

The “**TWENTIETH MEETING**” (**Regular**) of the Committee of the Whole was held at the Municipal Offices, 66 Charlotte Street, Port Colborne on Monday August 25, 2014 commencing at approximately 6:34 p.m.

ATTENDANCE:

Mayor Vance Badawey presided with the following members in attendance:

COUNCILLORS:

D. Elliott	W. Steele
A. Desmarais	
F. Danch	B. Kenny
R. Bodner	B. Butters

Absent: Councillor Y. Doucet (due to vacation)

REGIONAL COUNCILLOR:

D. Barrick

STAFF:

R. Heil, Chief Administrative Officer
A. Grigg, City Clerk
D. Aquilina, Director of Planning & Development
C. Lee, Acting Director of Engineering & Operations/Manager of Projects & Design
S. Corr, Acting Treasurer/Manager of Revenue & Taxation
H. Hakim, Acting Director of Community and Corporate Services/Manager of Community Services
T. Cartwright, Fire Chief
D. D’Innocenzo, Recording Clerk

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

CALL MEETING TO ORDER – MAYOR VANCE BADAWEY

1. PRAYER

Councillor Butters delivered the prayer.

2. NATIONAL ANTHEM

Joel Longfellow sang O Canada.

3. INTRODUCTION OF ADDENDUM ITEMS

Delegation Requests:

The Clerk advised that the following delegation requests were received after the deadline for registration: Roy Timms - Item 1, Michael Reles - Item 7, Jane Nigh - Item 12, Pamela Creighton - Item 13. The Clerk noted that leave of Council would be required to grant permission to speak.

4. CONFIRMATION OF THE AGENDA

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

That the agenda dated August 25, 2014 be confirmed as amended.
CARRIED.

5. **DISCLOSURES OF INTEREST**

Councillor Danch declared a pecuniary interest with regard to item 11, Environment and Land Tribunals Ontario (Ontario Municipal Board) Re: Applicant(s): Niagara Peninsula Housing Corp., 220 Erie Street and Appellants: Frank Danch, Erika Retyi, as he is a party to the appeal. Councillor Danch refrained from discussing or voting on this item.

6. **DETERMINATION OF COMMITTEE ITEMS REQUIRING SEPARATE DISCUSSION**

The following items were identified for separate discussion:

Items 1, 7, 9, 11, 12, 13.

7. **APPROVAL OF COMMITTEE ITEMS NOT REQUIRING SEPARATE DISCUSSION**

Moved by Councillor W. Steele
Seconded by Councillor B. Kenny

That Items 1 to 14 on the regular 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:

2. Department of Planning & Development, Report No. 2014-58, Subject: Recommendation Report: Official Plan Amendment No. 1

Committee of the Whole recommends:

1. That Council approve the Attached Official Plan Amendment No. 1.
2. That staff be directed to prepare the Notice of Passing in accordance with the *Planning Act* and circulate to all applicable parties.

3. Department of Planning & Development, Report No. 2014-59, Subject: OMB Appeal for Committee of Adjustment Decision A20-13-PC, 2380 Highway No. 3, Janet Termorshuizen

Committee of the Whole recommends:

That the Ontario Municipal Board be informed that the City will not be present to defend the Committee of Adjustment's decision.

4. Department of Planning & Development, Report No. 2014-60, Subject: OMB Appeal of Committee of Adjustment Decisions B04-14-PC & A01-14-PC for 194 Chippawa Road – Frank Evangelista

Committee of the Whole recommends:

That the City defend the decisions of the Committee of Adjustment on applications B04-14-PC & A01-14-PC at the Ontario Municipal Board Hearing.

5. Department of Planning & Development, Report No. 2014-61, Subject: OMB Appeal of Zoning By-law Amendment for 220 Erie Street – Niagara Peninsula Housing Corp (File D14-06-14)

Committee of the Whole recommends:

That Council inform both the Ontario Municipal Board and the Niagara Peninsula Housing Corporation that the City will not be present to defend the decision unless staff is under subpoena in accordance with the Fees By-law.

6. Department of Chief Administrative Officer, Special Projects & Corporate Strategic Initiatives Division, Report No. 2014-4, Subject: Stopping Up and Closing of two unopened road allowance contained within the lands approved for sale in 2006 Agreement of Purchase and Sale, (2006APS) to Nyon Oil Inc., now beneficially owned by Nyon Marine Fuelling Corporation

Committee of the Whole recommends:

1. That the necessary by-law to stop up, close, declare surplus to the needs of the municipality the two unopened road allowance described in the R Plans above and subject to Council review of any responses to the proposed public advertising of the closure and stopping up of the road allowances so described that Council be presented with the aforementioned by-law for enactment by Council at its September 22, 2014 meeting subject to Council review of same at that meeting.
2. That Council authorizes staff to begin formal 4 week advertising of the proposed closure of the two unopened road allowances as depicted on the attached R Plans and more particular described as 1) the road allowance between lots 24 and 25 (expropriation plan BB37309) known as Ramey Road not travelled on R-12468; and 2) the road allowance between lots 16 and 17 (expropriation instrument 94755B) Concession 5 known as Kleinsmith Road not travelled on R-12469.
3. That subject to final Council approval of the closures following compliance with public notification in (2) the City Solicitor be authorized to prepare the necessary documents and take such action as is necessary to register the by-law on title and complete the closing and sale.
4. That the Mayor and Clerk be authorized to sign and execute any and all documents respecting the sale these lands.

8. Department of Community & Corporate Services, Community Services Division, Report No. 2014-20, Subject: Proposal to Purchase the Ice Box business by Dawg's Burgers & Fries

Committee of the Whole recommends:

1. That the Council of The Corporation of the City of Port Colborne receives this report for information purposes and supports (in good faith) Mr. Kelly's bid to move forward with his purchase of the Ice Box business from the current owners Mr. & Mrs. Weasner;
2. That the Council of The Corporation of the City of Port Colborne directs staff to enter into negotiations with the new

owner (Mr. Kelly) and formulate a new lease agreement for the operation of the Ice Box food service area;

3. That staff presents the new lease agreement at a future date to City Council for approval; and
4. That the City Clerk be directed to prepare the appropriate Municipal by-law for Council approval to be executed by the Mayor and City Clerk.

Miscellaneous Correspondence

10. Kristi Mallinson Vogel, Port Colborne Feline Initiative Re Request for Proclamation of National Feral Cat Day, October 16, 2014

Committee of the Whole recommends:

That October 16, 2014 be proclaimed as “National Feral Cat Day” in the City of Port Colborne in accordance with the request received from Kristi Mallinson Vogel, Port Colborne Feline Initiative.

Responses to Resolutions of the City of Port Colborne

14. The Honourable Shelly Glover, Minister of Canadian Heritage and Official Languages Re City of Port Colborne’s Resolution regarding the Canadian Men who died at the Battle of Ridgeway

Committee of the Whole recommends:

That the correspondence received from The Honourable Shelly Glover, Minister of Canadian Heritage and Official Languages Re City of Port Colborne’s Resolution regarding the Canadian Men who died at the Battle of Ridgeway, be received for information.

CARRIED.

8. PRESENTATIONS

Nil.

9. DELEGATIONS

Nil.

10. MAYOR’S REPORT

Nil.

11. REGIONAL COUNCILLOR’S REPORT

Regional Councillor Barrick provided an update regarding the Shared Services agreement between the Region of Niagara and Niagara Regional Housing. Regional Councillor Barrick advised that a review is being undertaken in order to identify efficiencies in shared services, with identified savings to be reinvested into Niagara Regional Housing.

Regional Councillor Barrick advised that the Region of Niagara has undertaken a rationalization of all reserves and the reserves structure for 2015, including the Taxpayer Relief Reserve, which is in place to reduce the impact of future levy increases on the residents of the Region of Niagara.

Regional Councillor Barrick advised that bursaries are available through the Region of Niagara to support students with financial needs to attend post-secondary education. The Regional Councillor informed the deadline to apply is Friday, August 29, 2014.

Regional Councillor Barrick advised that a Household Hazardous Waste Depot is scheduled to take place at the Vale Health & Wellness Centre on Saturday, September 20, 2014 from 8:00 a.m. to 3:00 p.m.

11. COUNCILLOR'S ITEMS/NEW BUSINESS

(a) Cruise Night - Noise Complaint (Steele)

Councillor Steele advised that he received a noise complaint from the Ontario Conservatory of Music regarding music in the Market Square during Cruise Nights. Councillor Steele requested the Cruise Night Association locate music away from the Market Square area. Councillor Elliott informed that music will not be held in the Market Square again, and that the Cruise Night Association has applied for a Noise By-law Exemption.

(b) Dead Ash Trees (Bodner)

Councillor Bodner referred to the report being prepared concerning the removal of dead Ash trees, and asked that the report include comments from Canadian Niagara Power regarding tree branches surrounding hydro lines. The Acting Director of Engineering and Operations confirmed that comments from Canadian Niagara Power would be included.

(c) Parking Ticket (Desmarais)

Councillor Desmarais advised that a resident received a parking ticket for parking across their own driveway. Councillor Desmarais stated that tickets should not be issued for this reason and requested staff review the by-law. The Director of Planning and Development advised that the by-law states that there is no parking in front of any driveway and parking enforcement does not have the ability to determine the owner of the vehicle causing the infraction. Councillor Desmarais advised that the Enforcement Officer should approach the home at the time to enquire. The Director of Planning and Development advised he will raise this with the Enforcement Division.

(d) Cement Blocks HH Knoll Park Near Marina Boat Launch (Elliott)

Councillor Elliott noted that new wrought iron fencing has been installed at HH Knoll Park, and enquired whether there has been any consideration given to removing the cement blocks near the Marina boat launch. The Acting Director of Engineering and Operations advised that a report is being prepared, which will include options and associated costs.

Staff Responses to Previous Councillors' Enquiries

(a) Official Plan Amendment No. 1 (Aquilina)

The Director of Planning and Development requested that Department of Planning & Development, Report No. 2014-58, Subject: Recommendation Report: Official Plan Amendment No. 1 be referred to staff for a wording revision, with the revised report to be presented at the next Council meeting. Councillor Steele advised he would request the report be lifted during the Council meeting.

13. ADOPTION OF MINUTES

(a) Minutes of the Nineteenth Meeting (Regular) of Committee of the Whole, August 11th, 2014

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

- (a) That the Minutes of the Nineteenth Meeting (Regular) of Committee of the Whole, August 25th, 2014 be adopted as circulated.
 CARRIED.

14. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

1. Department of Planning & Development, Report No. 2014-57, Recommendation Report – Background Study and Development Charges By-law Update

Moved by Councillor W. Steele
 Seconded by Councillor D. Elliott

1. That Council adopt “Alternative 1” (Full Development Charges) by-law attached hereto as Appendix D.
2. That staff be directed to prepare the Notice of Passing as per the *Development Charges Act*.

Moved in amendment by Councillor W. Steele
 Seconded by Councillor D. Elliott

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

That residential and multi-residential development charges be waived for the entire City.

CARRIED.

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

1. That Council adopt “Alternative 1” (Full Development Charges) by-law attached hereto as Appendix D.
2. That staff be directed to prepare the Notice of Passing as per the *Development Charges Act*.
3. That residential and multi-residential development charges be waived for the entire City.

CARRIED.

7. Department of Engineering & Operations, Engineering Division, Report No. 2014-26, Subject: Tender 2014-10 City Wide, Design – Build LED Streetlight Retrofit

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

- A. That the Council of the City of Port Colborne award Tender 2014-10 City Wide Road Design-Build LED. Street Light Retrofit, to CRU Solutions of Ingersoll, Ontario, with a submitted tender price of \$934,490.60 (Option A) plus applicable taxes. Further, that a contract by-law, whereby the City enters into a contract agreement with the contractor be prepared.
- B. That funding for Tender 2014-10 be financed by Debenture, and that the Treasurer be authorized to initiate the process.

- C. That Council award CRU Solutions, the Annual Maintenance Contract for a 10 year period, beginning in 2015 and extending to the end of 2024, all for the estimated sum of \$281,712.00. And that the cost of that Maintenance be covered under the existing annual Street Light Maintenance Budget. Further that a contract by-law, whereby the City enters into a contract agreement with the Contractor be prepared.

CARRIED.

9. Department of Community & Corporate Services, Community Services Division, Report No. 2014-21, Subject: Community Services Fees & Rates Review Roselawn – Author Series

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

1. That the Council of The Corporation of the City of Port Colborne approve the proposed base rental rate of \$1000.00 +HST/engagement for the Authors Series;
2. That the facility rental agreement be prepared for the Authors Series for a two year term commencing 2014/2015 and ending 2015/2016 season, at which point a full review of the terms and conditions including all fees & rates be undertaken; and
3. That the City Clerk be directed to prepare the appropriate by-law to reflect the new base rate for the term of this facility agreement for Council approval.

CARRIED.

11. Environment and Land Tribunals Ontario (Ontario Municipal Board) Re Applicant(s): Niagara Peninsula Housing Corp., 220 Erie Street and Appellants: Frank Danch, Erika Retyi

Moved by Councillor W. Steele
Seconded by Councillor A. Desmarais

That the correspondence received from the Environment and Land Tribunals Ontario (Ontario Municipal Board) Re Applicant(s): Niagara Peninsula Housing Corp., 220 Erie Street and Appellants: Frank Danch, Erika Retyi, be received for information.

CARRIED.

12. Rosemary Armstrong of the Port Colborne Fair Trade Committee Re Fair Trade Town Annual Renewal (Commitment to Fair Trade)

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

That Port Colborne City Council hereby confirms its support and commitment to Fair Trade and that the appropriate forms be filed.

CARRIED.

13. Letter from Pamela Creighton Re Invoice Received for Weed Cutting at 95 Victoria Street, Port Colborne (rental property)

Moved by Councillor W. Steele
Seconded by Councillor F. Danch

That leave be granted to allow Pamela Creighton speak concerning Item 11, Letter from Pamela Creighton Re Invoice Received for Weed Cutting at 95 Victoria Street, Port Colborne (rental property).
CARRIED.

Pamela Creighton was in attendance and advised that she, as the property owner, did not receive notice of the infraction. Ms. Creighton stated that she was unaware of the infraction until she was invoiced; however, tenants were made aware and working on correcting the infraction. Ms. Creighton noted the City has her address, but she did not receive a notice or a phone call. Ms. Creighton referred to the City's website, noting that it states the City will try to obtain cooperative compliance, however the City did not contact the property owner. Ms. Creighton noted that she was informed of a by-law infraction in the spring, with which she complied. Ms. Creighton informed that she was unaware that there had been a previous weed infraction at the property because it was responded to by the tenant. Ms. Creighton expressed concern that notice was provided that a contractor would be at the property cutting the weeds. Ms. Creighton advised that her tenant witnessed the contractor on the property and asked them to leave. Ms. Creighton expressed concern with the amount of the invoice. Ms. Creighton stated that her compliance with a previous infraction should have indicated assurance that the weed infraction would be dealt with. Ms. Creighton requested the invoiced charges be waived.

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

That the letter received from Pamela Creighton Re Invoice Received for Weed Cutting at 95 Victoria Street, Port Colborne (rental property), be received for information and that no further action be taken.

Moved in referral by Councillor A. Desmarais
Seconded by Councillor D. Elliott

That the letter received from Pamela Creighton Re Invoice Received for Weed Cutting at 95 Victoria Street, Port Colborne (rental property), be referred to the Director of Planning and Development for preparation of a report.

CARRIED.

15. NOTICES OF MOTION

Councillor Desmarais provided notice of her intention to introduce a motion at the September 8, 2014 Committee of the Whole/Council meeting concerning the notification of property owners with respect to by-law infraction matters.

16. MOTION TO ADJOURN

Moved by Councillor W. Steele
Seconded by Councillor B. Kenny

That there being no further business, the Committee of the Whole meeting be adjourned at approximately 8:14 p.m.
CARRIED.