-law, attached to Planning and Development Department, Planning Division Report 2018-50 as Appendix C, be approved pursuant to Section 38 of the *Planning Act*, for a period of up to one year for those lands proposed to be zoned Mineral Aggregate Operation to control the use of lands until proper study and policy review has been completed.

CARRIED.

4. Fire and Emergency Services Department, Report No. 2018-48, Subject: Fire Marque Indemnification Technology®

Moved by Councillor J. Mayne
Seconded by Councillor A. Desmarais

That leave be granted to allow for Mr. Carrier, representing Fire Marque Indemnification Technology to provide clarification of Councillors' inquiries with respect to the recommendation for Item 4.

CARRIED.

Moved by Councillor J. Mayne
Seconded by Councillor A. Desmarais

That entering into an agreement with Fire Marque be approved; and

That the Mayor and City Clerk be authorized to execute the agreement with Fire Marque; and

That the City's fee schedule be amended incorporating the appropriate fees as per the agreement with Fire Marque.

Moved in deferral by Councillor J. Mayne
Seconded by Councillor B. Kenny

That Fire and Emergency Services Department, Report No. 2018-48, Subject: Fire Marque Indemnification Technology® be deferred until the May 14, 2018 meeting of the Committee of the Whole.

CARRIED.

11. Community and Economic Development, Parks and Recreation Division, Report No. 2018-55, Subject: City Wide Parks Grass-Cutting Tender 2018-04

Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

That contract 2015-09, for the supply of parks grass-cutting services, with Snips Landscaping and Nursery, be extended for one year (2018), in accordance with the terms of the existing contract; and

That the appropriate by-law be presented for approval.

CARRIED.

12. Planning and Development, By-law Enforcement Division, Report No. 2018-46 Proposed Lot Maintenance By-law 2018

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

That the proposed Lot Maintenance By-law, attached to Planning and Development Department, Planning Division Report No. 2018-46, be approved as presented.

CARRIED.

15. Notice of Motion:

Councillor Kenny provided notice of her intention to introduce a motion at a future meeting of Committee of the Whole/Council to request that Engineering and Operations staff issue a Request for Proposal regarding limiting the City's water loss.

16. Adjournment:

Moved by Councillor F. Danch
Seconded by Councillor R. Bodner

That the Committee of the Whole meeting be adjourned at approximately
9:10 p.m.

CARRIED.

AL/cm

Patty Moss presentation to Council, April 23, 2018

Last year's study findings:

Monarch Density was at its peak just prior to the scheduled summer mowing cut was to be performed. I collected over 500 eggs and young caterpillars of the Monarch Butterfly along parts of 2nd Concession and Killaly St., and observed similar numbers along the roads in trial area as well.

Seed dispersal of the vegetation along the roadsides was observed as well throughout the season, and again the plants of concern are still the thistle family particularly Sow Thistle and Canada thistle. A plant I was carefully monitoring as well was Canadian Fleabane, which sets seed in mid September. This plant is particular a concern for farmers since it has developed a resistance to traditional herbicides.

I did try Acidic Acid at a concentrate of 6% (highest concentration available without having a herbicide license), at two different timing applications along Weaver road on Sow Thistle with not much success.

The height of vegetation growing along the roadsides was not a safety or visibility concern for vehicle traffic.

In August I went to the market again to release "roadside Monarchs" that were rescued from the mowers in July. I had received lots of great feedback and support of the city's initiative, and released over 40 butterflies. I would to see if this year I could get help with getting the local media involved.

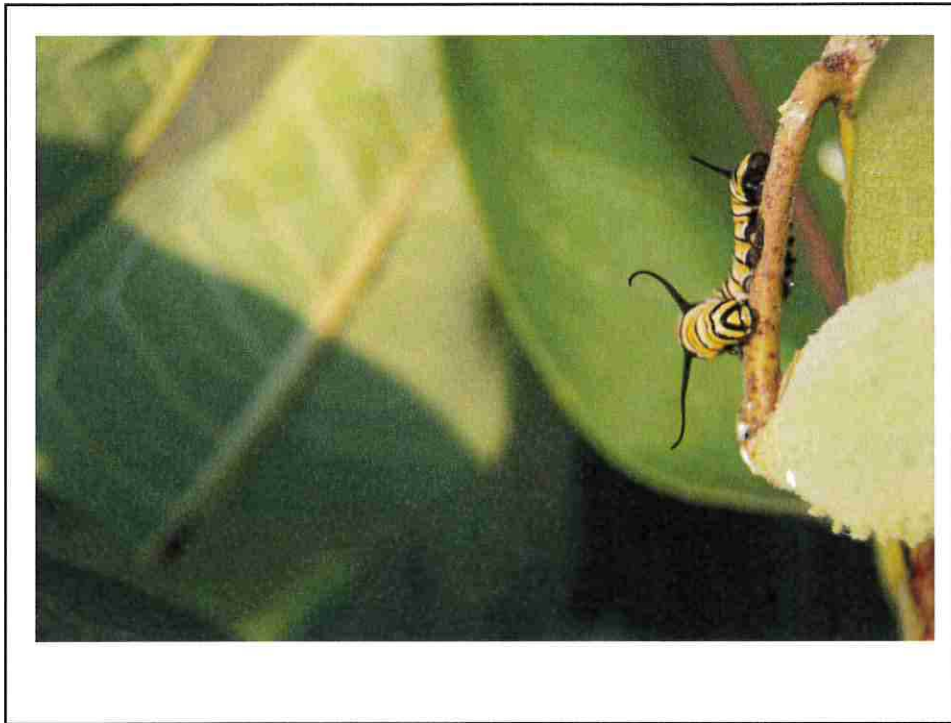
Future Plans now the trial period has ended.

I'm planning on again going to council in April, to review the observations of last year, and to request ongoing study of the trial area. As well as extend the study area and delay of summer cut to include 2nd Concession and Killaly Street. Or....to have at least certain sections of those roads omitted from the summer cut due to the high number of Monarch larva found along the road.

I am also going to request that the first mowing to be delayed to start on June 4th this year. The main reason is to see if it will offset the seed development of Canadian Fleabane flower, and other late season flowers from seed dispersal.

My plans for the roadside trial area is to now focus on any concerns with the seed dispersal and the impacts on farm lands, as well as any impacts or benefits regarding drainage systems. I also will be continuing the 'push' for residential ditch strips that residents have left for me to try to establish planting of various native flowers by using either plugs or seeds.

I will continue studying the native bee houses, and try to determine what style or location of bee houses will work best. Also I will be working with the city in deciding ways we can remove the thistles along the roads on Weaver Road. And finding ways to remove phragmites from Weaver road as well.



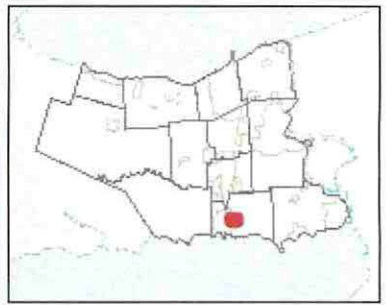












Legend

Notes



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

Earth Day 2018

Saturday was Earth Day and it was great to read the reports of groups and organizations doing their part to help keep our planet clean. Special thanks to George McGibbons of our Environmental Advisory Committee for representing me at the Earth Day celebrations at Evergreen Academy. I also attended Earth Day celebrations at St. Patrick's School this morning. Teaching our children young about the importance of protecting the earth is vital.

Strategic Planning Session

Friday evening and Saturday were City Council's Strategic Planning Session. I would like to thank members of council, staff and the public for giving up a portion of their weekend to work together plan for the future of the city. Recommendations from the meeting will be forthcoming at a future council meeting.

40 under Forty

I would like to extend my congratulations to two of our staff, Michelle Cuthbert and Mark Minor for being selected as winners in the 40 Under Forty, Business Achievement Awards by Business Link Magazine. We are fortunate to have such business minded employees working for our organization.

Economic Development Advisory Committee

Later on in the agenda, we will be discussing the recent Economic Development Strategic Plan and I see many members of the Economic Development Advisory Committee are in the council chambers tonight. I would like to thank you for the work you are doing on the committee.

Regional Heritage Fair

I attended and gave closing remarks at the Regional Heritage Fair held at Brock University. The entries were excellent.

Volunteer Week

I attended an appreciation of volunteers event at Meals on Wheels and Niagara Region Community Services, and Port Colborne volunteers were in strong attendance.