City of Port Colborne
Special Council Meeting 09-19 – Public Hearing
Monday, April 8, 2019 – 6:30 p.m.
Council Chambers, 3rd Floor, 66 Charlotte Street

Agenda

1. **Call to Order:** Mayor William C. Steele

2. **National Anthem:**

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 No. 2019-48, Subject: Public Meeting Report for Zoning by-law Amendment D14-05-18, 85 and 91 Main Street West

   (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:**

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PORT COLBORNE

Planning and Development Department
Planning Division

Report Number: 2019-48 **Date: April 8, 2019**

SUBJECT: Public Meeting Report for Zoning By-law Amendment D14-05-18, 85 and 91 Main Street West

1) PURPOSE:

The purpose of the report is to provide Council with information regarding a proposed Zoning By-law Amendment initiated by Erika Spencer for the property legally known as Part of Lots 10 and 11 on Plan 1536/NP771, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 85 and 91 Main Street West.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The application for Zoning By-law Amendment proposes to change the zoning from Downtown Commercial to Mixed Use. The Zoning By-law Amendment is being sought to satisfy conditions from Committee of Adjustment files B16-18-PC, B17-18-PC.

The area that will be rezoned to Mixed Use is about 504.6 m^2 and is presently used for residential and commercial uses. The area is occupied by one detached dwelling that is currently being used for storage related to the business operating at 91 Main Street West and a shed that is to be removed.

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 March 18, 2019. Public notice signs were posted on the property on or before March 19, 2019. A public notice was also posted on the City's website on March 18, 2019. A public open house will be held after the date of writing this report on April 1, 2019.

PUBLIC COMMENTS

At the time of writing this report, staff has received the following written comments from members of the public:

Edd Scorpio, 42 Church Street

- Church Street is currently a quiet street with little traffic and a narrow width.
- Construction would limit access and generate noise and dirt.

- Proposed fourplex is too large and out of place for street.
- Proposed fourplex is too intense of a land-use for the street.
- Project is not suitable for area.

DIVISION/AGENCY COMMENTS

At the time of writing this report, staff has received the following written comments from City divisions and external review agencies:

Drainage Superintendent

- "There are no concerns on this property with respect to Municipal Drainage."

Enbridge Gas Inc.

- "Enbridge Gas Inc. does not object to the proposed application(s)."

PLANNING DIVISION

City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne's Official Plan designates the property as **Downtown Commercial**. Land uses in the Downtown Commercial designation include retail stores; professional and business offices; personal service shops; restaurants; specialty shops, residential uses, subject to the appropriate density requirements and policies; community facilities; parks; institutional uses; public open space and on-road bicycle routes.

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

The subject property is zoned **Downtown Commercial**. The Downtown Commercial zone permits animal care establishment; apartment building; apartment building, public; brew pub; day care; drive-thru facility; dwelling, accessory; existing motor vehicle gas station; existing motor vehicle repair garage; food vehicle; hotel; medical clinic; office; personal service business; place of assembly/banquet hall; place of worship; private club; public use; recreation facility; restaurant, fast food; restaurant, full-service; restaurant, take-out; retail store; service commercial; social service facility; studio; veterinary clinic; and uses, structures and buildings accessory thereto.

The application for Zoning By-law Amendment proposes to change the zoning to **Mixed Use**. The Mixed Use zone permits Animal Care Establishment; Apartment Building; Apartment Building, Public; Convenience Store; Community Garden; Day Care; Dwelling, Accessory; Dwelling, Duplex; Dwelling, Fourplex; Dwelling, Single; Dwelling, Semi-detached; Dwelling, Townhouse Street; Dwelling, Triplex; Food Vehicle; Long Term Care Facility; Office; Personal Service Business; Public Uses; Restaurant, Fast-Food; Restaurant, Full-Service; Restaurant, Take-Out; Service Commercial; Social Services Facility; Studio; and uses, structures and buildings accessory thereto.

Special provisions are also being sought for the Mixed Use zone to permit a fourplex to be constructed on this property notwithstanding that the lot frontage is 11m whereas 18m is required; that the proposed front yard setback is 1m whereas 9m is required; that the proposed rear yard setback is 4.5m whereas 6m is required; and that the proposed minimum landscaped area is 21% whereas 25% is required.

Adjacent Zoning and Land Use

Northwest Motor Vehicle Repair Garage Zoned: Downtown Commercial	**North** Motor Vehicle Repair Garage Zoned: Downtown Commercial	**Northeast** Motor Vehicle Repair Garage Zoned: Downtown Commercial
West Residential dwelling Zoned: R2	**Subject Property**	**East** Motor Vehicle Repair Garage Zoned: Downtown Commercial
Southwest Main Street West	**South** Main Street West	**Southeast** Main Street West

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 Zoning By-law Amendment 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 Report No. 2019-48 regarding application for Zoning By-law Amendment (File No. D14-05-18) for 85 and 91 Main Street West be received as information.

8) SIGNATURES

Prepared on March 29, 2019 by:

Evan Acs, MA, MSc
Planner

Reviewed by:

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

Reviewed and Respectfully Submitted:

C. Scott Luey
Chief Administrative Officer

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 of Lots 10 and 11 on Plan 1536/NP771, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 85 and 91 Main Street West

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 "A6" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Downtown Commercial to MU-50.

3. That Section 37 entitled SPECIAL EXCEPTIONS AND PROVISIONS of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

   <u>MU-50</u>

   Notwithstanding the provisions of the Mixed Use Zone, the following special regulations shall apply for a fourplex dwelling:

a) Minimum Lot Frontage	11m
b) Minimum Front Yard	1m
c) Minimum Rear Yard	4.5m
d) Minimum Landscaped Area	21%

4. 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*.

5. 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*.

Enacted and passed this __ day of _____, ____.

_____
William C Steele
Mayor

_____
Amber LaPointe
City Clerk

PORT COLBORNE

City of Port Colborne
Regular Meeting of Committee of the Whole 11-19
Monday, April 8, 2019 – 6:30 p.m.
following the Special Meeting of Council
Council Chambers, 3rd Floor, 66 Charlotte Street

Agenda

1. **Call to Order:** Mayor William C. Steele

2. **National Anthem:**

3. **Introduction of Addendum and Delegation Items:**

4. **Confirmation of Agenda:**

5. **Disclosures of Interest:**

6. **Adoption of Minutes:**
   (a) Regular meeting of Committee of the Whole 10-19, held on March 25, 2019.

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

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

9. **Presentations:**
   (a) Don Gilbert, Manager of Operations and John Sander, Manager of Customer Engagement, Canadian Niagara Power Regarding Port Colborne Reliability Discussion (Page No. 17)

10. **Delegations (10 Minutes Maximum):**
    (a) Patty Moss regarding road side mowing initiatives and to request additional changes and will be providing a summary on last year's observations (Page No. 25)

    (b) Bob Saracino regarding Council Composition (Page No. 37)

11. **Mayor's Report:**

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

13. **Councillors' Items:**
    (a) Councillors' Issues/Enquiries
    (b) Staff Responses to Previous Councillors' Enquiries

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

15. Notice of Motion:

16. Adjournment:

Upcoming Committee of the Whole and Council Meetings	
Tuesday, April 23, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, May 13, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, May 27, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, June 10, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, June 24, 2019	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
WCS MB EB RB GB FD AD DK HW	1.	**Motion by Councillor Danch Re: Site Plan Approval Process for 399 Killaly Street, West** That Council redelegate the site plan approval process for 399 Killaly Street West. **Note:** Notice of Motion was given at the Council Meeting of March 25, 2019.	------
WCS MB EB RB GB FD AD DK HW	2.	**Motion by Councillor Beauregard Re: Informal Residential Care Facility Licensing By-law** That staff investigate an informal residential care facility licensing by-law and report back to Council with recommendations. **Note:** Notice of Motion was given at the Council Meeting of March 25, 2019.	39
WCS MB EB RB GB FD AD DK HW	3.	**Community and Economic Development Department, Parks and Recreation Division, Report 2019-44, Subject: 2019 Budweiser CanAm Walleye Challenge** That City sponsorship of the 2019 Budweiser CanAm Challenge be approved, with sponsorship to be provided as follows: a. Waiving of permit fees for the use of, and camping in, H.H. Knoll Lakeview Park; b. Provision and installation of snow fencing, and waiving of associated fees; c. Provision of security and waiving of associated fees; d. Provision of portable washroom facilities and waiving of associated fees; e. City assistance with event promotion and marketing on social media; f. $10,000 in financial support; and That, in accordance with By-law 5642/73/11, the Budweiser CanAm Challenge be provided with access to H.H. Knoll Lakeview Park for permitted RV camping/parking beginning at 12:00 p.m. on Thursday, June 20, 2019, and that RV camping/parking be cleared from Park by Sunday, June 23 at 6:00 p.m.; and **Continued.....**	41

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		That approval of the above noted event and sponsorship is conditional on the Budweiser CanAm Challenge submitting a certificate of liability insurance in the amount of $5,000,000, naming the City of Port Colborne as additional insured.	
WCS MB EB RB GB FD AD DK HW	4.	**Community and Economic Development Department, Parks and Recreation Division, Report 2019-45, Subject: Proposed New Event – Community Bonfires at Nickel Beach** That the Community Bonfires Event at Nickel Beach, to be hosted from 8:30 p.m. to 10:30 p.m. on Friday, June 21, Friday, July 26, and Friday, September 20, 2019 at Nickel Beach be approved, as outlined in Community & Economic Development, Parks & Recreation Division, Report 2019-45, Subject: Proposed New Event – Community Bonfires at Nickel Beach; That the provisions of By-law 6280/106/15, Being a By-law to Regulate Open Air Burning in the City of Port Colborne, respecting open air burning within the boundaries of the City, be waived in order to accommodate the Event at Nickel Beach; That the provisions of By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, respecting fires and bonfires in municipal parks, be waived in order to accommodate the Event at Nickel Beach; That funding for the Event be allocated under the "Community Group Events" account under the Community and Economic Development Department budget, at a total approximate cost of $2,653.44. That swimming at Nickel Beach be prohibited for the duration of the above noted Event, and that appropriate signage denoting same be posted on site. That Vale Canada Ltd. and other appropriate parties be so notified of the dates and times of the Event.	49

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WCS MB EB RB GB FD AD DK HW	5.	**Community and Economic Development, Health Services Division, Report 2019-46, Subject: Request to Amend the Terms of Reference of the Port Colborne Medical Education, Recruitment and Health Services Committee** That By-law No. 4876/101/06, Being a By-law to Establish a Committee Known as the "Port Colborne Physician Recruitment and Medical Education Committee" and to Provide for the Appointment of Members Thereto, as amended, be further amended by adding the following under Subsection 3(A): "3(A)(e) That the Port Colborne Health Services Committee shall comprise the following non-voting members, who shall serve in an advisory capacity: (i) One representative of Niagara Health; and (ii) One representative of Hamilton Niagara Haldimand Brant Local Health Integration Unit." That By-law 4876/101/06, as amended, be further amended by replacing throughout the By-law the words "Port Colborne Medical Education, Recruitment and Health Services Committee," with the words "Port Colborne Health Services Committee"; and That the appropriate by-law be presented for approval.	57
WCS MB EB RB GB FD AD DK HW	6.	**Engineering and Operations Department, Engineering Division, Report 2019-47, Subject: Project 2019-05, Carter Street Watermain Replacement** That Project #2019-05, Carter Street Watermain Replacement, be awarded to Cotton Inc., of Niagara Falls, Ontario, for the submitted tender price of $451,990.00 (plus applicable taxes); and That the $254,990.00 for the municipality's portion of construction costs, and contingency allowance be funded from the Water Capital budget; and That the By-Law be prepared and the City Clerk and the Mayor be authorized to execute the Contract Agreement.	61

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WCS MB EB RB GB FD AD DK HW	7.	**Corporate Services Department, Finance Division, Report 2019-50, Subject: City of Port Colborne – Strategic Asset Management Policy** That the Port Colborne Strategic Asset Management Policy attached as Appendix A to Corporate Services Department, Finance Division Report No. 2019-50, be adopted by Council.	65
WCS MB EB RB GB FD AD DK HW	8.	**Planning and Development Department, By-law Enforcement Division, Report 2019-49, Subject: Proposed Encroachment By-law, Policy and Fees** That Council approve the proposed encroachment By-law, policy and fee structure outlined in Planning and Development Department, By-law Enforcement Division, Report 2019-49, Proposed Encroachment By-law, Policy and Fees.	79
Miscellaneous Correspondence			
WCS MB EB RB GB FD AD DK HW	9.	**Geoff Black, Don Cherry's Sports Bar and Grill Re: Request for Letter of Non-objection for a Liquor Licence Extension for the Budweiser CanAm Tournament, June 20 – 25, 2019** That the Council of The Corporation of the City of Port Colborne does not object to the application for a Temporary Licence Extension to an existing licence held by Don Cherry's Sports Bar and Grill for an event to be held on the premise of Don Cherry's (pavilion) for the Budweiser CanAm Tournament, June 20 – 25, 2019.	111
WCS MB EB RB GB FD AD DK HW	10.	**Paul Dobson, Acting President and Chief Executive Officer, Hydro One Ltd. Re: Power Interruptions Experienced in the City of Port Colborne and Hydro One`s reliability** That the letter received from Paul Dobson, Acting President and Chief Executive Officer, Hydro One Ltd. concerning power interruptions experienced in the City of Port Colborne and Hydro One's reliability, be received for information.	113

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WCS MB EB RB GB FD AD DK HW	11.	**Vance Badawey, Member of Parliament, Niagara Centre Re: Update regarding the 2019 Budget which Proposes a One Time transfer of Federal Gas Tax Funds to Niagara Centre** That the correspondence received from Vance Badawey, Member of Parliament, Niagara Centre Re: Update regarding 2019 Budget which proposes a One Time transfer of Federal Gas Tax Funds to Niagara Centre, be received for information.	115
Outside Resolutions – Requests for Endorsement			
WCS MB EB RB GB FD AD DK HW	12.	**Town of Fort Erie, City of Welland, Township of Wainfleet, Town of Pelham, Town of Lincoln, Town of West Lincoln, Town of Grimsby Re: Provincial Review of Regional Government** That the resolutions received from Local Area Municipalities regarding the Provincial review of Regional Government, be received for information. Note: At its meeting of March 25, 2019 Council supported the above.	119
WCS MB EB RB GB FD AD DK HW	13.	**City of Thorold, Town of Lincoln Re: Niagara Region Proposed Base Services for Next Collection Contract** That the resolutions received from the City of Thorold and the Town of Lincoln Re: Niagara Region Proposed Base Services for Next Collection Contract, be received for information.	149
WCS MB EB RB GB FD AD DK HW	14.	**City of Thorold Re: Investing in Canada Infrastructure Program** That the resolution received from the City of Thorold Re: Investing in Canada Infrastructure Program, be received for information.	153
Responses to City of Port Colborne Resolutions			
Nil.			

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Canadian Niagara Power Inc.
Port Colborne Reliability Discussion

City of Port Colborne – Council Meeting

April 8, 2019

CANADIAN NIAGARA POWER INC.
A FORTIS ONTARIO Company

PORT COLBORNE

Agenda

- 2018 System Improvements
- System Reliability
- 2019 Capital Investment
- Hydro One Networks Discussions
- Customer Engagement

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A FORTIS ONTARIO Company

2018 System Improvements

- CNPI completed Intensive inspections of two of the most troublesome feeders (43-M-11/43-M-12) 4 issues were identified and mitigated.
- In co-operation with Hydro One Networks Inc. relay enhancements were completed at Port Colborne TS.
- CNPI has completed coordination enhancements to current protective devices (re-closers) within the PC service territory to align with upgrades occurring at Port Colborne TS.
- Enhanced fault indicating devices have been purchased and deployed.

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2018 System Improvements

- A review of all protective devices and their coordination to minimize impact of fault on the CNPI distribution system's has been completed.
- Enhanced automation is being investigated and reviewed to further minimize outage times as a part of the continued Distribution Automation Program.
- The 2018 vegetation management program was completed.

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A FORTIS ONTARIO Company

System Reliability (as reported to the OEB)

Customers Affected	Customer Hours	Year	Customer count	SAIFI YTD	SAIDI YTD
26372	45,335.86	2016	9196	2.87	4.93
21152	29,246.45	2017	9205	2.30	3.18
24939	18,698.80	2018	9210	2.71	2.03

CANADIAN NIAGARA POWER INC.
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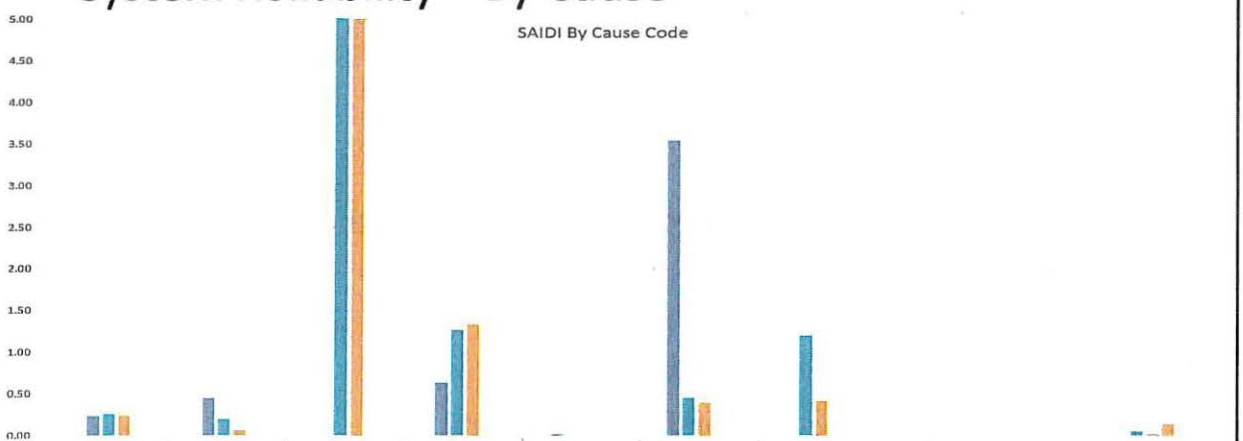
System Reliability – By Cause



	Unknown	Scheduled	Loss of Supply	Trees	Lightning	Equipment Failure	Adverse Weather	Adverse Environment	Human element	Foreign Interference
2016	0.24	0.45	0.01	0.64	0.01	3.53	0.00	0.00	0.00	0.06
2017	0.26	0.20	5.05	1.26	0.01	0.45	1.20	0.00	0.00	0.01
2018	0.24	0.07	11.13	1.33	0.00	0.40	0.42	0.00	0.00	0.15

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2019 Capital Investment

- Fielden TB1 $400k.
- Jefferson Station Rebuild $1,900K.
- Distribution Automation $400K.
- Various Distribution Lines Enhancement $500K.

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2019 Capital Investment

- Distribution Automation.
- Auto reclosing installations (Hydro One currently in the process of updating legacy relaying).
- Automated switching placement.
- Enhancement of fault indicating devices.
- Updated system protection and control review.

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Maintenance

- Annual inspections.
- Critical switch maintenance .
- Vegetation management.
- Substation maintenance.

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Transmission Discussion & Distribution Redundancy

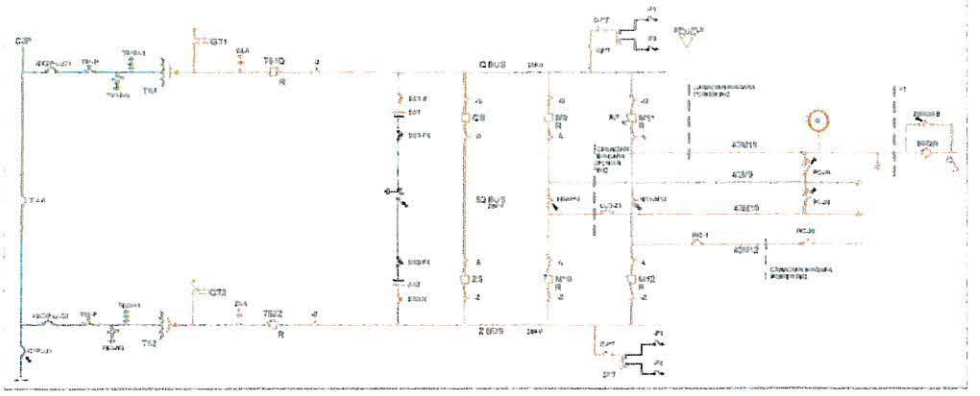
- Discussion focusing on reinstatement of Second Transmission circuit feeding Port Colborne TS.
- Accelerated renewal of Port Colborne TS.
- Outage redundancy Crowland TS.

CANADIAN NIAGARA POWER INC.
A FORTIS ONTARIO Company

hydro one

System Overview – Transmission Fed Port Colborne TS

- Ongoing discussion to address current transmission performance



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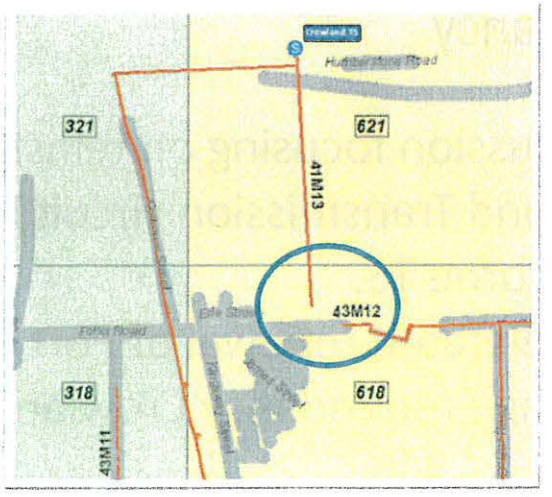
hydro one

System Overview Distribution Redundancy

- 2018, Canadian Niagara Power no longer has availability of the interconnection tie on 41-M-14 out of Crowland TS.
- Negotiations have commenced regarding redundancy – reinstating the idle feeder 41-M-21.



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hydro one

Customer Engagement

- Communication
  - Social media based interaction during larger outages
    - Increased direct dialogue with customers (via Twitter and Facebook).
    - More detail in periodic updates from Power Assist.
- 2019 Projects
  - Self-help Portal.
  - Text based outage notifications.
  - Showcase ongoing capital work.

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Questions?

PORT COLBORNE

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Request for new Bylaw and request changes on Port Colborne's Roadside Mowing Initiative
March 25th and April 8th Council Meetings

I like to start off this summary stating my thanks to all the members of the EAC committee for their support and advice to this roadside project. Also thanks to City Staff and Councilors that have worked along and implemented ideas to make this initiative possible. I believe this project will have huge benefits in the future years, and wouldn't have been possible without everyone's support and understanding.

I will be a delegate at two council meetings, due the fact the 10 min time requirement I have to speak. The next meeting on March 25th I will be asking for the implementation of a Bylaw creation to protect city owned roadside vegetation from herbicide. And at the April 8th meeting I will be giving a brief update on my study summary of last year and discuss the other requests I have for the roadside initiative.

Plant Studies

Last year was the first year after the initial three year trial area study time period. So my monitoring was changed where as I focused my study more on the 'difficult' plants and their disbursement and growing patterns throughout all the roads besides the original trial area. The plants I still find that are concern are the thistle species especially Sow Thistle, and Canada Thistle because of the aggressive seed development throughout the growing season. I still have come to the same conclusion with this species as the years prior, is other than using herbicide for removal there is no other method to control the development of seeds. As noted before in previous presentations, these species however produce more seed heads if they receive the 2nd cut during the summer months due to the fact they go into stress mode, however they are of shorter height growth.

Another 'difficult' plant is Canada Fleabane, it is a concern due to the fact the plant has evolved to have developed a resistance to herbicides. This plant does not release seeds until mid-September, therefore I believe the correct timing of mowing can eliminate any concerns of the plant species seed dispersal. A mention about this plant, it thrives in poor soil therefore it is commonly seen around culverts where there is runoff of chemicals, and along the shoulders of roadsides.

Popular tree seedlings are found throughout the roadside ditches of Port Colborne, these tree seedlings have been able to grow more vigorously with the delay of summer mowing. I have spoken with the roads department regarding any concerns with the mowing of branches of these species. They stated that the mowers are still able to cut them down in fall even with the extended growing period. I also looked at how these trees can collect other plant debris and garbage carried by water flow and whether it has caused blockage or impediment of the water flow. So far I haven't found a drainage area blocked by these Popular species.

I asked last year to have the first roadside mowing performed at a later date; the city had the contracting company start on June 4th, which is about 2 weeks later than usual. I wanted to allow the spring flowers to have a full bloom period and determine if the later cut would delay the seed development of the Canada Fleabane plant and other fall species. I still want the later cut to be preformed for the next few years, so I can't comment whether this does delay seed development. Too many factors are involved regarding temperature and rainfall for each year and will take years to determine if the later cut helps.

I was happy to see that the delay in the first cut didn't impact the Common Milkweed or the flowering species for pollinators since there were flowers within the two weeks after the cut,(and the weather was dry!)

Last summer less roads received the second cut, Killaly street East of Lorraine road, Second Con., Chippawa Road, 3rd Con. were some of the roads that received the delay as well. Was great news for me, and for the pollinators! I collected over 300 eggs and caterpillars of the Monarch Butterfly from Brookfield Road however!! Curious to know any concerns from residents regarding the addition of roads being delayed..

Pollinators along the Roads

Once again lots of Monarch activity was observed along the roadsides on the Common Milkweed plants. The timing of roadside mowing has proved to benefit the Monarchs migrating through our area.

I also studied the various pollinators that are to be found along the roads, noticing the increase of various species of butterflies.

These vegetative strips provide continuous habitat for certain pollinators that also play a role of a predator species for crop and garden pests. So having natural strips of plant vegetation will help in the reduction of required pesticides in some cases.

An increase of Red Wing bird habit was noticed along the ditches that didn't receive the second cut, these birds make their nests in ditches with tall vegetation, and these birds main food source is bugs.

I have noticed more residents leaving their ditches natural, I am hoping in the future in we can implement some sort of recognition for their support. But I feel the city has to do more to support the pollinator habitat in on their lands, before we start recognizing resident's efforts.

Drainage

I also observe the ditch growth and cutting waste of the fall cut to see if it impedes the flow of water and cause flooding. The fall growth cut waste is thrown in clumps along the top edge of the ditch, not in the base of the ditch. Also, education has to be done in order for residents to understand that the natural growth needs to be established along the ditch were the original runoff is occurring. Such as farmers fields (especially the fields that have drainage systems in place under their crops) and residents who have landscaped yards with no natural vegetation to slow the runoff of water. In the future, public education and implementation of natural vegetation growth along our roadsides in the properties in the North section of rural

Port Colborne could help reduce flood problems of residents that live along the roads closer to the lake.

Another problem is erosion from fields with fast water runoff carrying dirt and sediments into our ditches. And roads such as Chippawa road, having the grading of the road too high, and the shoulder gravel in place slide into the base of ditches. Natural vegetation in these areas can help prevent erosion.

I don't want to seem I'm against farmers needs to keep their fields drained, I understand the climate is becoming more extreme with heavy downpours. However it will actually benefit them to have a natural vegetative strip to control the erosion and run off of important nutrients from their fields. Having a natural strip could improve soil conditions along the edges of the crops, and still allow water to flow off their fields.

This year's Requests

The creation of a Bylaw to prevent Herbicide in ditches

Upon observation of these roadsides I have been noticing certain property owners applying herbicide to the ditches. I have done some reading this past year regarding the impacts of Roundup to our waterways, and also how the product should be used by the manufacturer.

There are six Roundup products developed by Monsanto for Canadian commercial uses.

They are as follows: R/T 540
Roundup Weathermax
Roundup Transorb
Roundup Xtend
XTendimax
Visionmax

The labels of these products state...

- Toxic to aquatic organisms
- Avoid application to any body of water
- Keep product out of drains, ditches and waterways
- All ask the user of the product to observe buffer zones needed when applying product
- Recommends including a vegetative strip between treated area and bodies of water

Please understand Roundup is not the only type of herbicide products available in Canada, however many herbicide products state the same requirements of the product use.

The bylaw should just enforce the city's drainage ditches to have live vegetation to help with erosion, chemical runoff absorption, and protecting the corridor habitat for pollinators.
I'm looking for support and ideas on how we can create this Bylaw with consideration of the farmer's needs as well; I believe this can be possible!

Let us be the first city in Ontario to look at the health of our ditches in a future forward vision. This roadside initiative is not just about the butterflies and bees anymore, it's our water supply too!!

Other requests for this year's Roadside Initiative

I would to see if short widths of cuts (approx 3 feet) can be performed on roadsides, and be done more often especially where there is a higher concentration of unwanted plants. Or where there is poor growing conditions along roadsides i.e.; Chippawa Road. And have a full cut performed during the fall.
I had this discussion with the Roads Department in the fall, and how could a study like this be performed. They suggested using roads that very little residents or farmers on, such as parts of 3rd Con. and Ramey road west of 140. I'm hoping to include some of the residents who have already supported the idea with having a ditch strip of vegetation.

I am interested in this idea because by having a full cut performed only later in year could increase the amount of desirable pollinator plants such as Goldenrod and New England Aster to be able to grow to flower stage. Having smaller cuts could be performed more frequently in areas to help control Poison Ivy, Canada Fleabane, and perhaps Sow Thistle.

And by having a smaller cut performed along our roads could if fact maybe enable the city staff to take over control of the mowing. This is really something I can't discuss further because the city staff knows best on budgeting and equipment and staffing requirements.

Having the fall cut preformed earlier

I would like to ask if the fall cut to be preformed earlier than October 1st this year. I believe this could eliminate any concerns of the dispersal of the Canada Fleabane seeds. As long as the cut is performed after Goldenrod has finished its bloom period, due to the fact that plant is the last of the main nectar and pollen sources for bees. Temperatures are dropping in later September weeks, and therefore pollinators are greatly reduced along with the majority of Monarchs have departed for Mexico. I'm trying to figure out ideas to implement the best mowing practices to please the pollinators and help the farmers with growing our food!

Support of this Initiative

I had received lots of great feedback from the display I had at the Market in August last year. Residents seem to notice and understand the importance of the natural vegetation along our roadsides; I even spoke with a couple from England that was thrilled to see this happening

here. They stated where they live the natural hedgerows along fields have enforced protection from their municipality.

There has been mowing performed from one farmer who has stated he would start mowing himself since the trial period is done. He cut the roadside in areas where Sow Thistle and Canada Thistle is established. I understand there are always concerns about seed dispersal of thistles especially for farmers who farm organically.

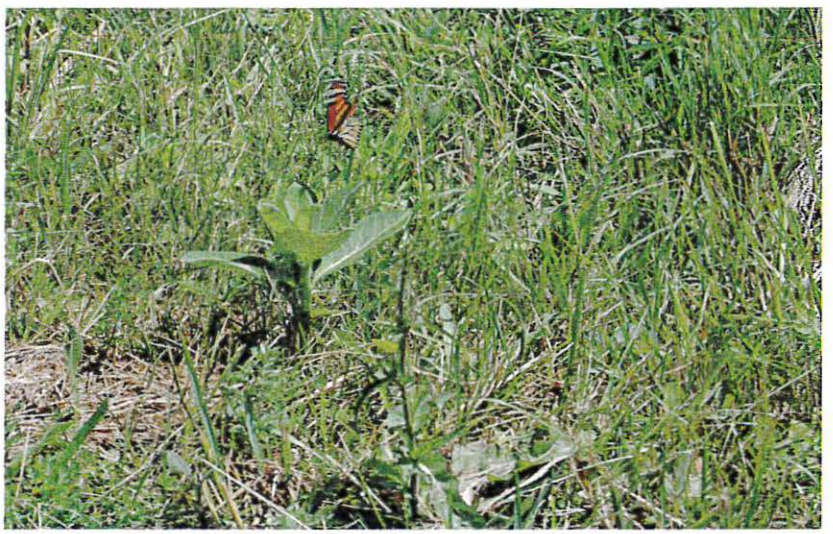
And there are farmers who have always had practiced mowing alongside their farm lands, and I understand and respect their farming practices. I'm hoping though with more observance and studying the roadside habitat we can come to an agreement of the best roadside management practices to benefit everyone.

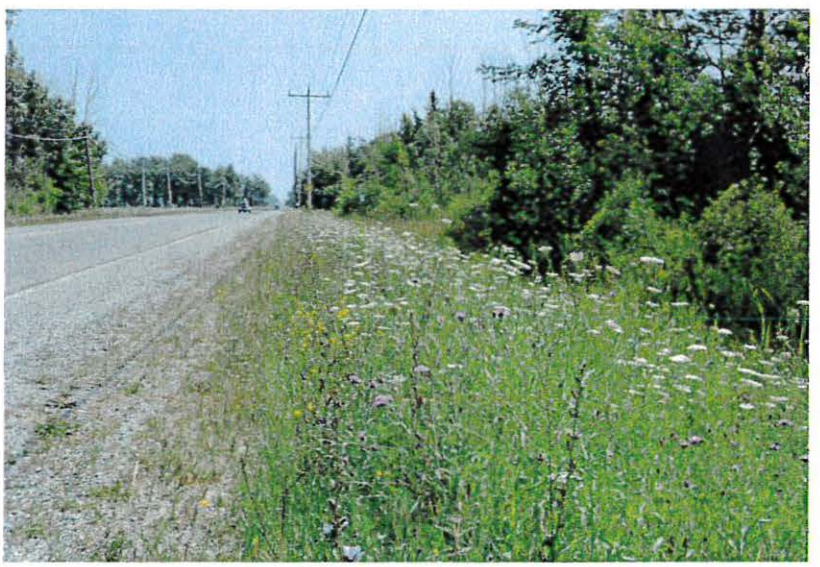
Future Ideas..

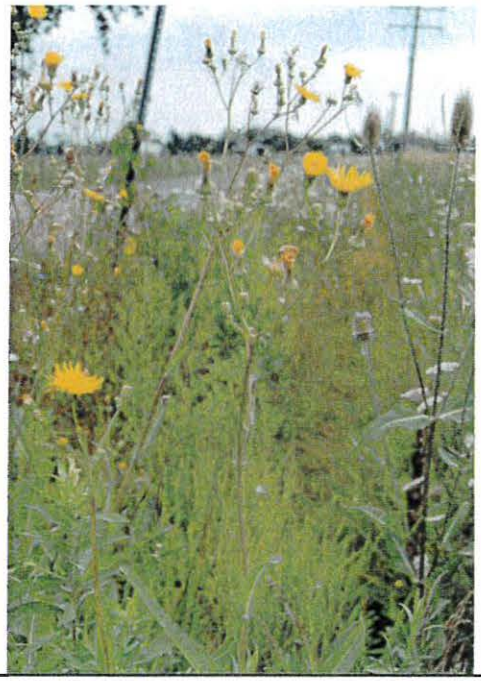
As one farmer stated to me, residents have to do more to protect and encourage a healthy environment on their own properties. And with that comment, I feel more education for the importance of native plants in not just rural areas of our community. More focus is also needed on the use of chemicals in urban areas which there is no natural vegetations to absorb the chemical before it runoffs into our storm drainage systems.

Patty Moss

Port Colborne's Roadside Mowing Initiative.







PORT COLBORNE

ENGINEERING & OPERATIONAL SERVICES

MEMORANDUM

EXT. 219

DATE: **March 25, 2019**

TO: **Amber LaPointe, City Clerk**

FROM: **Janice Peyton, Executive Assistant, DEO**

RE: **Environmental Advisory Committee**
Motion Regarding Patty Moss Presentation
Re: Roadside Mowing Initiative

Please be advised that, at the meeting of March 13, 2019, the Environmental Advisory Committee resolved as follows:

Moved by Jack Hellinga
Seconded by Beth Palma

That after receiving the presentation of Patty Moss regarding the roadside mowing initiative, the Council of the City of Port Colborne be advised that the City of Port Colborne Environmental Advisory Committee is unanimously in support of Patty's presentation and endorsement request as presented. The Environmental Advisory Committee requests that Council give consideration in endorsing Patty Moss' request.
CARRIED.

Thank you.

Signed: Janice Peyton

Janice Peyton
Executive Assistant, DEO
Recording Secretary, Environmental Advisory Committee

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Date March 21, 2019.

City of Port Colborne
Clerks Department

Att: Amber La Pointe
Manager of Legislative Services / City Clerk.

Kindly accept this letter as my request to appear before
The Council Meeting of March 25, 2019 at 6.30 pm.
As a Delegation. - - Topic Council Composition

Thank You.

Respectfully
Bob Saraiva
[redacted]

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To: Mayor Steele and Council

From: Councillor Eric Beauregard

Subject: Informal Residential Care Facilities Licensing

It is important that informal residential care facilities in Port Colborne operate effectively and provide a high level of support for their residents. Licensing these facilities is an important step in making sure this takes place. Below is some background information regarding informal residential care facilities.

"Informal Residential Care Facility" means a residential facility that is occupied or intended to be occupied by three or more persons for the purpose of receiving Informal Care Services, whether or not receiving the services is the primary purpose of the occupancy but does not include a residential facility that is funded or licensed by the federal or provincial government or regulated under one of the following:
(a) Long-Term Care Homes Act, 2007;
(b) Retirement Homes Act, 2010;
(c) Homes for Special Care Act;
(d) Public Hospitals Act;

"Informal Care Services" means the provision of services to support the routines of daily life including without limitation to assistance with money management, assistance with facilitating the payment of rent, assistance with facilitating the payment of bills, receiving payment for rent and services including rent received on behalf of another party, housing finding and stabilization, assistance with finding housing whether temporary or permanent, meal preparation, the provision of food or meals, advocacy, transportation, assistance with transportation, or other services;

The need for licensing arises from:
The power imbalance between tenants/residents and landlord in these facilities (lack of capacity);
Non-compliance with property standards;
The health of residents/tenants because of improper diet or administration of medication;
Lack of supervision;
No regulation of these facilities at the provincial level.

I am requesting that the following motion be approved:

> *That staff investigate an informal residential care facility licensing by-law and report back to Council with recommendations.*

Thank you for your consideration,

Councillor Eric Beauregard

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PORT COLBORNE

Community and Economic Development Department
Parks and Recreation Division

Report Number: 2019-44 **Date: April 8, 2019**

SUBJECT: 2019 Budweiser CanAm Walleye Challenge

1) PURPOSE

The purpose of this report is to present a request from Dave Malloy, Erie Tracker Outfitters, seeking support to host the Budweiser CanAm Walleye Challenge on June 22, 2019 at Sugarloaf Marina and H.H. Knoll Lakeview Park.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The Budweiser CanAm Walleye Challenge is one of the largest Walleye Tournaments on the Canadian Shores of Lake Erie. Erie Tracker Outfitters is responsible for the organization and operation of the fishing tournament that is run at Sugarloaf Marina. The one-day tournament began in 2013 and has continued to grow in size each year. In 2018, 96 teams entered into the tournament, with over 400 anglers participating. Teams travelled from all over southern Ontario as well as 16 teams from the United States. In addition to the one-day tournament on June 22, 2019, there is also a Big Fish Friday event that will be held on June 21, which is open to all team entrants. Historically, the Budweiser CanAm Walleye Challenge has not requested financial support in a dollar amount, however, the City has sponsored the event by waiving certain fees.

In January, the Manager of Parks and Recreation, Marina Supervisor, Assistant Marina Supervisor, and Director of Community and Economic Development met with Mr. Malloy from Erie Tracker Outfitters. During that meeting, Mr. Malloy requested the City's support to host this year's Budweiser CanAm Walleye Challenge. As a result, staff reviewed the event requirements with Mr. Malloy, including infrastructure and logistical support (similar to the level of support provided by the City for other fishing tournaments). This year Mr. Malloy requested financial support from the City in the amount of $10,000, due to the time, effort, and expenses that are involved in operating this tournament. Mr. Malloy stated that the financial support would help alleviate the costs of the tournament that include, but are not limited to:

- Creation, distribution, and collection of tournament, Big Fish Friday, and Calcutta registration forms;
- Creation and distribution of tournament rules and regulations;
- Creation, distribution, and collection of team waiver forms;
- Collection of tournament and Big Fish Friday entry fees payable by cheque, money order, interac, or credit card;
- Creation and distribution of team pucks;
- Creation and distribution of boat numbers to each team entered;
- Cost of providing orange vests to all volunteers;
- Insurance and bank fees;
- Cost of weigh-in board;

- Cost and preparation of winner's cheques (including large cheque from Bee Line Signs);
- Professional weigh-in costs ($2,000);
- Sponsor and volunteer recruitment;
- Tournament Master of Ceremonies;
- POCOMAR donation for services provided as lead boat for the tournament.

Council approved the establishment of an account dedicated to supporting local fishing tournaments during its 2019 budget deliberations, and allocated a total of $25,000 to the account for this purpose. Should Council approve the $10,000 sponsorship request, staff recommend funding be allocated from this account.

The Port Colborne & District Conservation Club recently advised staff that it will not be hosting the 444 International Walleye Tournament in 2019. Due to the unfortunate discontinuation of the renowned "444" tournament, it is expected that the Budweiser CanAm Walleye Challenge will continue to grow. As a result, Mr. Malloy is hopeful Council will approve the financial support and direct staff to work with the Budweiser CanAm Walleye Challenge to administer and facilitate logistical needs for the event.

The City has provided infrastructure and logistical support for other tournaments in the past, which in turn has helped event organizers promote and maintain manageable tournament participation fees. If Council approves the request for sponsorship and financial support, the Budweiser CanAm Challenge will recognize the City as an event sponsor.

The Budweiser CanAm Challenge is distinct from other Walleye events as it is a one-day tournament, with a Big Fish Friday, where other tournaments have been two days. The Budweiser CanAm Challenge also allows two to five persons per team. The Challenge also has an eight-rod maximum, with all entry fees directed back into the prize allotments. In the past, the Budweiser CanAm Challenge has attracted fishing enthusiasts from the United States and throughout Southern Ontario.

3) STAFF COMMENTS AND DISCUSSIONS

The Budweiser CanAm Challenge promotes sport fishing tourism in the City and enhances the City's recognition as an "Ultimate Fishing Town" destination (a designation awarded to the City of Port Colborne in 2013/2014). As with other City sponsored events, should Council approve the City's support, staff would provide oversight and would manage the necessary infrastructure and logistical support, and would ensure related expenses do not exceed the approved budget.

In addition to infrastructure needs the event organizers are also requesting discounted dock fees, the supply of portable washrooms, security, a waiver of park permit fees (to allow camping in the park), and assistance with marketing the event on social media. An overview of each request and the implications is outlined below.

Sugarloaf Marina:

As noted above, the Budweiser CanAm Challenge is requesting a discount on dock fees at Sugarloaf Marina. During past Marina events, group discount rates for dock fees have

been provided. They are also requesting that the boat launch fees be waived for the tournament participants.

The current discount rates for docks are as follows: 10 to 24 boats for a discount rate of 15%, 25 to 49 boats for a discount rate of 25%, and for 50+ boats for a maximum discount rate of 35%. These discounted rates have been provided by the City to major fishing tournaments and regattas in the past and have proven to promote the Marina as a destination for such events.

The Budweiser CanAm Challenge is requesting the Marina dock fees be discounted at the 50+ boat rate of 35% off regular transient dock fees. The Budweiser CanAm Challenge is also requesting boat ramp fees be waived for event participants. This is consistent with other fishing tournaments at Sugarloaf Marina, at which the ramp fees have also been waived.

Camping/Parking and Waste Management:

To facilitate early arrival of participants, event organizers have requested permission for RV camping/parking at H.H. Knoll Lakeview Park beginning at 12:00 p.m. on June 20, 2019. Staff recommend the designated RV camping/parking site be defined using snow fencing. As per the Fire and Emergency Services Department, fires are not permitted in the Park.

The event organizer will be responsible for waste management and for ensuring the event is supplied with sufficient waste receptacles and recycling containers. Waste collection will be managed by the Budweiser CanAm Challenge volunteers and will be augmented by security services.

Using photographs, staff will document the state of the park and designated RV camping/parking site before and after the event to document any damage claim. The City has accommodated camping in the park for other events and the City has not received complaints from the public regarding camping in the park in prior years.

Security and Fencing:

As part of the City's risk management practices, security personnel must be scheduled to patrol the park and ensure participants comply with park by-laws. The event organizers have requested the City's sponsorship include security costs. Should Council approve this report, the Event Coordinator will coordinate security arrangements and fencing. The City has adequate snow fencing. The sponsorship request includes the waiving of snow fence installation fees. Prior to the installation of the snow fencing, the Event Coordinator will work with the City technician to ensure compliance with Ontario One Call in order to obtain locates at the site.

Certificate of Insurance:

The event organizers are required to provide a certificate of liability insurance in the amount of $5,000,000, naming the City as additional insured, for the duration of the event, and must comply with the City's Festival & Event Insurance Requirements.

Summary of City Sponsorship and Associated Costs:

The following is a summary of the requested sponsorship and the City costs associated with the provision of same:

City Sponsorship Type	Approximate Value ($)
Waive Park Permit and Camping Permit Fees (H.H. Knoll Lakeview Park)	150
Snow Fencing and Install	400
Security	480
Portable Washrooms	180
Promotion on Social Media	Staff time.

The Budweiser CanAm Walleye Challenge is also requesting $10,000 in financial support from City to cover costs, time, and effort that was outlined earlier in this report. As outlined above, should Council approve the $10,000 sponsorship request, staff recommend funding be allocated from the recently established account to support local fishing tournaments.

Staff Comments:

By-law Enforcement Division:

The following by-laws govern the activities listed in this report:

- By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks - Section 29(2):

  "No person shall in any Park, unless expressly authorized by a Permit that is clearly displayed in the driver's side front windshield of the vehicle in such a manner as to be readable from the exterior of the Vehicle:

  > Park or leave a Vehicle, except during the times the Park is open to the public, as defined in Section 4 of this By-law or in an area designated for such overnight parking."

  If parking of vehicles is within the Permit camping area, no additional permit would be required under the Parks By-law (see Camping By-law). If parking within the boat ramp launching area, permits will be provided by the event organizer.

- By-law 5642/73/11, Being a By-law to Provide for Permission to Camp and to Establish Rules and Regulations for Camping in H.H. Knoll Park, Lions Park, Nickel Beach and Centennial Park (Section 5(xviii)):

  "The Camping Organization that has been issued a permit to camp in a municipal park shall be responsible for and comply with the following:

Permit any tent in excess of 60 m^2 to be set up/installed or used within the camp area, however the Camping Organization may apply to the Chief Building Official for a tent larger that may be used for purposes of the Camping Organization; however such tent may not be used for overnight accommodation".

Waiving of Building Permit fees for tents on City property at City sanctioned events has normally been granted in the past. Unless expressly authorized by Council this privilege may change (Section 8):

"Unless expressly permitted or provided for by a permit pursuant to the Camping By-law and authorized by the Council of the City of Port Colborne, in accordance with various other municipal by-laws concerning conduct on municipal property, any person or group permitted to camp in a municipal park shall not:

Section 8(xix) - Park vehicles in area other than those designated for camping,
Section 8(xx) - Park overnight except in an area designated for overnight parking and camping."

If Council approves the recommendation of this report, Council would be expressly permitting the camping and parking of vehicles, therefore no additional permits would be required.

Fire & Emergency Services Department:

Parking in and around event is to be controlled to ensure access for emergency vehicles.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

Council may receive and file this report, which would effectively deny the sponsorship request; however, this would negatively impact the viability of the event. The City has provided support for other fishing tournaments in the past. Such support has proven to contribute to the success of other tournaments and has served to promote Sugarloaf Marina as a fishing destination. As a result, this option is not recommended.

b) Other Options

Council may choose to provide an alternative level of support than that requested by the event organizer.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This report supports the City's goal of strengthening festivals and events, which in turn provides economic benefits and serves to provide recreation opportunities for citizens and visitors alike. Forming viable collaborative partnerships, engaging community organizations, and supporting sport tourism are important components of in achieving this goal.

6) ATTACHMENTS

Appendix A – Site Plan of Camping Area

7) RECOMMENDATION

That City sponsorship of the 2019 Budweiser CanAm Challenge be approved, with sponsorship to be provided as follows:

a. Waiving of permit fees for the use of, and camping in, H.H. Knoll Lakeview Park;
b. Provision and installation of snow fencing, and waiving of associated fees;
c. Provision of security and waiving of associated fees;
d. Provision of portable washroom facilities and waiving of associated fees;
e. City assistance with event promotion and marketing on social media;
f. $10,000 in financial support; and

That, in accordance with By-law 5642/73/11, the Budweiser CanAm Challenge be provided with access to H.H. Knoll Lakeview Park for permitted RV camping/parking beginning at 12:00 p.m. on Thursday, June 20, 2019, and that RV camping/parking be cleared from Park by Sunday, June 23 at 6:00 p.m.; and

That approval of the above noted event and sponsorship is conditional on the Budweiser CanAm Challenge submitting a certificate of liability insurance in the amount of $5,000,000, naming the City of Port Colborne as additional insured.

8) SIGNATURES

Prepared on March 8, 2019, by:

Luke Rowe,
Event & Volunteer Coordinator

Reviewed by:

Mark Minor,
Marina Supervisor

Reviewed by:

Nicole Halasz
Manager of Parks and Recreation

Reviewed by:

Ashley Grigg,
Director of Community and Economic Development

Reviewed and respectfully submitted by:

C. Scott Luey,
Chief Administrative Officer

2019 Budweiser CanAm Walleye Challenge
Site Plan of Camping Area

PORT COLBORNE

Community and Economic Development Department
Parks and Recreation Division

Report Number: 2019-45 **Date: April 8, 2019**

SUBJECT: Proposed New Event – Community Bonfires at Nickel Beach

1) PURPOSE

The purpose of this report is to present a proposal for a new City event – community bonfires to take place on three evenings during the summer at Nickel Beach.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

This report has been prepared to provide information regarding a proposed bonfire and marshmallow roast at Nickel Beach (the "Event) over three evenings during the summer season. The Event is proposed to take place from 8:30 p.m. to 10:30 p.m. (after regular Beach operating hours) on Friday, June 21, Friday, July 26, and Friday, September 20 at Nickel Beach. The Event is intended to be a free, family-friendly evening that includes a community bonfire on the beach, marshmallow roast (and s'more making), and live acoustic music. As noted above, this Event would be a new City initiative. After the inaugural year, based on attendance and overall success, staff will recommend adopting same as an annual community activity in subsequent years and budget accordingly.

3) STAFF COMMENTS AND DISCUSSIONS

The Event is proposed to take place on the dates noted above in order to avoid any conflict with other events taking place within the City during the summer months. Such other events include Moonlight Flicks (Wednesday evenings), and Downtown Cruise Nights and Port Colborne Concert Band performances (Thursday evenings). Further the Event is proposed to take place in June, July and September so as to avoid the peak period leading up to and following the Canal Days Marine Heritage Festival and resulting staff absences (lieu time) following the Festival. Further, staff recommend hosting the event outside of peak Beach attendance periods (weekend and holidays), due to existing challenges with clearing the beach of patrons after regular operating hours. The proposed time of the Event (8:30 p.m. to 10:30 p.m.) will provide sufficient time between regular operating hours and the start of the Event for staff to stage the beach. Associated staff wages also influenced staff's proposal to host the Event during the week rather than on a weekend in order to avoid further increasing associated staffing costs (overtime).

The remainder of this report outlines the resources, anticipated budget, and requisite permissions/exemptions required to host the Event.

Resources Required:
As noted above, the Event is proposed to take place after regular operating hours at Nickel Beach. As a result, special arrangements for staffing and equipment use are required to host the event. This section outlines the various components involved in

hosting the proposed Event. An estimate of associated costs is summarized under the "Anticipated Financial Impact" section that follows.

Parks and Recreation Staff Resources:
Staff recommend utilizing the services of one Events staff member to supervise, manage, and administer the overall event (as outlined herein) and one Parks Division staff member for the purpose of beach grooming and associated cleanup. Event staff will manage stoking the fires and managing the size of the fires (as well as fire supervision). Based on consultation with the City's Fire Chief, the provision of several small fires is preferred, as smaller fires can be more easily managed, monitored and controlled (as opposed to one large bonfire that would emit significant amounts of heat and is not particularly well suited to roasting marshmallows).

Security and Policing:
To monitor and ensure the safety of event-goers, and to mitigate exposure (as discussed under the Staff/Stakeholder Comments section) the use of a security guard and police officer for each evening of the Event is recommended. The security guard would be tasked with monitoring the overall event, assisting in fire supervision, and enforcing the provisions of the City's Alcohol Management Policy (alcohol is not permitted on the Beach). The City regularly utilizes security at a number of City facilities and various events throughout the year (including the Vale Health & Wellness Centre, Sugarloaf Marina, and Nickel Beach).

Volunteers:
For safety and liability reasons, utilizing the City's staff resources to administer, supervise, and manage the proposed Event is recommended. As a result, volunteer resources will not be used to host the Event.

Washroom Facilities:
After-hours access to the washroom facilities will be maintained for the duration of the event. However, limited lighting is available at the Beach after dark. Should the recommendation of this report be approved, staff will investigate temporary lighting options with the Engineering and Operations Department, however temporary lighting has not been factored into the estimated budget. Staff resources to close the washroom facilities is required.

Vehicle Access:
As Council is aware, vehicle parking is permitted on the Beach during regular operating hours. Due to limited parking availability at the Beach, staff recommend maintaining on-beach parking for the Event (limited to a designated parking area – to be monitored and controlled by staff for safety and security purposes).

Music:
A live musical performance will be provided each night of the Event, however, an exemption to the City's Noise By-law will not be required, as acoustic performances will be provided (as opposed to amplified music). The provision of musical entertainment is being arranged and confirmed through the Mayor's Office at no charge to the City.

Sponsorship/Community Support:
Brandon's No Frills has committed to providing sponsorship through the donation of marshmallows, graham crackers and chocolate, that will be provided to attendees for making s'mores, at no charge.

Communications:
Staff have consulted the City's Communications Officer regarding branding and promotion of the proposed Event. Initial discussion with the Communications Officer has included the possibility of introducing a new City tagline intended to reflect the theme of the event, such as "S'more ways to PORTicipate at Nickel Beach" or other such slogan. Event promotion will include a media release, a campaign utilizing the City's social media outlets, and publication in City Hall News.

Anticipated Financial Impact:
The following provides an overview of the anticipated financial resources required to host the Event. As noted above, admission to the Event (and the provision of supplies for making s'mores) is recommended to be free. Therefore, there will be no revenue source to offset associated costs. The following budget (prepared on a per-evening basis, for a total of three evenings) has been estimated based on the required staff and equipment resources described above.

Estimated Budget Summary	
Resource	**Cost**
Parks Crew Wages	$133.06
Event Staff	$309.92
Marketing	$65.00
Security	$96.50
Police	$280.00
Total	**$884.48/evening**

As outlined above, the total anticipated cost per evening is $884.48, or $2,653.44 total (based on three evenings). A "Community Group Events" section exists under the Community and Economic Development Department budget for supporting new event initiatives that may arise during the year. As a result, staff recommend this new event initiative be funded under this account.

Special Permissions/Exemptions Required:
The City's policies and procedures concerning festivals and events outline guidelines for hosting events in municipally owned facilities and/or property. As discussed below, several municipal by-laws have an impact on the potential Event.

Open Air Burning By-law:
By-law 6280/106/15, Being a By-law to Regulate Open Air Burning in the City of Port Colborne prohibits open air burning within the boundaries of the City of Port Colborne unless permission has first been granted by the Fire Chief. Further,

approved open air burns must consist of a small confined fire that is used to cook food on a grill, barbecue or spit, commensurate with the type and quantity of food being cooked. Approved open-air burns must also be supervised at all times.

As a result, staff sought and obtained comment from the Fire & Emergency Services Department regarding the Event. Comments from the Fire & Emergency Services Department are outlined in the Staff/Stakeholder Comments section below.

By-law to Regulate Municipal Parks:
For regulation purposes, Nickel Beach is recognized as a municipal park under By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, and is therefore subject to the provisions of said By-law. Section 13 of the By-law provides that, unless expressly authorized by permit or in a permitted area designated by posted signs, lighting, building or stoking an open fire or bonfire in municipal parks is prohibited. As a result, Council's approval to exempt the Event from these provisions is required.

Vale Canada Ltd. - Lease Agreement (Permission):
As Council is aware, the City's use of Nickel Beach is governed by a lease agreement with Vale Canada Ltd. The lease agreement does not contain provisions regarding the hosting of community events or bonfires at the Beach. As a result, permission from Vale Canada Ltd. is required. On February 13, 2019, staff sought and obtained permission from Vale Canada Ltd. to host the event, including the bonfires, at Nickel Beach.

Staff/Stakeholder Comments:

This report was circulated for comment to the By-law Enforcement Division, Engineering & Operations Department, Fire & Emergency Services Department, and City Insurer for comment, with input received as follows:

By-law Enforcement Division:
The By-law Enforcement Division has concerns with the following:

- The parking for the event could primarily take place on the beach; however, any overflow of traffic would spill onto Lake Road. With minimal parking on Lake Road and both sides of the road allowance being signed for no parking there could be congestion of vehicles in that area which would prevent emergency vehicles from entering or exiting the event.
- Also, with being off hours for By-law Enforcement there would be no coverage for parking infractions.
- The security guard on duty would be monitoring the bonfire as well as ensuring that no alcohol would be entering the Event. There should also be random patrols along the beach to ensure that nobody has gone into the water. Would there be searches of vehicles and pedestrians? How would the event be monitored if anybody leaves the event with alcohol? Would there be precautions to ensure no underage drinking?

Engineering & Operations Department:
Engineering & Operations do not have any comments to add to this report.

Fire & Emergency Services Department:
As noted within this report, By-law No. 6280/106/15 prohibits open air burning within the boundaries of the City of Port Colborne; unless permission has first been granted by the Fire Chief. Further, approved open air burning must consist of a small confined fire that is used to cook food on a grill, barbecue or spit, commensurate with the type and quantity of food being cooked.

The Fire Department responds to approximately fifty (50) open burning complaints per year. In all cases, once a complaint is received, the fire must be extinguished.

The real issue is what happens if the Fire Department receives a complaint. Under normal circumstances the fire would have to be extinguished. Council does have the authority to waive By-law No. 6280/106/15 and would be doing so through approval of these events/bonfires on Nickel Beach.

The duty crew would be notified of the events and would not respond to a complaint during the hours specified. Should our assistance for other reasons, such as first aid, water related issues or other medical purposes, the staff person/security would have to call 911 and specify the request for assistance is other than a burning complaint.

Obviously, the types of fires being described within this report are intended to be used to prepare food at some point. Extreme caution around fires such as those that are being proposed must be used. Additionally, the fires must be totally extinguished once the event is finished and all coals must be completely extinguished.

Those individuals adding wood to the fires must use caution due to hot embers and obviously wind/smoke conditions. Safety is of utmost importance.

Safety considerations:
a) Fire size;
b) Wind direction;
c) Extinguishing aids (water supply);
d) Trained first aid attendance on site (City employee);
e) Control around fire (especially for children);
f) No alcohol (as noted within this report);
g) Minimum number of fires; and
h) Making sure fires are totally extinguished after the event is finished.

McAvoy, Belan & Campbell (City Insurer):
As this event is happening at a beach in the evening, our concern is that participants will want to or try to swim. Signage needs to be posted and visibly clear stating the hours that people are allowed to swim. It is important that the security hired for the event will also be keeping an eye out on the waters.

Summary of Proposed Event:

The following chart provides a summary of the proposed Event, as outlined above.

Proposed Event Details at a Glance	
Date(s):	Three proposed dates, as follows: • Friday, June 21, 2019; • Friday, July 26, 2019; and • Friday, September 20, 2019.
Time:	8:30 p.m. to 10:30 p.m. (after regular operating hours of the Beach).
Location:	Nickel Beach
Approximate Budget:	$2,653.44 total ($884.48/evening).
Sponsorship/In-kind Support:	Brandon's No Frills (marshmallows, gram crackers, chocolate).
Approximate Volunteers:	None.
Anticipated Attendance:	80 to 100 people/evening (to be measured and confirmed).
Road Closure(s):	None.
By-law Exemptions Required:	• By-law 6280/106/15 - Open Air Burning • By-law 5503/100/10 - Regulate Municipal Parks
Special Approvals Required:	• Fire & Emergency Services (as outlined herein). • Vale Canada Ltd. (approval granted).
Promotion/ Communications:	• Media Release • Social Media • City Hall News

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

Council may choose to receive and file this report, effectively denying approval.

b) Other Options

Council may provide alternative direction regarding the proposed Event.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This initiative supports the City's strategic goal of hosting events that benefit the community and local economy.

6) ATTACHMENTS

None.

7) RECOMMENDATION

That the Community Bonfires Event at Nickel Beach, to be hosted from 8:30 p.m. to 10:30 p.m. on Friday, June 21, Friday, July 26, and Friday, September 20, 2019 at Nickel Beach be approved, as outlined in Community & Economic Development, Parks & Recreation Division, Report 2019-45, Subject: Proposed New Event – Community Bonfires at Nickel Beach;

That the provisions of By-law 6280/106/15, Being a By-law to Regulate Open Air Burning in the City of Port Colborne, respecting open air burning within the boundaries of the City, be waived in order to accommodate the Event at Nickel Beach;

That the provisions of By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, respecting fires and bonfires in municipal parks, be waived in order to accommodate the Event at Nickel Beach;

That funding for the Event be allocated under the "Community Group Events" account under the Community and Economic Development Department budget, at a total approximate cost of $2,653.44.

That swimming at Nickel Beach be prohibited for the duration of the above noted Event, and that appropriate signage denoting same be posted on site.

That Vale Canada Ltd. and other appropriate parties be so notified of the dates and times of the Event.

8) SIGNATURES

Prepared on March 29, 2019 by:

Luke Rowe
Event & Volunteer Coordinator

Reviewed by:

Blair Holinaty
Recreation Program Coordinator &
Nickel Beach Supervisor

Reviewed by:

Nicole Halasz
Manager of Parks & Recreation

Reviewed by:

Ashley Grigg
Director of Community & Economic
Development

Reviewed and respectfully submitted by:

C. Scott Luey
Chief Administrative Officer

PORT COLBORNE

Community and Economic Development Department
Health Services Division

Report Number: 2019-46 **Date: April 8, 2019**

SUBJECT: Request to Amend the Terms of Reference of the Port Colborne Medical Education, Recruitment and Health Services Committee

1) PURPOSE

This report presents a request from the Port Colborne Medical Education, Recruitment and Health Services Committee to amend its Terms of Reference.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

In order to engage local healthcare providers, develop a streamlined recruitment and retention initiative, and to enhance the primary care model to include ancillary healthcare providers, the Port Colborne Medical Education, Recruitment and Health Services Committee (the "Committee") has identified the need to develop a proactive approach with Port Colborne's health care partners. As a result, the Committee is requesting an amendment to its Terms of Reference in order to expand its composition to include one representative from Niagara Health, and the Hamilton Niagara Haldimand Brant Local Health Integration Network, to serve as non-voting members in an advisory capacity. This will ensure the City builds sustainable partnerships with health care stakeholders.

Further, the Committee has requested the Terms of Reference be amended to change and shorten the Committee's name from the "Port Colborne Medical Education, Recruitment and Health Services Committee" to the "Port Colborne Health Service Committee".

3) STAFF COMMENTS AND DISCUSSIONS

The scope of work of the Committee is fluid and changing to meet the demands of health care delivery. This scope reaches beyond physician recruitment, retention and medical education. The Committee has expressed the need for the City to be a partner and stakeholder in health care development within our complex health care system in Niagara. Delivering accurate information to citizens is imperative, and having all of the stakeholders at the table will ensure this communication remains a top priority moving forward. Further, shortening the Committee's name will simplify reference to the Committee, reflect the Committee's broad mandate, and alleviate confusion.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

Council may choose to receive and file this report, effectively denying the request. This option is not recommended, as expanding the Committee's composition to include health care stakeholders (in a non-voting, advisory capacity) will ensure the work of the Committee is recognized and heard by the broader health care community.

b) Other Options

Council may provide alternative direction regarding the request. This option is not recommended, as the Committee has requested Council's support, as outlined herein.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Sourcing innovative ways to bring necessary services to the community is a strategic direction of Council, particularly in light of health care service delivery changes.

6) ATTACHMENTS

None.

7) RECOMMENDATION

That By-law No. 4876/101/06, Being a By-law to Establish a Committee Known as the "Port Colborne Physician Recruitment and Medical Education Committee" and to Provide for the Appointment of Members Thereto, as amended, be further amended by adding the following under Subsection 3(A):

"3(A)(e) That the Port Colborne Health Services Committee shall comprise the following non-voting members, who shall serve in an advisory capacity:

(i) One representative of Niagara Health; and
(ii) One representative of Hamilton Niagara Haldimand Brant Local Health Integration Unit."

That By-law 4876/101/06, as amended, be further amended by replacing throughout the By-law the words "Port Colborne Medical Education, Recruitment and Health Services Committee," with the words "Port Colborne Health Services Committee"; and

That the appropriate by-law be presented for approval.

8) SIGNATURES

Prepared on March 20, 2019 by:

Joanne Ferraccioli
Health Services Coordinator
(Temporary)

Reviewed by:

Ashley Grigg
Director of Community & Economic Development

Reviewed and respectfully submitted by:

C. Scott Luey
Chief Administrative Officer

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PORT COLBORNE

Engineering & Operations Department
Engineering Division

Report Number: 2019-47 **Date: April 8, 2019**

SUBJECT: Project 2019-05, Carter Street Watermain Replacement

1) PURPOSE

This report was prepared by Steve Shypowskyj, Manager of Projects & Design, under the direction of Chris Lee, Director of Engineering & Operations. The purpose of the report is to inform Council of the outcome of the tender proceedings for Project 2019-05, Carter Street Watermain Replacement, and to obtain approval from Council to award the project to the recommended contractor.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The Carter Street Watermain Replacement project includes the abandonment of the existing cast iron watermain currently residing within an easement between two Carter Street properties and in the railway corridor directly North of Park Street, between Steele Street and Fielden Avenue. A new PVC watermain will be installed within the Carter Street road allowance and all water services for properties between the addresses 4 to 40 Carter Street, on the South side of the roadway, will be relocated to enter the houses from the Carter Street property frontage instead of the properties back yards as currently laid out. The project will incorporate a significant amount of rock removal due to the high elevation of bedrock in the area and also includes the entire sidewalk being replaced between addresses 4 and 40 Carter Street on the South side of the roadway.

In 2016, staff presented a report to Council outlining the opportunity to apply to the Clean Water and Wastewater Fund (CWWF) for two projects being the Carter Street Watermain Replacement and the Janet Street Watermain, Sanitary Sewer Replacements and Storm Sewer Repairs. The applications were successful and both projects have been initiated.

In general, the Federal government will contribute 50% of eligible project costs, the Provincial government will cover 25% of eligible project costs, and the municipality will be responsible for the remaining 25% of project costs. The estimated cost for the Carter Street Watermain Replacement as submitted within the 2016 CWWF application was $296,000. This breaks down to $148,000 Federal funding, $74,000 Provincial funding, and $74,000 Municipal funding.

Since the approval of the funding staff have put together a detailed design and solicited bids through the City's website, biddingo.com, and through email notification to our contractor list. As of March 22, 2019, nine contractors requested contract documents be sent to them.

On Monday, March 25, 2019 at 2:00 p.m., tender 2019-05, Carter Street Watermain Replacement, closed. A standard three-envelope system was used for the tender process. Two tenders were submitted to the Clerk's office with the following results:

Cotton Inc.	**$451,990.00**
Vic Vatrt Contracting LTD.	**Incomplete**

Note: Prices as quoted (Inclusive of any and all provisional items)

Since the tender opening, staff have reviewed and adjusted the Schedule of Quantities (unit costs & total pricing) for mathematical errors within Cotton Inc.'s submission; the amount shown is the corrected cost. Vic Vatrt Contracting LTD.'s envelope #3 was not opened due to missing documentation within envelope #2.

It is the recommendation of staff to proceed with the tender submitted by Cotton Inc. in the amount of $451,990.00.

3) STAFF COMMENTS AND DISCUSSIONS

Project Funding:

The Federal and Provincial Governments will be contributing $222,000 to the project. Since the actual contract costs would be $451,990.00 versus the $296,000 estimate submitted to CWWF in 2016, the municipality will be required to fund the difference of $155,990.00 along with the original 25% portion being $74,000.00. The City cannot apply for an increase in funding to the CWWF as the allotted grant funding has reached the maximum amount.

Contingencies:

City staff recommend a $25,000.00 contingency to account for potential conflicts that may arise in the field. These funds will only be spent should an issue arise during construction and will require the approval of the Director of Engineering and Operations. The $25,000.00 contingency amounts to approximately 5.53% of the construction costs.

Overall Project Cost Summary:

Project Funding/Expenses		
Source	**Funding**	**Expenses**
Federal Funding (CWWF)	$148,000.00	
Provincial Funding (CWWF)	$74,000.00	
City of Port Colborne - Contractor Costs		$451,990.00
City of Port Colborne – Construction Contingency		$25,000.00
Total	**$222,000.00**	**$476,990.00**

As shown in the chart above, the total funding for the project equates to $222,000.00 and total projected expenses are $476,990.00; a difference of **$254,990.00**.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

If no action is taken at this time, the $222,000.00 in grant funding will be lost and the existing cast iron watermain will remain in service. It is worth noting that this section of watermain had a leak surface this spring which was repaired by the Operations Division.

b) Other Options

If Council decides to reject staff's recommendation and wishes to retender the project, a 7-week delay will occur causing potential staff shortages at the time of construction due concurrent projects taking place (Janet Street Watermain, Sanitary Sewer Replacements and Storm Sewer Repairs). A re-tendering of this project may also discourage submissions of any future tender bids.

c) Other Options

If Council accepts staff's recommendation, the City's Project 2019-05 can move forward, construction can commence, the existing watermain will be replaced and the municipality will have taken advantage of the CWWF funding currently available. **(RECOMMENDED)**

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This project will aid the Municipality in its goal to maintain and operate a quality Water Distribution System throughout the service area.

6) ATTACHMENTS

None.

7) RECOMMENDATION

That Project #2019-05, Carter Street Watermain Replacement, be awarded to Cotton Inc., of Niagara Falls, Ontario, for the submitted tender price of $451,990.00 (plus applicable taxes); and

That the $254,990.00 for the municipality's portion of construction costs, and contingency allowance be funded from the Water Capital budget; and

That the By-Law be prepared and the City Clerk and the Mayor be authorized to execute the Contract Agreement.

8) SIGNATURES

Prepared on March 27th, 2019 by:

Steve Shypowskyj
Manager of Projects & Design

Reviewed by:

Chris Lee
Director of Engineering & Operations

Reviewed by:

Peter Senese
Director of Corporate Services

Reviewed and respectfully submitted:

C. Scott Luey
Chief Administrative Officer

PORT COLBORNE

Corporate Services Department
Finance Division

Report Number: 2019-50 **Date: April 8, 2019**

SUBJECT: City of Port Colborne – Strategic Asset Management Policy

1) PURPOSE:

This report was prepared to present to Council for approval of the updated Strategic Asset Management Policy (SAMP).

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Council first adopted the Asset Management Policy in October 2016, to support the City's Asset Management Program and provide a framework to ensure the development of the City's Asset Management Plan.

On December 13 2017, the province approved *O.Reg 588/17: Asset Management Planning for Municipal Infrastructure under the Infrastructure for Jobs and Prosperities Act, 2015.* Under the regulation, the City is required to prepare and Council to approve a Strategic Asset Management Policy (the Policy) by July 1, 2019. Subsequently, the Strategic Asset Management Policy must be reviewed and, if necessary, updated at least every five years afterwards.

The policy must address twelve components:

1) The municipality's goals, policies, and plans that are supported by the Asset Management Plan (AMP);
2) The process by which the AMP is to be considered in the development of the budget or any long-range financial plans that take into account municipal infrastructure assets;
3) The municipality's approach to continuous improvement regarding Asset Management planning;
4) The principles to be followed in the municipality's Asset Management planning process. These principles must uphold the points outlined in section 3 of the *Infrastructure for Jobs and Prosperity Act*;
5) The municipality's commitment to consider actions that might be required to address climate change impacts upon its infrastructure;
6) Alignment of the AMP with financial plans related to the municipality's water and wastewater assets;
7) Alignment of the AMP with the Province's land-use planning framework;
8) Explanation of the capitalization thresholds used to determine which assets are to be included in the AMP and how the thresholds compare to those in the municipality's Tangible Capital Asset Policy;
9) The municipality's commitment to coordinating planning on Asset Management for infrastructure that is jointly-owned (or inter-related) with other municipalities;
10) Identification of the persons involved with the Asset Management planning process at the municipality, including the executive lead;

11) Explanation of Council's involvement in Asset Management planning; and
12) The Municipality's commitment to provide opportunities for residents and other interested parties to provide input into the Asset Management planning process.

The Strategic Asset Management Policy (Appendix A) is the first requirement in the staged process for compliance with *O.Reg 588/17*. The policy will be used as a guiding framework for updating the City's Asset Management Plan.

3) STAFF COMMENTS AND DISCUSSIONS

Asset Management planning is the process of making the best possible decisions regarding the acquisition, operating, maintaining, reviewing, replacing and disposing of infrastructure assets and is regarded as best practice for long-term financial planning. The Asset Management Plan is developed and updated through a series of activities, including assets inventory review, replacement value calculation, condition assessment practice, level of service framework, asset lifecycle management strategy, risk modeling and financial funding strategy.

The objective of the City of Port Colborne's Strategic Asset Management Policy is to provide leadership in and commitment to the development and implementation of the City's Asset Management program. It is intended to guide the consistent use of Asset Management across the organization, to facilitate logical and evidence-based decision-making for the management of municipal infrastructure assets and to support the delivery of sustainable community services now and in the future.

The City, like most Canadian municipalities, must overcome multiple challenges in managing assets including aging infrastructure; expectations of higher levels of service with minimal financial impact; increasingly demanding and complicated legislation with environmental requirements; and mitigation of the increased risk involved with infrastructure failure. Due to these increasing pressures, the City will need to implement a well-developed and detailed plan in order to make best decisions in managing the assets. To achieve this goal, developing the Strategic Asset Management Policy is the first step; it will play a critical role in implementing Asset Management across the organization.

Multiple workshops were held with Department Asset Management leads and our external consultant to review and update the Strategic Asset Management Policy. Changes to the Policy were made to incorporate legislated requirements outlined in the regulation and integrate industry best practices. Key changes to the policy include:

- Illustrating the critical connection between corporate strategic direction (including the Official Plan, Strategic Plan, Parks Master Plan, Transportation Master Plan, and other asset-related plans) and the Asset Management Strategy.

- Integrating Asset Management practices with budgeting process and long-term financial planning.

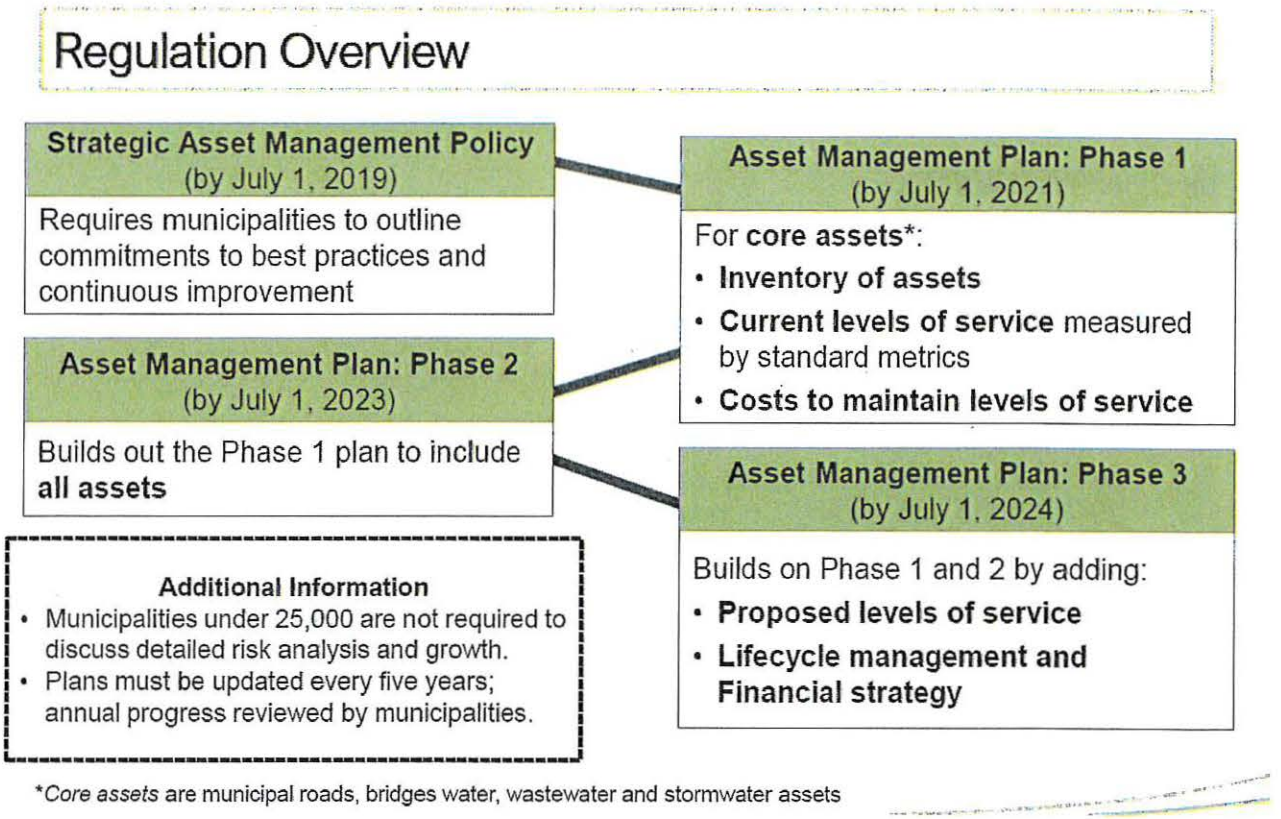
- Integrating Asset Management industry standards and best practices to drive continuous improvement.

- Aligning Asset Management planning with climate change mitigation and adaptation approaches.

- Identifying the executive lead and Council's involvement in directing and reviewing the Asset Management program.

- Outlining roles and responsibilities across the corporation, which are critical to successful implementation of the City's Asset Management plans. Overall responsibility for Asset Management is shared across City departments to effectively and continuously access, evaluate and improve the Asset Management program to achieve the level of service in the most cost effective and measurable way.

A recap on the legislative requirements of *O.Reg 588/17:*



**Core assets* are municipal roads, bridges water, wastewater and stormwater assets

The Strategic Asset Management Policy approved and adopted by Council by July 1, 2019 is the first requirement under the regulation. The next deadline is July 1, 2021, by which the Asset Management Plan for core assets is required to be adopted with defined current levels of service and costs to maintain levels of service.

The Asset Management team is actively working on refining the assets inventory for both core and non-core assets, integrating with the GIS mapping system, developing the asset profile and life cycle activities, establishing replacement value and long-term financial strategy. In addition, staff are completing the condition assessment of assets, modeling the risk management strategy, defining the current level of service for each class of service, as well as assisting the implementation of the work order system and

incorporating it with Asset Management program. The team is striving to deliver a high quality Asset Management Plan to guide the City's Asset Management practice and at the minimum, in full compliance with *O.Reg. 588/17.*

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Doing nothing is not recommended.

b) It is recommended that Council approve the Strategic Asset Management Policy in compliance with *O.Reg. 588/17.* By adopting the updated Strategic Asset Management Policy, Council will satisfy the first step required by the Regulation before the deadline. Additionally, this will provide a framework and guideline to the further development of the Asset Management Plan, in preparation to meet subsequent steps in the Regulation.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

To be in compliance with developing the City's Asset Management Plan and *O.Reg 588/17: Asset Management Planning for Municipal Infrastructure under the Infrastructure for Jobs and Prosperities Act, 2015..*

6) ATTACHMENTS

- Appendix A - Strategic Asset Management Policy

7) RECOMMENDATION

That the Port Colborne Strategic Asset Management Policy attached as Appendix A to Corporate Services Department, Finance Division Report No. 2019-50, be adopted by Council.

8) SIGNATURES

Prepared on March 25, 2019 by:

Jade McDowall
Capital Asset Supervisor

Reviewed and Respectfully Submitted:

C. Scott Luey
Chief Administrative Officer

Reviewed by:

Peter Senese
Director of Corporate Services

PORT COLBORNE

Strategic Asset Management Policy

Submission Date:	2019-04-08
Approved by:	Enter the approving authority, e.g., CAO.
Approval Date:	Enter date the policy was formally approved.
Effective Date:	Enter the date the policy will become operational.
Policy Number:	Enter policy number.
Next Revision Due:	Enter the date the policy will be reviewed and revised.

1.0 Definitions

Unless otherwise noted, the definitions provided in this document align with those outlined in Ontario Regulation 588/17 (O. Reg. 588/17), Asset Management Planning for Municipal Infrastructure, under the *Infrastructure for Jobs and Prosperity Act, 2015.*

1. **Asset management (AM)** – the coordinated activity of an organization to realize value from assets. It considers all asset types, and includes all activities involved in the asset's life cycle from planning and acquisition/creation; to operational and maintenance activities, rehabilitation, and renewal; to replacement or disposal and any remaining liabilities. Asset management is holistic and normally involves balancing costs, risks, opportunities and performance benefits to achieve the total lowest lifecycle cost for each asset (ISO 55000).

2. **Asset management plan (AMP)** – Documented information that specifies the activities, resources, and timescales required for an individual asset, or a grouping of assets, to achieve the organization's asset management objectives (ISO 55000). Under O. Reg. 588/17, by 2023 AMPs for core municipal infrastructure assets will be required to include the current levels of service being provided; the current performance of each asset category; a summary of assets in each asset category, their replacement cost, average age, condition information, and condition assessment protocols; lifecycle activities required to maintain current levels of service; discussion of population and economic

forecasts; and documentation of processes to make inventory- and condition-related background information available to the public.

3. **Capitalization threshold** – the value of a municipal infrastructure asset at or above which a City will capitalize the value of it and below which it will expense the value of it.

4. **Green infrastructure asset** – an infrastructure asset consisting of natural or human-made elements that provide ecological and hydrological functions and processes and includes natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces and green roofs.

5. **Level of service** – parameters, or combination of parameters, which reflect social, political, environmental and economic outcomes that the organization delivers. Parameters can include, but are not necessarily limited to, safety, customer satisfaction, quality, quantity, capacity, reliability, responsiveness, environmental acceptability, cost, and availability (ISO 55000).

6. **Lifecycle activities** – activities undertaken with respect to a municipal infrastructure asset over its service life, including constructing, maintaining, renewing, operating and decommissioning, and all engineering and design work associated with those activities.

7. **Municipal infrastructure asset** – an infrastructure asset, including a green infrastructure asset, directly owned by a City or included on the consolidated financial statements of a City, but does not include an infrastructure asset that is managed by a joint municipal water board.

2.0 Objective

The objective of this policy is to provide leadership in and commitment to the development and implementation of the City's asset management program. It is intended to guide the consistent use of **asset management** across the organization, to facilitate logical and evidence-based decision-making for the management of **municipal infrastructure assets** and to support the delivery of sustainable community services now and in the future.

By using sound asset management practices, the City will work to ensure that all municipal infrastructure assets meet expected performance levels and continue to provide desired service levels in the most efficient and effective manner. Linking service outcomes to infrastructure investment decisions will assist the City in focusing on service, rather than budget, driven asset management approaches.

This policy demonstrates an organization-wide commitment to the good stewardship of municipal infrastructure assets, and to improved accountability and transparency to the community through the adoption of best practices regarding asset management planning.

3.0 Background

The City is responsible for providing a range of essential services to the community, including, but not limited to, safe and reliable transportation networks; accessible community facilities; safe distribution of drinking water; effective collection of sanitary wastewater; and effective fire and emergency service management. To deliver these services, it owns and manages a diverse municipal infrastructure asset portfolio of roads, bridges/culverts, facilities, water/wastewater/storm infrastructure, parks, vehicles and machinery. As the social, economic, and environmental wellbeing of the community depends on the reliable performance of these municipal infrastructure assets it is critical to implement a systemic, sustainable approach to their management.

Asset management is such an approach, and refers to the set of policies, practices and procedures that allow an organization to realize maximum value from its municipal infrastructure assets. An asset management approach allows organizations to make informed decisions regarding the planning, building, operating, maintaining, renewing, replacing and disposing of municipal infrastructure assets through a wide range of **lifecycle activities**. Furthermore, it is an organization-wide process that involves the coordination of activities across multiple departments and service areas. As such, it is useful to adopt a structured and coordinated approach to outlining the activities, roles and responsibilities required of organizational actors, as well as the key principles that should guide all asset management decision-making.

A comprehensive and holistic asset management approach will support efficient and effective delivery of expected **levels of service** and ensure that due regard and process are applied to the long-term management and stewardship of all municipal infrastructure assets. In addition, it will align the City with provincial and national standards and regulations such as the Infrastructure for Jobs and Prosperity Act, 2015 and Ontario Regulation 588/17, enabling the organization to take full advantage of available grant funding opportunities.

The approval of this policy is an important step towards integrating the City's strategic mission, vision and goals with its asset management program, and ensuring that critical municipal infrastructure assets and vital services are maintained and provided to the community in a reliable, sustainable manner.

4.0 Alignment with the City's Strategic Direction

This policy will reference and incorporate elements of the City's Strategic Plans, including the Official Plan, Strategic Plan, Parks Master Plan, Transportation Master Plan, and other asset-related plans. As these plans are updated, this policy shall be revised to reflect emerging and evolving strategies, actions and priorities.

5.0 Policy Statement

To guide the City, the following policy statements have been developed:

1. The City will implement an organization-wide asset management program through all departments. The program will promote lifecycle and risk management of all municipal infrastructure assets, with the goal of achieving the lowest total cost of ownership while meeting desired levels of service.

2. The City will implement continuous improvement protocols and adopt best practices regarding asset management planning, including:

   i. Complete and Accurate Asset Data
   ii. Condition Assessment Protocols
   iii. Risk and Criticality Models
   iv. Lifecycle Management
   v. Financial Strategy Development
   vi. Level of Service Framework

3. The City will develop and maintain an asset inventory of all municipal infrastructure assets which includes unique ID, description, location information, GIS software mapping of assets to the asset inventory, value (both historical and replacement), performance characteristics and/or condition, estimated remaining life and estimated repair, rehabilitation or replacement date; and estimated cost repair, rehabilitation or replacement costs.

4. The City will develop an asset management plan (AMP) that incorporates all infrastructure categories and municipal infrastructure assets that are necessary to the provision of services. This may include assets that fall below their respective capitalization thresholds as outlined in the City's TCA Policy. The scope of these assets will be determined, according to relevance, based on the professional judgment of City senior staff. The AMP will be reviewed annually to address the City's progress in implementing its asset management plan and updated at least every five years in accordance with O. Reg. 588/17 requirements, to promote, document and communicate continuous improvement of the asset management program.

5. The City will integrate asset management plans and practices with its long-term financial planning and budgeting strategies. This includes the development of financial plans that determine the level of funding required to achieve short-term operating and maintenance needs, in addition to long-term funding needs to replace and/or renew municipal infrastructure assets based on full lifecycle costing.

6. The City will explore innovative funding and service delivery opportunities, including but not limited to grant programs, public-private partnerships (P3), alternative financing and procurement (AFP) approaches, and shared provision of services, as appropriate.

7. The City will develop meaningful performance metrics and reporting tools to transparently communicate and display the current state of asset management practice to Council and the community.

8. The City will consider the risks and vulnerabilities of municipal infrastructure assets to climate change and the actions that may be required including, but not limited to, anticipated costs that could arise from these impacts, adaptation opportunities, mitigation approaches, disaster planning and contingency funding. Impacts may include matters relating to operations, levels of service and lifecycle management.

9. The Municipality will ensure that all asset management planning is aligned with any of the following financial plans:

    i. Financial plans related to the Municipality's water assets including any financial plans prepared under the Safe Drinking Water Act, 2002.
    ii. Financial plans related to the Municipality's wastewater assets.
    iii. Financial plans related to the Municipality's stormwater assets.

10. The City will align all asset management planning with the Province of Ontario's land-use planning framework, including any relevant policy statements issued under section 3(1) of the *Planning Act*; shall conform with the provincial plans that are in effect on that date; and, shall be consistent with all municipal official plans.

11. The City will coordinate planning for interrelated municipal infrastructure assets with separate ownership structures by pursuing collaborative opportunities with neighbouring municipalities and jointly-owned municipal bodies wherever viable and beneficial.

12. The City will develop processes and provide opportunities for municipal residents and other interested parties to offer input into asset management planning wherever and whenever possible.

6.0 Roles and Responsibilities

The development and continuous support of the City's asset management program requires a wide range of duties and responsibilities. The following passages outline the persons responsible for these tasks:

1. **Council**

i. Approve the AM policy and direction of the AM program
ii. Maintain adequate organizational capacity to support the core practices of the AM program
iii. Prioritize effective stewardship of assets in adoption and ongoing review of policy and budgets
iv. Establish and monitor levels of service

2. **CAO**
   i. Provide oversight to the AM Policy to ensure that the AM program aligns with the City's strategic plan and provincial and federal regulations

3. **Executive Lead (Director of Corporate Services or Designate)**
   i. Manage policy and policy updates
   ii. Provide organization-wide leadership in AM practices and concepts
   iii. Provide departmental staff coordination
   iv. Monitor levels of service
   v. Coordinate and track AM program implementation and progress

4. **Asset Management Team**
   i. Development of policy and policy updates
   ii. Provide corporate oversight to goals and directions and ensure the AM program aligns with the City's strategic plan
   iii. Ensure that adequate resources are available to implement and maintain core AM practices
   iv. Provide departmental staff coordination
   v. Develop and monitor levels of service and make recommendations to Council
   vi. Track, analyze and report on AM program progress and results

4. **Departmental Staff**
   i. Utilize the new business processes and technology tools developed as part of the AM program
   ii. Participate in implementation task teams to carry-out AM activities
   iii. Implement and maintain levels of service
   iv. Provide support and direction for AM practices within their department
   v. Track and analyze AM program progress and results

7.0 Key Principles

The City shall consider the following principles as outlined in section 3 of the *Infrastructure for Jobs and Prosperity Act, 2015*, when making decisions regarding asset management:

1. Infrastructure planning and investment should take a long-term view, and decision-makers should take into account the needs of citizens by being mindful of, among other things, demographic and economic trends.

2. Infrastructure planning and investment should take into account any applicable budgets or fiscal plans.

3. Infrastructure priorities should be clearly identified in order to better inform investment decisions respecting infrastructure.

4. Infrastructure planning and investment should ensure the continued provision of core public services.

5. Infrastructure planning and investment should promote economic competitiveness, productivity, job creation and training opportunities.

6. Infrastructure planning and investment should ensure that the health and safety of workers involved in the construction and maintenance of infrastructure assets is protected.

7. Infrastructure planning and investment should foster innovation by creating opportunities to make use of innovative technologies, services and practices, particularly where doing so would utilize technology, techniques and practices developed in Ontario.

8. Infrastructure planning and investment should be evidence based and transparent, and, subject to any restrictions or prohibitions under an Act or otherwise by law on the collection, use or disclosure of information,
   i. investment decisions respecting infrastructure should be made on the basis of information that is either publicly available or is made available to the public, and
   ii. information with implications for infrastructure planning should be shared between the City and broader public sector entities, and should factor into investment decisions respecting infrastructure.

9. Where provincial or municipal plans or strategies have been established in Ontario, under an Act or otherwise, but do not bind or apply to the City, as the case may be, the City should nevertheless be mindful of those plans and strategies and make investment decisions respecting infrastructure that support them, to the extent that they are relevant.

10. Infrastructure planning and investment should promote accessibility for persons with disabilities.

11. Infrastructure planning and investment should minimize the impact of infrastructure on the environment and respect and help maintain ecological and biological diversity, and infrastructure should be designed to be resilient to the effects of climate change.

12. Infrastructure planning and investment should endeavour to make use of acceptable recycled aggregates.

13. Infrastructure planning and investment should promote community benefits, being the supplementary social and economic benefits arising from an infrastructure project that are intended to improve the well-being of a community affected by the project, such as local job creation and training opportunities, improvement of public space within the community, and any specific benefits identified by the community.

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PORT COLBORNE

Planning & Development Department
By-law Enforcement Division

Report Number 2019-49 **Date: April 8, 2019**

SUBJECT: Proposed Encroachment By-law, Policy and Fees

1) PURPOSE:

This report has been prepared by Sherry Hanson, Manager of By-law Services under the authorization of Dan Aquilina, Director, Planning and Development Services. The purpose of the report is to provide Council an explanation of the cost and service provided for Encroachment Requests.

2) HISTORY, BACKGROUND

On August 8, 2016, Report 2016-129, Encroachment Fees was presented to Council with the following results:

> Moved by Councillor B. Kenny
> Seconded by Councillor J. Mayne
>
> That the existing fee structure for encroachments remain as is until such time as the new by-law, policy, procedures and fee structure can be presented to Council for consideration.
> LOST.
>
> Moved by Councillor B. Kenny
> Seconded by Councillor J. Mayne
>
> That the existing fee structure for encroachments be waived until such time as the new by-law, policy, procedures, and fee structure can be presented to Council for consideration.
> CARRIED.

In Port Colborne, the Engineering Division issues Municipal Consent (MC) Permits for the temporary occupation of any portion of a municipal road allowance by private individuals. The MC process was recently updated and streamlined to provide a quick response time for requests for work on the municipal road allowance. The MC is required to ensure that applicants have sufficient insurance coverage to protect the municipality against claims and to ensure all areas are reinstated to original conditions. The MCs are required by all agencies working on municipal road allowances including utility companies, private consultants and contractors working on behalf of the property owners. Examples of applications are hydro pole installations, test pits for ground water monitoring and temporary crane street occupation for repairs to buildings and fascia. The current fee of $188 (2019) reflects the cost of administering the permit application including issuing the permit and follow-up inspections of the work. Council previously directed that fees cover the actual cost for the service provided.

The Planning Division Continuation of a 50% reduction in fees for encroachments in CIP project areas has been supported by Council in the past. As previously brought to Council's attention, all fees and charges payable for development cover staff time for processing and approval. Council, in the past, has accepted that owners should pay for all costs related to approvals with the understanding that otherwise the general taxpayer does. However, Council, in the past, has waived fees for not-for-profit groups and community associations if it is a benefit to the City and has elected to pass on the fees to the general taxpayer.

The By-law Enforcement Division streamlined the process by preparing an application form and standard encroachment license agreement to reduce staff time and costs. An Encroachment By-law and Policies were prepared and presented for legal review. Finally, an outline of the review process and costs was created.

3) STAFF COMMENTS AND DISCUSSIONS

The By-law Enforcement Division's mandate is to provide a cost effective service for Encroachment requests. The majority of the requests are from the local businesses within the Downtown Business Improvement Area (BIA).

Summary of Encroachment Documents

The Encroachment Application

- Simplified form for ease of customers;
- Application Form may be modified from time to time to address new issues;
- The Application Form and the Agreement create the full Agreement;
- The Application could be used for all encroachments including West Street.

The Encroachment Agreement

- Standard Contract Agreement prepared by Legal Counsel;
- The Encroachment Agreement has a consideration clause with a sum of one ($1.00) dollar. An Agreement without consideration is void;
- A separate standards agreement for West Street as approved by the St. Lawrence Seaway Management Corporation which has been utilized for the present patio encroachments;
- The Application Completed Form can be used for all types of agreements.

The Municipal Property Encroachment Policy

- Reviewed by Staff and processed, no Council report required;
- Residential Encroachments: No new Encroachments are allowed due to the difficulty or inability to obtain and sustain $5 million dollars' liability insurance

naming the City as additional insured;

- Residential properties presently encroaching on City property will be reviewed and processed accordingly. (Removed/Agreement);

- Non-Residential Encroachments must provide $5 million dollars' liability insurance naming the City as additional insured for all encroachments.

Pop-out /Pop-up Patios

- These encroachments would utilize the entire City sidewalk, while erecting an alternate route sidewalk within the existing parking stalls;

- Sidewalks on the road allowance would introduce traffic calming such as to slow down bicyclists as they would not be able to make a straight run down the sidewalk;

- All costs associated with this will be borne by the business owner;

- A Design Guideline, Building Permits, Municipal Consent, Inspections and signage will be some of the requirements associated with the alternate route sidewalk.

Costs

Attached spreadsheets indicate the time frames required to review the applications and process for the applicant.

Staff	By-law Division	Building Division	Planning Division	Engineering Division	Total Time
Staff Time Residential	94 mins	30 mins	30 mins	60 mins	214 mins

Administration costs

Cost are actual costs to review and administer an encroachment application and register it on title.

Type of Encroachment	Costs
Encroachment	$350.00
Renewal Term	$100.00

Staff Comments

Planning Comments

Planning has no adverse comments. Planning staff will continue to review each encroachment application to verify conformity with Zoning By-law and Official Plan.

Building Comments

Building will review Building Permit applications, and consider AGCO provisions, as applicable to the proposed patio.

Engineering Comments

A general design standard will need to be created before any applications are accepted. Location of pop-up patios will need to be approved through a municipal consent application and will only be permitted in areas where on-street parking is available. Approvals will be limited along any given street to prevent the elimination of too many on-street parking stalls.

Fire Comments

Fire will review on a case by case basis when requested by City staff or with regards to the AGCO. However, we have no objections to the concept of the encroachments or patios

Community & ED Comments

As long as design standards are maintained to ensure accessibility, the Pop-out/Pop-up Patios have the ability to promote vibrant pedestrian-oriented streets within the downtown. The proposed bylaw is in alignment with the 2018-2028 Economic Development Strategic Plan to create a revitalized downtown, contributing to the growth of dining, arts, culture and shopping atmosphere. The Bylaw provides an opportunity for the city to support the development of local businesses by creating new opportunities for local restaurants and enhancing the utilization of public space.

Accessibility Committee Comments

The Accessibility Advisory Committee (AAC) does not have an upcoming meeting scheduled to review this report in a timely manner. However, the staff liaison provided the report and associated policy to the committee members for review.

The staff liaison to the AAC advises that the AAC members support encroachments such as pop up patios as long as the encroachments don't create barriers to accessing the goods and services of businesses in the downtown core or access to the public space. Barrier free design should be addressed through the design standards and approval process for pop up patios. Additionally, staff should ensure that the design standards adheres to the Integrated Accessible Standard Regulations of the *Ontarians with Disabilities Act, 2005*, S.O. 2005, c.11.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

The actual costs for processing Encroachment requests and the CIP reduced rate.

a) Do Nothing

This is not applicable at this time.

b) Other Options

The Council of the City of Port Colborne can approve the By-law and Policies and assign rates that do not reflect the actual cost of processing the applications. This is not the recommend course of action.

5) COMPIANCE WITH STRATETIGIC PLAN INITIATIVES

Cost effective services and proactive enforcement is a desire of Council.

6) ATTACHMENTS

- Appendix A – Proposed Encroachment By-law
- Appendix B – Proposed Encroachment Policy
- Appendix C – Proposed Encroachment Application
- Appendix D – Proposed Encroachment Agreement
- Appendix E – 2016-129 Report Encroachment Fees

7) RECOMMENDATION

That Council approve the proposed encroachment By-law, policy and fee structure outlined in Planning and Development Department, By-law Enforcement Division, Report 2019-49, Proposed Encroachment By-law, Policy and Fees.

8) SIGNATURES

Prepared on March 9, 2019 by:

Sherry Hanson, C.P.S.O.
Manager of By-law Services

Reviewed and Approved by:

Reviewed by:

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

Reviewed and Respectfully Submitted:

Scott Luey
Chief Administrative Officer

PORT COLBORNE

THE CORPORATION OF THE CITY OF PORT COLBORNE
BY-LAW NO.

Being a By-Law to Adopt a Policy for Encroachments on Municipal Property

WHEREAS Section 8(1) of the *Municipal Act, 2001,* as amended, (the "Act") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Item 1, Table to Section 11 of the Act provides a lower tier municipality and an upper tier municipality may pass by-laws respecting matters within the sphere of jurisdiction for highways;

AND WHEREAS a municipality has the authority within its general highway powers to permit buildings and other structures to wholly or partly occupy or encroach on highways, permit the use of highways for general purposes, and pass such additional measures relating to the highways as Council deems necessary;

AND WHEREAS Section 23.1 of the Act authorizes a municipality to delegate certain powers and duties under the Act;

AND WHEREAS Section 391 of the Act authorizes the Council of a local municipality to pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of the municipality, and for the use of its property including property under its control;

AND WHEREAS Section 446 of the Act provides, inter alia, that where a municipality has authority by a by-law to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS the municipality has encountered encroachments on municipal property, including road allowances;

AND WHEREAS the Council of the City of Port Colborne has deemed it desirable to adopt a policy relating to encroachments on municipal property;

NOW THEREFORE the Council of the Corporation of the City of Port Colborne hereby enacts as follows:

1. In this by-law:

   (a) "City" means The Corporation of the City of Port Colborne;

(b) "Council" means Council of The Corporation of the City of Port Colborne;

(c) "Director" means the Director of Planning and Development of the City or his or her designate;

(d) "Encroachment" means any fence, tree, shrub, hedge, landscape berm, vegetative planting, building, structure or other object placed on municipal property;

(e) "Municipal Consent" means approval to encroach on a municipal property;

(f) "Municipal Property" shall mean any lands owned or leased by the City, including any municipal road allowance.

2. Council hereby authorizes, approves and adopts the Policy for Encroachments on Municipal Property (the "Policy") attached hereto and marked as Schedule A and forming part of this By-law.

3. Council hereby authorizes, approves and adopts the administration fees in respect of Encroachments as set out in Appendix "1" to Schedule "A", annexed hereto and forming part of this By-law.

4. Council hereby delegates to the Director the authority to authorize Encroachments on Municipal Property in accordance with the Policy.

5. The administration and enforcement of this By-law and the Policy shall be performed by the Director or his or her designate.

6. (a) No person shall place an Encroachment on Municipal Property, unless Municipal Consent has been granted in accordance with the Policy.

(b) No person shall place an Encroachment on Municipal Property contrary to the terms and conditions of a Municipal Consent.

7. Where a person has placed an Encroachment on Municipal Property without Municipal Consent or in contravention of the terms and conditions of a Municipal Consent, the Director may make an order directing the person to do any or all of the following:

(a) remove the Encroachment;
(b) comply with the terms and conditions of the Municipal Consent; or
(c) undertake work to correct the contravention of the Policy or to repair or restore Municipal Property as a result of the Encroachment,

all within the time specified in the Director's order.

8. (a) Where a person fails to comply with the requirements of a Director's order, the City, in addition to any other remedies it may have, may take all necessary steps to bring the lands into compliance with this by-law and/or the Policy and may enter upon land, at any reasonable time for that purpose.

(b) Any costs incurred by the City in action taken under Section 5(a) may be added to the municipal tax roll of the Owner and collected in the same manner and with the same priorities as municipal taxes.

9. The short title of this By-law will be the "Municipal Encroachment By-law/Policy".

ENACTED AND PASSED THIS ____ day of _____, _____.

_____
William C Steele
Mayor

_____
Amber LaPointe
City Clerk

CITY OF PORT COLBORNE

POLICY FOR ENCROACHMENTS ON MUNICIPAL PROPERTY

1. BACKGROUND

An encroachment occurs when things are placed on, in, or under Municipal Property. Encroachments may be deliberate or inadvertent, and may be man-made or natural including but not limited to:

a) "structural encroachments" such as fences, gates, decks, buildings, pools, wells, septic systems, docks, retaining walls, parking lots, awnings, ramps or other appurtenances;
b) "non-structural encroachments" such as pool drainage, waste, signs, benches, tables, chairs; or
c) "vegetative encroachments" such as plantings, flowers, vegetable gardens, decorative landscaping, shrubs, trees, bushes.

Encroachments are of concern because they:

a) may restrict or limit the use and enjoyment of Municipal Property which is for the benefit of all property owners, residents, tourists and visitors;
b) may pose a safety hazard to the public and give rise to potential damage claims from resultant injuries;
c) may damage the natural environment and undermine the City's stewardship role in protecting natural features;
d) may destabilize public lands with resultant damage to adjacent private lands:
e) may result in ratepayers absorbing costs to restore degraded Municipal Property;
f) may interfere with existing or future municipal infrastructure (ie. drainage, highway improvements, water and/or sewer lines); and
g) may interfere with other services such as gas, telephone, electrical distributers, cable television or electronic data transfer having been subject to proper location on Municipal Property through easement or other agreement.

It is the policy of the City that there shall be no unauthorized encroachments onto Municipal Property.

Property owners shall be required to seek permission from the City in order to encroach on Municipal Property.

An Encroachment Agreement shall be required for all approved encroachments and may, at the discretion and request of the City, be registered against the property that has been benefited by the agreement.

The purpose of this Policy is to:

i) implement an administrative process to provide a consistent application for approval of encroachments on Municipal Property;

ii) provide for administration and annual fees for encroachments; and

iii) provide a mechanism for the identification of, phasing out and removal of encroachments where there is no municipal consent and the encroachment is considered not to be in the public interest according to this Policy.

2. DEFINITIONS

In this by-law:

(a) **"Applicant"** means a person seeking authorization for an encroachment onto a municipal property, including a road allowance;

(b) **"By-law"** means the Municipal Encroachment By-law of Council authorizing this Policy;

(c) **"City"** means The Corporation of the City of Port Colborne;

(d) **"Clerk"** means the Clerk of the City or his or her designate;

(e) **"Council"** means the Council of The Corporation of the City of Port Colborne;

(f) **"Director"** means the Director of Planning and Development of City or his or her designate;

(g) **"Encroachment Agreement"** means an agreement entered into between the City and an owner in respect of an encroachment;

(h) **"Existing Residential Encroachment"** means a residential encroachment that existed prior to the enactment of the Municipal Encroachment By-law and this Policy;

(i) "**Municipal Consent**" shall mean approval to encroach on Municipal Property.

(j) "**Municipal Property**" shall mean any land owned by or leased by the City including any municipal road allowance;

(k) **"Municipal Road Allowance"** shall mean:

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,

that have not been permanently closed by by-law pursuant to the *Municipal Act, 2001* as amended from time to time, or its predecessor legislation.

(l) **"Non-Residential Encroachments"** shall mean encroachments on Municipal Property other than Residential Encroachments;

(m) **"Owner"** shall mean the registered owner of land abutting Municipal Property;

(n) **"Residential Encroachment"** shall mean an encroachment on Municipal Property appurtenant to a residential use;

(o) **"Temporary Encroachment"** shall mean a non-structural encroachment on Municipal Property for a temporary period.

3. RESIDENTIAL ENCROACHMENTS

3.1 Typical Residential Encroachments are structural, non-structural and/or vegetative, appurtenant to a residential use and often inadvertently erected/constructed without the benefit of a survey. These encroachments usually come to the attention of the City through surveys obtained by proposed purchasers in real estate transactions, or minor variance and consent applications to the Committee of Adjustment.

3.2 It is the policy of the City that Residential Encroachments be prohibited. No Municipal Consent will be provided for new Residential Encroachments.

3.3 Where an Existing Residential Encroachment is brought to the attention of the Director, the Director shall cause a review of the Existing Residential Encroachment to be undertaken and a decision will be made as to whether or not the Existing Residential Encroachment will be permitted to remain in place. The decision of the Director is final.

3.4 Every Owner shall comply with the decision of the Director in respect of an Existing Residential Encroachment.

3.5 Where an Existing Residential Encroachment is permitted to remain on Municipal Property, the Owner shall be subject to the Municipal Consent process set out in this Policy, including the requirement for an Encroachment Agreement.

4. NON-RESIDENTIAL ENCROACHMENTS

4.1 Typical Non-Residential Encroachments are structural or non-structural and include parking lots, buildings, roof projections, awnings, signs, sidewalk patios and steps appurtenant to a commercial use and often inadvertently placed without the benefit of a survey.

4.2 It is recognized that Non-Residential Encroachments benefit a commercial corporate enterprise. Accordingly, the annual fee for an Encroachment Agreement shall reflect a lease/rental arrangement based upon the area of the encroachment multiplied by the annual taxes for the Owner's property (per square foot cost).

4.3 Every Owner wishing to place a Non-Residential Encroachment on Municipal Property shall apply for Municipal Consent in accordance with this Policy.

5. TEMPORARY ENCROACHMENTS

5.1 Typical Temporary Encroachments are non-structural encroachments placed on Municipal Property for a temporary period of time and include a dumpster, a sign, debris.

5.2 Every Owner wishing to place a Temporary Encroachment on Municipal Property shall apply for approval through the Department of Engineering and Operations. For greater certainty, this Policy does not apply to Temporary Encroachments. Rather, Temporary Encroachments are administered on an informal basis through the Department of Engineering and Operations and approval must be sought from that Department.

6. APPLICATION TO PERMIT ENCROACHMENTS

Every person wishing Municipal Consent to encroach on Municipal Property as required by this Policy shall submit an Application, in the form provided by the City, along with the required fee, to the Director.

Where the Applicant is not the registered owner of the property, the Applicant shall provide written authorization from the Owner to make the Application.

6.1 The Director shall consider the general guidelines for considering encroachments in determining whether or not to provide Municipal Consent.

6.2 The Director shall, in accordance with the provisions of this Policy, grant or refuse the Application.

6.3 Where an Application is refused, the Director may demand removal of an existing Encroachment.

6.3 The decision of the Director is final.

7. GENERAL GUIDELINES FOR CONSIDERING ENCROACHMENTS

The intent of this Policy is to ensure that each Application for Municipal Consent considers the unique circumstances of every Application with regard to the guidelines set out below.

The following general guidelines shall be applied by the Director when determining whether or not to provide Municipal Consent.

7.1 Is that part of the Municipal Property to be encroached upon required for municipal purposes.

7.2 Is/was/did the proposed encroachment:

i) placed inadvertently;
ii) exist for a long period of time;
iii) maintained in good repair, used or abandoned;
iv) pose a safety hazard to the public;
v) destabilize public lands with possible resultant damage to adjacent private lands;
vi) damage the natural environment and undermines the City's stewardship role in protecting natural features;
vii) a natural feature which should be preserved or protected – ie. mature trees and sensitive flora or fauna;
viii) conflict with the City's Official Plan Policies or other applicable by-laws;
ix) interfere with any existing, planned, proposed or possible future municipal improvements;
x) compromise drainage or interferes with existing or proposed drainage works;
xi) minor in nature;
xii) take into consideration the surrounding neighbourhood;
xiii) compromise other legally authorized encroachments.

7.3 In the case of a structure, determine also whether the encroachment:

i) is constructed on a permanent foundation;
ii) is being maintained in good condition.

7.4 The requirement to obtain Municipal Consent does not apply to the following:

(i) mailboxes and newspaper boxes placed to facilitate mail and newspaper delivery, provided that their location meets the approval of the Director of Engineering and Operations; and

(ii) mature trees which do not hinder or discourage public access to Municipal Property, subject to all other applicable laws and the right of the City to remove such mature trees for reasons of public safety, security or municipal works;

(iii) Notwithstanding Subsection 7.4 (ii) above, Council may, in its sole discretion, require the removal of such mature trees for reasons of public safety, security of City property or to facilitate the completion of present or future municipal works or improvements on or to a Municipal Property.

8. ENCROACHMENT AGREEMENT

8.1 Unless the requirement is waived by the Director, a Municipal Consent shall be recognized in an Encroachment Agreement. An Encroachment Agreement shall clearly establish the terms and conditions specific to the Municipal Consent being granted, including but not limited to a provision that the Municipal Consent is granted in accordance with the time frame set out in the Encroachment Agreement, or until such time as the City requires the encroachment to be removed, in its sole discretion.

8.2 The Owner will be required to indemnify and save harmless the City against any and all damages which result from the encroachment.

8.3 Where required by the Director, the Owner will deposit with the Clerk an Ontario Lands Survey that clearly identifies the extent of the encroachment, and serves to assist in eliminating subsequent enlargements of the encroachment without permission.

8.4 An Encroachment Agreement shall, at the discretion of the Clerk, be registered on title.

8.5 Where Municipal Consent is granted, no Non-Residential Encroachment shall take place until the Encroachment Agreement has been executed.

9. ADMINISTRATION FEES, ANNUAL FEES AND ASSOCIATED COSTS

9.1 Administration fees are based on cost recovery and account for administrative time spent reviewing surveys, visiting sites, formulating recommendations, preparing the Encroachment Agreement, facilitating and registering the Agreement. Applying fees eliminates the benefit to the Owner at the expense of taxpayers generally.

Annual fees are charged for the use of municipal land in a similar manner as a lease/rental arrangement.

9.2 Administration fees and annual fees for a Non-Residential Encroachment is set out in Appendix "2" annexed hereto.

9.3 In addition to the administration and annual fees set out in Appendix "2", where Municipal Consent is given and an Encroachment Agreement entered into, an Owner shall be responsible for all other associated costs, including but not limited to:

i) The cost of a Survey prepared and deposited on title by an Ontario Land Surveyor;
ii) All title search costs;
iii) All fees payable for the registration of the Encroachment Agreement on the registered title of the Owner's property and the Municipal Property
iv) Advertising costs;
v) Additional conveyance and/or legal fees and disbursements, if applicable;
vi) Any other fees, costs, charges which the City may incur relating to the processing of the Encroachment Agreement;
vii) liability insurance naming the City as additional insured with a 30 day cancellation period. (5 million dollars for residential encroachments and 5 million for non-residential encroachments).

9.4 The full amount of the applicable administration fee shall be payable and submitted with the Application to permit an encroachment. The administration fee is non-refundable, regardless of whether the Clerk approves the request.

9.5 Harmonized Sales Tax (H.S.T) shall be charged and collected, where applicable, on all applicable fees.

9.6 The annual fee, plus H.S.T. where applicable, shall be prorated for the year in which the Encroachment Agreement is entered into or permission to encroach is given, and such prorated amount shall be payable and collected prior to registration of the Encroachment Agreement or immediately following the granting of permission, if an Encroachment Agreement is not required.

9.7 The annual fee may be increased annually in accordance with the Consumer Price Index (C.P.I.) as determined by the Treasurer.

9.8 The annual fee and C.P.I. increase (plus H.S.T. where applicable) for each subsequent year shall be added to the municipal tax roll of the Owner and collected in the same manner and with the same priorities as municipal taxes.

APPENDIX "1" TO SCHEDULE "A" OF BY-LAW NO.

TABLE OF ADMINISTRATION AND ANNUAL FEES

CLASS OF ENCROACHMENT	ADMINISTRATI ON FEE	ANNUAL FEE	INSURANCE REQUIRED
NON_RESIDENTIAL	$350.00	$100.00	$5 MILLION DOLLARS Naming the City as additional insured with a 30 day cancellation certificate

WHAT YOU NEED TO START

- ☐ Complete the below application
- ☐ Application Fee or Renewal Fee
- ☐ Apply for CIP Funding if available
- ☐ Be able to obtain and provide $5 million dollars liability insurance, naming the City as additional insured with a 30 day cancellation certificate.
- ☐ Attached a sketch/site plan of the proposed encroachment with accurate measurements
- ☐ Registration of Encroachment may be required – Fee for Registering on Title responsibility of applicant

1. APPLICATION

Applicant	
Name	
Address	
Phone Number	
Email Address	
Owner	
Name:	
Address:	
Phone Number:	
Email Address:	

2. THE ENCROACHMENT

Location of the Encroachment	
Address:	
Roll Number	
PIN#	
Legal Description	

Type of Encroachment

☐	Awning	☐	Tables and Chairs – No Alcohol
☐	Sign	☐	Tables and Chairs – Alcohol is being served
☐	Bench	☐	Encroachment located on St. Lawrence Management Corporation Property
☐	Ramp	☐	Other - Specify

☐	Duration of Encroachment	
	Seasonal - specify dates and times	
	Permanent – year round	
	Temporary – Specify dates	
	Other:	

3. SITE PLAN

☐ Site Plan Attached

4. SIGNATURE

Date:	
Print Name:	
Signature:	

5. OFFICE USE ONLY

☐ Form Complete
☐ Owner of property
☐ Tenant of property
☐ Seaway Property
☐ Regional Property
☐ Reviewed By:_____

☐ Site Plan complete
☐ Building Permit Required
☐ CIP Funding available
☐ New Application
☐ Zoning Compliance
☐ Other: please specify_____

☐ Registered on Title Fee Paid
☐ $5 Million Insurance
☐ Non-Residential Encroachment $350
☐ Renewal $160

_____

TEMPLATE AGREEMENT FOR ENCROACHMENTS

This Agreement made this ____ day of _____, 20__.

B E T W E E N :

THE CORPORATION OF THE CITY OF PORT COLBORNE

Hereinafter referred to as the "**City**"
OF THE FIRST PART

and

_____

Hereinafter referred to as the "**Owners**"
OF THE SECOND PART

WHEREAS this Agreement was authorized by By-law No. _____ of the City (the "**Encroachment By-law**");

AND WHEREAS the Owners are the registered owners of the property known municipally as _____ and legally described as _____, being all of PIN _____ (LT) (the "**Owners' Lands**");

AND WHEREAS the City is the owner of lands described as _____ (the "**City Lands**");

AND WHEREAS the Owners have applied to the City for permission to encroach upon/onto _____ on the City Lands, as shown in Schedule "A" attached hereto, and the City has agreed to grant the necessary permission upon the limitations and conditions set forth;

NOW THEREFORE this Agreement witnesseth that in consideration of the premises and sum of One Dollar ($1.00) being paid by the Owners to the City (the receipt of which is hereby acknowledged) and the covenants and agreements hereinafter performed, the parties hereto mutually covenant and agree as follows:

1. The Owners, and their successors in title from time to time as the registered owners of the Owners' Lands, are hereby granted permission to encroach upon (_____) (the "**Encroached Lands**") for the purposes of maintaining the (_____) on the Encroached Lands (the "**Encroachment**"), subject to the conditions and limitations set forth in this Agreement.

2. The term of this Agreement shall be for one (1) year from the date of this Agreement (the "**Term**") provided that:

   a) the Owners, when not in default under this Agreement, may apply for a renewal of this Agreement using the application for an Encroachment pursuant to the Encroachment By-law;

   b) this Agreement will terminate on the date of removal of the Encroachment; and

   c) if the Owner transfers the Owners' Lands, the City will consent to the transfer of this Agreement by the Owner provided that (i) the assigning party is not in default of this Agreement at the time of the transfer; and (ii) the proposed transferee has delivered an agreement to the City to assume all of the obligations of the assigning party hereunder, which will be in a form satisfactory to the City, acting reasonably.

3. The Owners agree that should it be necessary for the City to request the removal of the Encroachment for any reason at the sole discretion of the City, the Owners will undertake the removal of the Encroachment at their sole expense.

4. The Owners covenant and agree that they will not increase or extend or permit to be increased or extended the said encroachment by means of an addition or in any other manner whatsoever.

5. The Owners covenant to pay to the City without prior written demand and without any deduction, the following:

   a) Administration fees in the amount of *;

   b) Administration fees in the amount of *; and

   c) Harmonized Sales Tax ("HST") where applicable;

6. In addition to the administration fees and annual fees outlined in section 5 above, the Owners shall be responsible for all other costs associated with this Agreement including, but not limited to:

   a) The cost of a Survey prepared and deposited on title by an Ontario Land Surveyor;

   b) All title search costs;

   c) All gees payable for the registration of this Agreement on the registered title of the Owners' Lands and the Municipal Property;

d) Advertising costs;

e) Additional conveyance and/or legal fees and disbursements, if applicable;

f) Any other fees, costs, charges which the City may incur relating to the processing of this Agreement;

g) Liability insurance as more particularly described below.

7. Up to date and current Insurance as required by this Agreement.

8. The Owners shall at all times defend, fully indemnify and save harmless the City against all actions, suits, claims and demands whatsoever which may be brought against or made upon the City and from and against all loss, costs, damages, charges and expenses whatsoever which may be incurred, sustained or paid by the City for or by reason of or on account of or arising from the Encroachment hereby granted to the Owners or the exercise by Owners of the Encroachment or the maintenance of the Encroached Lands and Encroachment together with any appurtenances thereto or anything and any matter relating thereto, and the Owners hereby grant to the City full power and authority to settle any such actions, suits, claims and demands on such terms as the City may deem advisable and the Owners hereby covenant and agree with the City to forthwith pay to the City on demand all monies paid by the City in pursuance of or in connection with any such settlement and also such sum as shall represent the reasonable costs of the City and its solicitor in defending or settling any such action, suits, claims or demands based on a solicitor and own client basis.

9. The Owners covenant and agree to provide to the City a Certificate of General Liability Insurance on or before the execution of this Agreement in respect of the Encroached Lands during the term of this Agreement and any extensions authorized by the Council of the City to the extent of not less than five million dollars ($5,000,000.00) inclusive of all injuries or death to person and damage to property of others arising from any one occurrence, or such higher amount as the City's then-current policies may dictate. The City shall be an added insured under the insurance policy. The insurance policy shall not be changed or amended in any way or cancelled until thirty (30) days after written notice of such change or cancellation has been provided to the City. The Owners shall provide written confirmation of proof of insurance coverage annually on or prior to January 31st for the then-current year for any renewal term, or otherwise upon demand by the City.

10. Notwithstanding anything to the contrary contained herein, the Owners covenant and agree that the Owners shall be required to:

a) remove the Encroachment in the event that the City is required to complete repairs or maintenance to the Encroached Lands. The City agrees to provide seven (7) days' notice to the Owners of the requirement for the removal of the Encroachment, except in case of emergency, in which case no notice shall be provided by the City and the City shall be permitted to remove the Encroachment and shall not be liable to the Owners for any loss or damage occasioned by such removal. disruption or loss of business;

b) discontinue use of the Encroached lands and remove the Encroachment for any other reason, upon delivery by the City of seven (7) days prior notice by the City.

11. The Owners shall at their own cost, charge and expense and to the satisfaction of the City and upon its direction:

a) keep and maintain the Encroachment in a good and proper state of repair and safety and to the satisfaction of the City's Director of Engineering and Operations or authorized representative of the City's Director of Engineering and Operations; provided that the Owners shall provide notice to the City's Director of Engineering and Operations of repairs to the Encroachment not less than seven (7) days prior to the commencement of such repairs by the Owners;

b) keep the Encroached Lands and every part thereof in a clean and tidy condition and not to permit waste paper, garbage, waste or objectionable material to accumulate thereon;

c) make no additions or modifications to the Encroachment which are not authorized or contemplated by this Agreement;

d) comply with such further and additional requirements as may be required by the City from time to time, acting reasonably; and

e) restore the Encroached Lands to their original grade and condition at the completion of the Term or any renewal term, and upon the termination of this Agreement.

12. The Owners covenant and agree with the City as follows:

a) the Encroachment to be located upon the Encroached Lands shall be limited to the Encroachment as described herein, and the Owners will not increase, extend or enlarge or permit the increase, extension or enlargement of the said Encroachment in any manner whatsoever;

b) the use of the Encroached Lands by the Owners shall be limited to the approved activities of this Agreement and shall not be used for any other purpose whatsoever;

c) amplified music shall not be played on the Encroachment except in compliance at all times with the City's Noise By-law;

d) the Encroachment shall not be affixed to the Encroached Lands or the Lands. The material and installation of the Encroachment shall be subject to review and prior approval by the City in writing. The Owners shall notify the City in writing of the removal or re-installation of the Encroachment throughout the Term or any renewal term in order that the City may inspect the Encroached Lands.

e) any fencing installed on the Encroached Lands if permitted by this Agreement shall be capable of being installed and removed by the Owners and/or the City in a manner which does not create an uneven surface or any hazard whatsoever for pedestrians. The location, materials, installation and removal of such fencing shall be subject to prior inspection and approval by the City in its sole discretion;

f) the Owners shall comply with all statutory requirements, rules, regulations and by-laws of the City together with all statutes, regulations and by-laws of any provincial, federal or municipal authority which in any way affect the Encroached Lands or their use and occupation now or hereafter enacted. Further, the Owners agree not to cause, make or permit noise or nuisances which may disturb adjacent properties.

g) the City and its officers, servants, workers, employees, agents and contractors or any of them shall have the right from time to time to enter in and upon the Encroached Lands or any part thereof with all necessary workers, equipment and material for the purposes of inspecting, altering, repairing or removing the Encroachment in accordance with this Agreement and the Owners shall not be entitled to any compensation whatsoever for disruption or loss of business. Such inspection shall not free or relieve the Owners in any way whatsoever from any liability arising from the Owners' failure to keep and maintain the Encroachment in good and proper repair and condition;

h) the grant of the Encroachment does not in any way whatsoever diminish the rights of the City, or any gas, telephone, cable, municipal electricity or other public utility company, their respective officers, servants, workers, employees, agents and contractors to enter at all times upon the Encroached Lands for the purpose of maintaining culverts, drains, water pipes, gas pipes, poles, wires or other underground services and installations and appurtenances thereto. The Owners shall not be entitled to any damages or compensation by reason of the exercise of the rights contained in this clause

by the City or utility companies and the Owners at their expense shall carry out such alteration or removal of the Encroachment as the City may direct pursuant to the exercise of the City's or utility companies' rights;

i) if the Owners fail to maintain the Encroached Lands in a safe manner in the discretion of the City, the Owners shall effect such repairs, amendments or alterations as directed by the City within fifteen (15) days of receiving such notice. In the event that the Owners fail to complete such repairs, amendments or alterations as directed by the City within the time specified herein, then the City shall be permitted to cause the required work to be done either by its own servants or by some other person and the cost of such work shall be a debt recoverable by the City from the Owners or their heirs, successors or assigns and the amount of such costs shall be determined in evidence by a Certificate of the Treasurer of the City and this determination shall be final;

j) notwithstanding anything to the contrary contained herein, if at any time hereinafter the City in its sole discretion, resolves to terminate the privileges granted herein or deems it necessary to alter the Encroachment or part thereof, the Owners shall, at their own cost, charge and expense, and to the satisfaction of the City, alter or remove the Encroachment or any part thereof from the Encroached Lands, within fifteen (15) days next after receiving notice in writing from the City to do so, without being entitled to any compensation whatsoever for such alteration or removal and restoration. If the Owners neglect, refuse or fail to do so within fifteen (15) days of receiving the aforesaid notice to alter or remove and restore, then the City may cause the required work to be done or the required removal to be effected either by its own servants or by some other person and the cost of such work shall be a debt recoverable by the City from the Owners or their heirs, successors or assigns and the amount of such costs shall be determined in evidence by a Certificate of the Treasurer of the City and this determination shall be final;

k) all such costs, charges and expenses so paid or incurred by the City in connection with the repair or removal of the Encroachment or maintenance of or repair to the Encroached Lands as set out herein shall form and constitute a charge or lien on the Lands until fully discharged by the payment thereof and the City may recover such costs from the Owner in any Court of competent jurisdiction as a debt owing by the Owner to the City or may at the sole option of the City be recovered by it from the Owner in like manner as municipal taxes as prescribed in Section 427 of the *Municipal Act*, S.O. 2001 c.25;

l) in the event that the Owner transfers or sells the Lands or any part thereof or leases or consents to the sublease of the Lands to a tenant other than the Tenant, the Owner shall forthwith notify the City in writing of such transfer, sale, lease or sublease together with the name and address of the transferee, purchaser, tenant or subtenant.

i. Nothing contained herein shall be construed as giving to the Owners anything more than a license to maintain the Encroachment on the Encroached Lands until such time as this Agreement expires or is terminated or the removal of such Encroachment may be required as provided herein.

ii. Notwithstanding anything to the contrary contained herein, the City shall be permitted to terminate this Agreement and the Encroachment at any time during the Term or any subsequent renewal term upon fifteen (15) days' prior notice delivered to the Owners.

iii. The Owners covenant and agree that this Agreement shall not be assignable by the Owners without the prior written consent of the City, which consent may be unreasonably withheld.

iv. For the purpose of this Agreement, notice may be given to the Owners for the time being, by mailing the notice postpaid and addressed to the Owner and the Tenant to the addresses as shown on municipal tax records.

1. The Owners agree that the obligations created pursuant to this Agreement with respect to and as between the Owner and the Tenant shall be joint and several.

2. This Agreement shall be binding upon the respective heirs, executors, administrators, successors and permitted assigns of the parties, as the case may be.

13. *** (Where required)** The terms of this Agreement have been acknowledged by the mortgagee and the mortgagee agrees that in the event that it takes possession of the lands, or the interest of the Owners is vested in it, the mortgagee and anyone acquiring title under it shall be required to comply with the terms of this Agreement to the same extent as they had been an original party hereto.

14. The parties acknowledge and agree that no length of time of, or enjoyment by the Owners' of the permission granted by this Agreement shall enure to, or give any right, title or interest to Owners or their successors in title, in the Encroached Lands or any right to maintain the proposed Encroachment over, under or upon the Encroached Lands except as permitted herein, or shall deprive the City by the operation of any limitation period or otherwise of any right to require the removal of the Encroachment or any restoration of the Encroached Lands to the satisfaction of the City at the expense of the Owners.

15. The Owners consent to the registration of this Agreement against the title to the Owners' Lands.

16. This Agreement shall be read with all changes of gender or number required by the context.

17. This Agreement and everything contained in this Agreement shall run with the Owners' Lands and enure to the benefit of and be binding upon the parties, their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Party of the Second Part has hereunto affixed their hand and seal, and the Party of the First Part, the Corporation of the City of Port Colborne has hereunto affixed its seal attested by the hands of its proper officers.

SIGNED, SEALED AND DELIVERED)
in the presence of:)

_____)
Witness) *

_____)
Witness) *

) **THE CORPORATION OF THE CITY OF PORT COLBORNE**
) Per:

_____
) * - Mayor

_____
) * – City Clerk
We have authority to bind the corporation

SCHEDULE "A"

PORT COLBORNE

Department: Planning & Development
By-law Enforcement Division

Report Number: 2016-129 **Date: August 8, 2016**

Subject: Encroachment Fees

1) PURPOSE

This report was prepared at Council's request by Sherry Hanson, Supervisor, By-law Enforcement Division under the direction of Dan Aquilina, Director of Planning & Development.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

After reviewing the area municipalities' fees, the City of Port Colborne established fees by the Corporate Services Department in 2007 through By-law 5087/142/07, being a By-law to Establish A Schedule of Fees for Community and Corporate Services. The by-law established a $300 Encroachment Fee with a $50 Annual renewal.

Report 2011-72 - Proposed 2011 Planning and Development Fees stated "Planning staff is generally in support of fees that represent a 100% cost recovery but Council should be aware that it can be also be seen as a deterrent to development. Council has also waived 50% of the fees for the Community Improvement Plan (CIP) areas in an effort to promote revitalization efforts." This resulted in the reduction of fees in the CIP area in 2011.

The Engineering & Operations Department also established a Municipal Consent, which previously was a temporary encroachment with a fee of $179.

Currently, the By-law Enforcement Division is in the process of drafting a by-law, policy, procedure and fees for encroachments. The by-law is under review by senior staff, prior to sending for legal review.

3) STAFF COMMENTS AND DISCUSSIONS

It is recommended by By-law Enforcement Division that the existing fee structure remain as is until such time as the new by-law, policy, procedures and fee structure can be reviewed. It is the intention of staff to recommend to Council that the approval of encroachments be delegated to staff which would reduce the workload in reporting to Council and, in turn, the cost recovery required for services.

<u>Engineering Comments:</u>

The Engineering Division issues Municipal Consent (MC) Permits for the temporary occupation of any portion of a municipal road allowance by private individuals. The MC process was recently updated and streamlined to provide a quick response time for requests for work on the municipal road allowance. The MC is required to ensure that the applicants have sufficient insurance coverage to protect the municipality against claims and to ensure all areas are reinstated to original conditions. The MC's are required by all

agencies working on municipal road allowances including utility companies, private consultants and contractors working on behalf of the property owners. Examples of applications are hydro pole installations, test pits for ground water monitoring and temporary crane street occupation for repairs to buildings and fascia. The current fee of $179.00 reflects the cost of administering the permit application including issuing the permit and follow-up inspections of the work. Council previously directed that fees cover the actual cost for the service provided.

Planning Comments: Continuation of a 50% reduction in fees for encroachments in CIP project areas is supported. As previously brought to Council's attention, all fees and charges payable for development cover staff time for processing and approval. Council, in the past, has accepted that owners should pay for all costs related to approvals, and if not, the general taxpayer does. However, Council, in the past, has waived fees for not-for-profit groups and community associations if it is a benefit to the City and has elected to pass on the fees to the general taxpayer.

Corporate Services Comments:

Corporate Services agrees that based on comparison with other municipalities and being on the low end of the cost recovery for encroachments that the fee remain the same until staff has the opportunity to review cost savings in standardizing applications and approval processes which may reduce costs and the encroachment fee.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

If no action is taken the status quo will remain. This is recommended.

b) Other Options

This section is not applicable.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This section is not applicable.

6) ATTACHMENTS

Appendix 1 – Area Municipality Encroachment Fee Chart

7) RECOMMENDATION

That the existing fee structure for encroachments remain as is until such time as the new by-law, policy, procedures and fee structure can be presented to Council for consideration.

8) SIGNATURES

Prepared on June 30, 2016 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:

C. Scott Luey
Chief Administrative Officer

	Application Fee	Application fee BIA	Annual Fee	Liability	Agreement	Register Title	Temporary
Fort Erie	$300		$150.00				
Grimsby	G*						
Lincoln	L *			L **			
Niagara Falls	$500						
Niagara on the Lake	$590				Clerk's section prepares most of the encroachment agreement, with assistance of our solicitor when needed	Registar all we can	
Pelham			No fee for Annual License	$2 million			
Port Colborne	$300	$150	$50.00	$5 illion dollar liability if on SLSMC property, or serving alcohol and $2 million for other encroachments			
St. Catharines SC*	$300				Legal services		
Thorold	$250			An amount satisfactory to the city	Standard agreement-amended for each	Yes we register all on title	Construction $50 application fee and $12.50 per 6 metres length of frontage they want to encroach. Dumpsters/equipment $50 application fee and $12.50 per 6 metres.
Wainfleet	$1,000		Annual rental fee determined by the Manager of Public	$1 million			
Welland	$300			$5 million	Prepared by legal division. Time lines are included in the agreement	Registered on title	
West Lincoln	I do not recall dealing with an encroachment agreement for a while. We have had encroachment agreements authorized by bylaw in the past but we have no formal process. We certainly do not have many.						

L * In the Town of Lincoln, we have only done a couple encroachment agreements in the last 10 years or so. We require a $1000 deposit and deduct the minimum fee of $250 and whatever legal costs are incurred. If there is any monies left over we return it. We tailor the agreement to the specific encroachment and register the agreement on title. Proof of insurance (minimum $2,000,000.00) is required.

L ** For temporary encroachments such as temporary road closures for street festivals, block parties etc., our public works department requires a $1000 security deposit and proof of insurance with a minimum coverage of $2,000,000.00. If alcohol is being served $5,000,000.00 insurance coverage is required.

SC* We are currently reviewing our policy on permitting encroachments in particular the areas of St. Catharines that are subject to Urban Design guidelines and have a BIA. The hope is to make a recommendation to Council this fall to establish a more flexible licensing policy with annual fees subject to compliance with the Urban Design guidelines that would be administered by staff. Council policy is zero tolerance on encroachments with the exception of those that appear to have been inadvertent and in existence for a considerable length of time. These types of encroachments are a delegated authority and only a by-law is presented to Council all others require a report to Council for approval to vary the policy. The applicant must supply a plan of survey to describe the extent of the encroachments together with a $300 fee. All encroachment agreements are prepared by legal services and registered on the title of the applicants land and are valid for the life of the structures.

G* There are no encroachments in Grimsby. They are not allowed, particularly temporarily. We have 3 permanent encroachments; restaurants in the downtown. They paid the legal fees.

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From: geoff black <[redacted]>
Sent: March 12, 2019 2:45 PM
To: amberlapointe@portcolborne.ca
Subject: Fw: Letter of Non-objection

Hi Amber,
Thought that we would try this a bit earlier this year. The Budweiser CanAm tournament is set for June 20 - 25th.

Can I please get a letter of no objection to host the event in the pavilion with liquor license extension. The previous document from last year is attached to this email.

The sooner the better because AGCO requires 60 days advanced notice.
Thank you for your help,
Geoffrey Black
Don Cherry's Sports Bar and Grill

PORT COLBORNE

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

CORPORATE SERVICES DEPARTMENT, CLERK'S DIVISION

May 19, 2018

Sent via E-mail
[redacted]

Dear Geoff Black:

Re: Letter of Non-Objection
Temporary Extension of Premises – Don Cherry's

Please be advised that, at its meeting of March 26, 2018, the Council of The Corporation of the City of Port Colborne approved the 2018 Budwiser CanAm Challenge to be held June 22-25, 2018.

This correspondence will serve as the City's letter of non-objection to the extension of the licensed area surrounding Don Cherry's for the above dates. The City has "no objection" to the extension of the licenced area.

Sincerely,

Amber LaPointe
City Clerk

Hydro One Ltd.
483 Bay Street
South Tower – Executive 8th Floor
Toronto, Ontario M5G 2P5
www.HydroOne.com

Paul Dobson
Acting, President & CEO

March 29, 2019

Mayor William C. Steele
Mayor of Port Colborne
66 Charlotte Street
Port Colborne, ON L3k 3C8

Dear Mayor Steele:

Thank you for your letter dated March 15, 2019. We understand you have concerns about power interruptions experienced in the City of Port Colborne and Hydro One's reliability. I appreciate the opportunity to respond.

Hydro One transmits electricity to Port Colborne through our Port Colborne transformer station (TS), which is distributed to homes and businesses in your community by Canadian Niagara Power (CNP), a company independent of Hydro One. At Hydro One, we are committed to working with communities and our utility partners to ensure that our transmission system delivers safe and reliable electricity.

We take your concerns seriously. In an effort to address your questions about Hydro One's service, I shared your letter with Imran Merali our Vice President of Customer Service to investigate your inquiry and work with CNP to develop a long term plan to provide improved reliability to the area.

With respect to your inquiry about accelerating repairs to our Port Colborne TS, I am pleased to confirm that we advanced the rebuild of Port Colborne TS by 3 years to 2022.

Given the important role both CNP and Hydro One have in delivering power to the City and to further examine the interruptions you've noted, we will schedule a meeting with CNP in the near future. We welcome the opportunity to continue our discussions with them about feasible options for installing a second supply line.

Following our meeting with CNP we would appreciate the opportunity to meet with you and discuss Hydro One's commitment to reliability. A member from my team will be in touch with your office in the near future to organize a meeting.

Thank you again for sharing your concerns.

Sincerely,

Paul Dobson
Acting President and Chief Executive Officer
Hydro One

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From: <Vance.Badawey.P9@parl.gc.ca>
To: <cityclerk@portcolborne.ca>, <clerk@welland.ca>, <clerk@thorold.com>, <clerks@stcatharines.ca>
Cc: <Vance.Badawey.A1@parl.gc.ca>
Date: 2019-03-20 11:49 PM
Subject: Attention: Mayor, Members of City Council & CAO

Mayor, Members of City Council & Chief Administrative Officer

As per my recent update, dated March 12, 2019, the Ontario government had yet to open intakes for all four streams so as to maximize the number of projects we can build together for Ontarians in 2019 and the years ahead. By this date, the province had only opened rural with a commitment to swiftly follow that with transit. A loss of patience is an understatement!

With that said, based on strong recommendations, the Minister of Infrastructure and the Minister of Finance recognized the need for an immediate funding envelope delivered directly to you through the gas tax fund to meet this year's building season.

I am therefore pleased to inform you that Budget 2019 proposes a one-time transfer of $2.2 billion to the gas tax fund. This results in additional gas tax money coming directly to Niagara Centre, doubling your annual gas tax allocation, bypassing red tape from the province of Ontario, to help bolster direct investment in roads, bridges, and public transit.

Budget 2019 states that...*Because many municipalities across Canada continue to face serious infrastructure deficits, Budget 2019 proposes a one-time transfer of $2.2 billion through the federal Gas Tax Fund to address short-term priorities in municipalities and First Nation communities. This will double the Government's commitment to municipalities in 2018–19 and will provide much needed infrastructure funds for communities of all sizes, all across the country.*

Eligible Categories:

- Local roads and bridges
- Highways
- Short-sea shipping
- Short-line rail
- Regional and local airports
- Broadband connectivity
- Public transit
- Drinking water
- Wastewater
- Solid waste
- Community energy systems
- Brownfield redevelopment

- Sport and recreation
- Cultural and tourism
- Disaster mitigation
- Capacity building

For more information on Budget 2019 please log on to
https://www.budget.gc.ca/2019/docs/plan/toc-tdm-en.html

May I impress on you to continue to put pressure on the province to open all intakes to therefore, leverage existing and top-up gas tax funds with future provincial and federal *Investing In Canada Infrastructure Program* funds.

If you have any questions or comments, please do not hesitate to contact me directly.

Kind regards,

Vance

Vance Badawey

Member of Parliament
Niagara Centre
Valour Bldg, Room 1170
Ottawa, Ontario K1A 0A6
Tel. (613) 995-0988
Fax. (613) 995-5245
vance.badawey@parl.gc.ca

Vance Badawey, M.P.
Niagara Centre

Niagara: (905) 788-2204
Ottawa: (613) 995-0988

Release: Immediate

19 March 2019

Budget 2019 delivers results for Niagara Centre

Ottawa, ON - Our government today delivered a budget to build on our goal, since 2015, to strengthen and grow the middle class, and we want to restore confidence for all Canadians that we're still on point to build an economy that works for everyone.

"Our budget works for Canadians at every stage of their lives," said Vance Badawey, Niagara Centre MP.

"I'm especially pleased to see one of my recommendations come through: Budget 2019 proposes a one-time transfer of $2.2 billion to the gas tax fund. This results in additional gas tax money coming directly to Niagara Centre, bypassing red tape from the province, to help bolster direct investment in roads, bridges, and public transit right here in our local towns and cities, starting this summer."

Badawey said he was also pleased to see, as a result of his recent roundtable discussions with Tourism Minister Melanie Joly in Niagara, a commitment of $58.5-million invested over the next two years in tourism-related infrastructure, such as accommodations, attractions and Indigenous tourism, toward building year-round Canadian experiences in small and rural towns and cities. In addition, Budget 2019 will provide $5 million to Destination Canada for a tourism marketing campaign.

Since Badawey was elected to Niagara Centre almost four years ago, more than $300million has been directly invested in Niagara Centre, more than any other government has delivered in the history of the riding. "The best is yet to come," said Badawey, reflecting on Budget 2019 and its impact locally, and nationally. "It's good news for so many of us. Let's focus on that."

"As promised, our government is investing in national pharmacare, we're investing in workers to learn new job skills, we're easing the burden on first-time home buyers, and we've committed to a national strategy to deal with dementia, which affects so many of our parents and grandparents."

"The numbers show things are better," Badawey said," yet there is still uncertainty among some of our citizens. Canadians deserve a government that not only listens to their concerns, but has a plan to address them. Our government's efforts, to build an economy that works for everyone, is delivering results."

Our plan for real change, which began in 2015, has resulted in about $2000 more every year for average family of four, thanks to the middle class tax cut and the Canada Child Benefit.

There are 900,000 more jobs today than there were four years ago. Wages have increased. With lower taxes, more money to save or spend each month, and more good jobs, there are so many reasons for middle class Canadians to feel more confident.

Our government is going to help eligible Canadians buy their first home. Under the new CMHC First-Time Home Buyer Incentive, the Canada Mortgage and Housing Corporation would use up to $1.25 billion over three years to help lower mortgage costs for eligible Canadians. "We hope to get this bold new program up and running by September," Badawey said.

Canada has the lowest effective personal tax rate in the G7 (Group of Seven countries).

We cut taxes for the middle class. Single Canadians who benefit now save an average of $330 each year, and couples who benefit are saving an average of $540 each year. With the Canada Child Benefit, nine of 10 families receive more than they did with any child benefit before. These two measures alone mean that a typical family of four is $2,000 better off this year than they were four years ago.

- Some highlights from today's Budget announced by Finance Minister Bill Morneau
- $1.25 billion over three years on a shared-equity mortgage program for first-time home buyers.
- RRSP withdrawal limit for first-time home buyers rises to $35,000 from $25,000.
- $3.25 billion to Indigenous Services for water quality, child welfare, education and other supports.
- $2.2 billion for one-time doubling of Gas Tax cash for cities' infrastructure spending.
- $1.2 billion over five years for border security and modernization, and for the asylum system.
- Personalized Canada Training Credit of $250 a year (up to $5,000 lifetime) for job retraining.
- A credit of up to $5,000 for purchases of electric vehicles.
- Interest rate on Canada Student Loans lowered to prime and will be interest-free for six months after graduation.
- Creation of a Canadian Drug Agency for bulk-buying of drugs and a national strategy on high-cost drugs.
- Airport security screening agency CATSA to become an arm's-length agency, with additional funding of $597 million over two years.
- Low-income working seniors can earn more without giving up GIS benefits.
- $595 million to support journalism will include 15 per cent tax credit for digital news subscriptions.
- Promise of high-speed internet for all Canadians by 2030.

Contact: If you have any further questions, please contact Dan Lovell in the office of Vance Badawey, Member of Parliament at: **Vance.Badawey.A1@parl.gc.ca or 613-995-0988**.

FORT ERIE ONTARIO
Our Focus: Your Future

Community Services

Legislative Services

March 19, 2019
File #120203

Sent via Email: ann-marie.norio@niagararegion.ca

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Issac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Dear Ms. Norio:

Re: Niagara Region – Provincial Review of Regional Government

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of March 18, 2019 received your correspondence dated March 8, 2019 and supported the letter from the Local Area Municipal Mayors dated March 6, 2019 respecting Provincial Review of Regional Government.

Trusting this information will be of assistance to you.

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca

CS:dlk

c.c. Niagara Local Area Municipalities *Sent via email*

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City of Welland
Legislative Services
Office of the City Clerk
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2280 | **Fax:** 905-732-1919
Email: clerk@welland.ca | www.welland.ca

March 25, 2019

File No. 19-48

SENT VIA EMAIL

Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

Re: March 19, 2019 – WELLAND CITY COUNCIL

At its meeting of March 19, 2019, Welland City Council passed the following motion:

> **"THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Regional Municipality of Niagara, COTW 1-2019, regarding the Provincial Review of Regional Government attached to Report CAO-2019-02 as Appendix I; and further**
> **THAT Welland City Council supports the Regional Municipality of Niagara in undertaking the procurement of and facilitation for finances to hire a Government Relations/Communications firm to conduct public polling and provide related communications with Niagara residents regarding the provincial government review of regional government."**

Yours truly,

T Stephens

Tara Stephens
City Clerk

TS/cap

c.c.: Local Area Municipal Clerks, sent via email
G. Long, Chief Administrative Officer

Bridging the past, present and future

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

19-59

COUNCIL

OFFICE OF THE CAO

REPORT CAO-2019-02
MARCH 19, 2019

SUBJECT: PROVINCIAL REVIEW OF REGIONAL GOVERNMENT – UPDATE

AUTHOR: GARY LONG, CAO

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Regional Municipality of Niagara, COTW 1-2019, regarding the Provincial Review of Regional Government attached to Report CAO-2019-02 as Appendix I; and further

THAT Welland City Council supports the Regional Municipality of Niagara in undertaking the procurement of and facilitation for finances to hire a Government Relations/Communications firm to conduct public polling and provide related communications with Niagara residents regarding the provincial government review of regional government.

ORIGIN AND BACKGROUND:

The Minister of Municipal Affairs and Housing, the Honourable Steve Clark, announced on January 15, 2019, that the province will be reviewing regional governments in Ontario. This review is limited to the following nine upper tiers and lower tier municipalities: Waterloo Region, Niagara Region, Halton Region, Peel Region, York Region, Durham Region, Oxford County, Simcoe County, and Muskoka District. Minister Clark has indicated that the focus of the review is governance, decision-making, and service delivery.

Michael Fenn and Ken Seiling have been appointed as special advisors to conduct this review and provide advice and recommendations to the Minister this summer. Mr. Fenn is a former Ontario Deputy Minister, previous municipal CAO in several Ontario cities, and founding CEO of Metrolinx. Mr. Seiling is a former Chair of Waterloo Region who held that position from 1985 to 2018 and was a Councillor and Mayor in Woolwich.

The twelve mayors in Niagara and the Regional Chair had individual meetings with the special advisors on February 11, 2019, to provide their input and perspective.

COMMENTS AND ANALYSIS:

As a follow-up to the meetings with the special advisors, a consensus was achieved by the Heads of Council of the Local Area Municipalities, including the Regional Municipality of Niagara, to hire a government relations/communications firm to engage the local area Councils, members of the public, and business sector to seek their opinion on the Regional Government Review. The Area CAOs will coordinate this initiative and oversee the procurement process to select the successful bidder. In addition, the Area CAOs will craft sample questions to be used for public engagement.

City of Welland Council and Welland Regional Councillors will be provided regular updates by the Head of Council throughout this process.

FINANCIAL CONSIDERATIONS:

Costs associated with this initiative will be borne by the Regional Municipality of Niagara.

OTHER DEPARTMENT IMPLICATIONS:

The City's Corporate Leadership Team continues to stay informed and engaged in this process and look forward to working with Council. City staff will also be kept informed.

SUMMARY AND CONCLUSION:

Staff recommend that Welland City Council supports that the Regional Municipality of Niagara undertake the procurement of and facilitation for finances to hire a Government Relations/Communications firm to advise Local Area Municipalities on public relations and undertake public engagement with respect to the Province's review of regional government in Niagara.

ATTACHMENTS:

Appendix I – Region of Niagara Correspondence COTW 1-2019, March 7, 2019

APPENDIX I

Niagara Region

Administration
Office of the Regional Clerk
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977
www.niagararegion.ca

March 8, 2019

COTW 1-2019, March 7, 2019

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

RE: Provincial Review of Regional Government
COTW 1-2019 Minute Item 6.2

Committee of the Whole at its meeting held on Thursday, March 7, 2019, passed the following resolution:

> That Correspondence Item COTW-C 02-2019, being a letter from the Local Area Municipal Mayors, dated March 6, 2019, respecting Provincial Review of Regional Government, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities for consideration by their respective Councils at their next meeting for comment back to Niagara Region by March 28, 2019.

A copy of Correspondence Item COTW-C 02-2019 is attached for your reference.

Yours truly,

Ann-Marie Norio
Regional Clerk

CLK-C 2019-072

COTW-C 02-2019

OFFICE OF THE MAYOR
4800 SOUTH SERVICE ROAD
BEAMSVILLE, ON L0R 1B1
Phone: 905-563-8205
Fax: 905-563-6566
www.lincoln.ca

March 6, 2019

Niagara Region
c/o Ron Tripp
Acting CAO

Dear Region of Niagara;
Re: Provincial Review of Regional Government

Following the recent conference call among the heads of Council of the lower tier municipalities including the Regional Municipality of Niagara it was agreed that the 12 Mayors and Chair, whom have signed below, request that the Region, on behalf of the 13 Municipalities undertake the procurement of and facilitation for finances to hire a Government Relations/Communications firm to advise the 13 municipalities on government relations, public polling and communications in regard to the provincial government review of regional government.

Further, this item be included in the Committee of the Whole Agenda for Thursday, March 7,2019 at 6:30pm at Regional Headquarters.

The CAO's will coordinate this effort. They will advise on appropriate companies to be considered. The CAO's will also act in the capacity of selecting said company and preparing sample questions in advance to be used for the public polling.

In their capacity as signing officers, the CAO's in their guidance to the Heads of Council will liaise with the successful bidder throughout the procurement process to ensure a successful conclusion.

Heads of Council will ensure that their own Councils and Regional Council members are kept apprised of the process.

COTW-C 02-2019

OFFICE OF THE MAYOR
4800 SOUTH SERVICE ROAD
BEAMSVILLE, ON L0R 1B1
Phone: 905-563-8205
Fax: 905-563-6566
www.lincoln.ca

We are the Mayors and Regional Chair of the Region of Niagara and are in support of this request.

Mayor Wayne Redekop

Fort Erie

Mayor Jeff Jordan

Grimsby

Mayor Sandra Easton

Lincoln

Mayor Jim Diodati

Niagara Falls

Lord Mayor Betty Disero

Niagara-on-the-Lake

Mayor Marvin Junkin

Pelham

Mayor Bill Steele

Port Colborne

Mayor Walter Sendzik

St. Catharines

Mayor Terry Ugulini

Thorold

Mayor Kevin Gibson

Wainfleet

Mayor Frank Campion

Welland

Mayor David Bylsma

West Lincoln

Chair Jim Bradley

Niagara Region

Township of Wainfleet

"Wainfleet - find your country side!"

March 27, 2019

Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Sent Electronically

Attention: Ann-Marie Norio, Clerk

Dear Ms. Norio,

RE: Provincial Government Review of Regional Government
COTW 1-2019 Minute Item 6.2

Please be advised that, at its meeting of March 26, 2019, the Council of the Corporation of the Township of Wainfleet enacted the following resolution regarding Administration Staff Report ASR-011/2019 (copy attached) relating to the Request from Niagara Regional Council re: Provincial Review of Regional Government:

THAT this report be received; and

THAT the correspondence dated March 8, 2019, attached as Appendix "A", from Niagara Region regarding Provincial Review of Regional Government be received; and

THAT the Council of the Township of Wainfleet endorse the request from Regional Council:

> *"**THAT** the Region undertake the procurement of and facilitation for finances to hire a Government Relations/Communications firm to advise the 13 local area municipalities on government relations, public polling and communications in regard to the Provincial Government Review of Regional Government"*; and

THAT the Council of the Township of Wainfleet direct the CAO to coordinate efforts for the Township in this endeavour; and

THAT a copy of this resolution be forwarded to the Local Area Municipalities and Niagara Region.

In supporting the resolution, Wainfleet Council also requested that the following comments and concerns be shared with Regional Council and with the Councils of the Local Area Municipalities:

- the need to be wary of any potential duplication of expertise or capacity that may arise between the proposed Government Relations/Communications firm and expertise/ capacity that may otherwise already be available within the workforce(s) of the Region and/or Local Area Municipalities;
- the need for appropriate cost containment, as even though Niagara Region has been identified as the funding source of the exercise: there is really only a single property taxpayer within the Region; and
- the need to ensure that Niagara Region and Local Area Municipalities receive true value for the services to be rendered.

The Council of the Corporation of the Township of Wainfleet respectfully requests your consideration of the above.

Yours Truly,

William J. Kolasa
Chief Administrative Officer

31940 Highway #3 • P.O. Box 40 • Wainfleet, ON • L0S 1V0
PHONE 905.899.3463 • FAX 905.899.2340 • www.wainfleet.ca

ADMINISTRATION STAFF REPORT **ASR-011/2019**

TO: Mayor Gibson & Members of Council

FROM: W. Kolasa, Chief Administrative Officer/Clerk

DATE OF MEETING: March 26, 2019

SUBJECT: Request from Niagara Regional Council re: Provincial Review of Regional Government

---

RECOMMENDATION(S):

THAT this report be received; and

THAT the correspondence dated March 8, 2019, attached as Appendix "A", from Niagara Region regarding Provincial Review of Regional Government be received; and

THAT the Council of the Township of Wainfleet endorse the request from Regional Council:

> *"**THAT** the Region undertake the procurement of and facilitation for finances to hire a Government Relations/Communications firm to advise the 13 local area municipalities on government relations, public polling and communications in regard to the Provincial Government Review of Regional Government"*; and

THAT the Council of the Township of Wainfleet direct the CAO to coordinate efforts for the Township in this endeavour; and

THAT a copy of this resolution be forwarded to the Local Area Municipalities and Niagara Region.

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with details of a resolution from Niagara Region's Committee of the Whole regarding the ongoing Provincial Review of Regional Government.

BACKGROUND:

On February 4, 2019, the Mayors of the local area municipalities of Niagara Region and the Regional Chair issued a Statement (attached) that announced:

> "Niagara's Mayors are united in support for improving governance, transparency and accountability in local government. It has been nearly 50 years since Niagara Region was formed and our communities, economy and the populations we serve have changed significantly in that time. With change comes opportunity, and we agree with the provincial government that there is room for improvement in the way Niagara works.

> We share the same goals in this review: to make it easier to access services, create more efficient local government, reduce duplication and be open for business. We also agree that there are a number of ways to achieve these goals and we expect that local voices and local solutions will truly be considered.
>
> We are already working together as Team Niagara to be open for business and attract investment, jobs, and economic development. Many local agencies and municipal services are already working together to find efficiencies and reduce duplication. We are working together to build an integrated transit system that works for all of Niagara. And we know we can do more. As Mayors, we will work together to ensure that Niagara is given an opportunity to present made-in-Niagara solutions through this regional governance review."

Recently, the Mayors held a conference call and a letter was issued, signed by all of them (forming part of Regional correspondence), on Mayor Easton's letterhead who took the lead on preparing the letter which was publicly dealt with at Regional Council on March 7, 2019.

OPTIONS/DISCUSSION:

The following motion as approved by Regional Council was forwarded to the Clerk on March 8th, 2019:

> "That Correspondence Item COTW-C 02-2019, being a letter from the Local Area Municipal Mayors, dated March 6, 2019, respecting Provincial Review of Regional Government, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities for consideration by their respective Councils at their next meeting for comment back to Niagara Region by March 28, 2019."

Attached to the correspondence from Niagara Region is a letter signed by all Mayors and Regional Chair. The letter outlines that there was a recent conference call among the heads of Council of the lower tier municipalities, including the Regional Chair, whereby it was agreed that they "request the Region, on behalf of the municipalities, to undertake the procurement of and facilitation for finances to hire a Government Relations/Communications firm to advise the 13 municipalities on government relations, public polling and communications in regard to the provincial government review of regional government."

As noted, Regional Council passed a motion to receive this correspondence and that it be circulated to the Local Area Municipalities for consideration by their respective Councils by March 28, 2019.

At a meeting of regional chief administrative officers held on March 8th, the Regional Council motion and correspondence regarding the Provincial Government Review was considered and all CAOs concluded to present a report to their respective Councils, before March 28th, and notify the Regional Clerk of each Council's decision. Further, a subcommittee of the CAOs was created to implement the provided direction and carry out the duties of hiring a Government Relations/Communications firm as outlined in the Mayor's correspondence as follows:

"The CAOs will coordinate this effort. They will advise on appropriate companies to be considered. The CAOs will also act in the capacity of selecting said company and preparing sample questions in advance to be used for the public polling. In their capacity as signing officers, the CAOs in their guidance to the Heads of Council will liaise with the successful bidder throughout the procurement process to ensure a successful conclusion."

FINANCIAL CONSIDERATIONS:

At this time, there do not appear to be any direct financial implications to the Township as Niagara Region is being tasked with the financial implementation of this project.

OTHERS CONSULTED:

Niagara Region Chief Administrative Officers

ATTACHMENTS:

Appendix "A":

- Niagara Region Correspondence re: Provincial Review of Regional Government (March 8, 2019)
- Local Area Municipal Mayors Correspondence re: Provincial Review of Regional Government (March 6, 2019)
- Statement from Niagara Mayors (February 4, 2019)

Respectfully submitted by,

William J. Kolasa,
Chief Administrative Officer/Clerk

Niagara Region

Administration
Office of the Regional Clerk
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977
www.niagararegion.ca

March 8, 2019

COTW 1-2019, March 7, 2019

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

RE: Provincial Review of Regional Government
COTW 1-2019 Minute Item 6.2

Committee of the Whole at its meeting held on Thursday, March 7, 2019, passed the following resolution:

> That Correspondence Item COTW-C 02-2019, being a letter from the Local Area Municipal Mayors, dated March 6, 2019, respecting Provincial Review of Regional Government, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities for consideration by their respective Councils at their next meeting for comment back to Niagara Region by March 28, 2019.

A copy of Correspondence Item COTW-C 02-2019 is attached for your reference.

Yours truly,

Ann-Marie Norio
Regional Clerk

CLK-C 2019-072

OFFICE OF THE MAYOR
4800 SOUTH SERVICE ROAD
BEAMSVILLE, ON L0R 1B1
Phone: 905-563-8205
Fax: 905-563-6566
www.lincoln.ca

March 6, 2019

Niagara Region
c/o Ron Tripp
Acting CAO

Dear Region of Niagara;
Re: Provincial Review of Regional Government

Following the recent conference call among the heads of Council of the lower tier municipalities including the Regional Municipality of Niagara it was agreed that the 12 Mayors and Chair, whom have signed below, request that the Region, on behalf of the 13 Municipalities undertake the procurement of and facilitation for finances to hire a Government Relations/Communications firm to advise the 13 municipalities on government relations, public polling and communications in regard to the provincial government review of regional government.

Further, this item be included in the Committee of the Whole Agenda for Thursday, March 7,2019 at 6:30pm at Regional Headquarters.

The CAO's will coordinate this effort. They will advise on appropriate companies to be considered. The CAO's will also act in the capacity of selecting said company and preparing sample questions in advance to be used for the public polling.

In their capacity as signing officers, the CAO's in their guidance to the Heads of Council will liaise with the successful bidder throughout the procurement process to ensure a successful conclusion.

Heads of Council will ensure that their own Councils and Regional Council members are kept apprised of the process.

OFFICE OF THE MAYOR
4800 SOUTH SERVICE ROAD
BEAMSVILLE, ON L0R 1B1
Phone: 905-563-8205
Fax: 905-563-6566
www.lincoln.ca

We are the Mayors and Regional Chair of the Region of Niagara and are in support of this request.

Mayor Wayne Redekop

Fort Erie

Mayor Jeff Jordan

Grimsby

Mayor Sandra Easton

Lincoln

Mayor Jim Diodati

Niagara Falls

Lord Mayor Betty Disero

Niagara-on-the-Lake

Mayor Marvin Junkin

Pelham

Mayor Bill Steele

Port Colborne

Mayor Walter Sendzik

St. Catharines

Mayor Terry Ugulini

Thorold

Mayor Kevin Gibson

Wainfleet

Mayor Frank Campion

Welland

Mayor David Bylsma

West Lincoln

Chair Jim Bradley

Niagara Region

Statement from Niagara Mayors

February 4, 2019

Niagara's Mayors are united in support for improving governance, transparency and accountability in local government. It has been nearly 50 years since Niagara Region was formed and our communities, economy and the populations we serve have changed significantly in that time. With change comes opportunity, and we agree with the provincial government that there is room for improvement in the way Niagara works.

We share the same goals in this review: to make it easier to access services, create more efficient local government, reduce duplication and be open for business. We also agree that there are a number of ways to achieve these goals and we expect that local voices and local solutions will truly be considered.

We are already working together as Team Niagara to be open for business and attract investment, jobs, and economic development. Many local agencies and municipal services are already working together to find efficiencies and reduce duplication. We are working together to build an integrated transit system that works for all of Niagara. And we know we can do more. As Mayors, we will work together to ensure that Niagara is given an opportunity to present made-in-Niagara solutions through this regional governance review.

Niagara's Mayors,

Dave Bylsma, Mayor of West Lincoln

Frank Campion, Mayor of Welland

Jim Diodati, Mayor of Niagara Falls

Betty Disero, Lord Mayor of Niagara-on-the-Lake

Sandra Easton, Mayor of Lincoln

Kevin Gibson, Mayor of Wainfleet

Jeff Jordan, Mayor of Grimsby

Marvin Junkin, Mayor of Pelham

Wayne Redekop, Mayor of Fort Erie

Walter Sendzik, Mayor of St. Catharines

Bill Steele, Mayor of Port Colborne

Terry Ugulini, Mayor of Thorold

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Pelham
NIAGARA
Vibrant · Creative · Caring

March 25, 2019

Niagara Region
Office of the Regional Clerk
1815 Sir Isaac Brock Way
PO Box 1042
Thorold, Ontario
L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

Provincial Review of Regional Government

At their regular meeting of March 18th, 2019, Council of the Town of Pelham received your correspondence and endorsed the following:

> **BE IT RESOLVED THAT Council receive Regional Report COTW 1-2019, Minute Item 6.2 - Provincial Review of Regional Government; and**
>
> **THAT Council endorse and support the letter from the Local Area Municipal Mayors requesting that the Region undertake a procurement of and facilitation for finances to hire a Government Relations/Communications firm to advise the 13 Niagara Municipalities on government relations, public polling and communications with regard to the provincial government review of regional government.**

On behalf of Council, thank you for your correspondence.

Yours very truly,

(Mrs.) Nancy J. Bozzato, *Dipl.M.M., AMCT*
Town Clerk

/hw

cc: Local Area Clerks

From the Clerk's Department
Administrative Services

20 Pelham Town Square P.O Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055
pelham.ca

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Town of Lincoln

4800 SOUTH SERVICE RD
BEAMSVILLE, ON L0R 1B1
905-563-8205

March 19, 2019

SENT VIA EMAIL

Region of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

RE: REQUEST FROM REGIONAL COUNCIL – PROVINCIAL REVIEW OF REGIONAL GOVERNMENT

Please be advised that Council for the Corporation of the Town of Lincoln passed the following motion on March 18, 2019:

THAT correspondence attached as Appendix A, dated March 8, 2019, from the Regional Clerk regarding Provincial Review of Regional Government be received for information; and

THAT Council of the Town of Lincoln endorse the request from Regional Council:

"THAT the Region undertake the procurement of and facilitation for finances to hire a Government Relations/Communications firm to advise the 13 local area municipalities on government relations, public polling and communications in regard to the Provincial Government Review of Regional Government"; and

THAT Council of the Town of Lincoln support the CAO to participate on the subcommittee to assist in coordinating efforts for the Town; and

Council direct the Clerk to circulate a copy of this resolution to the Local Area Municipalities and Regional Clerk.

Carried

Regards,

Julie Kirkelos
Town Clerk
jkirkelos@lincoln.ca

cc: Local Area Municipal Clerks

West Lincoln
Your Future Naturally

318 Canborough St. P.O. Box 400
Smithville, ON
L0R 2A0
T: 905-957-3346
F: 905-957-3219
www.westlincoln.ca

CLERK'S DEPARTMENT

March 26, 2019

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON
L2V 4T7

Dear Ms. Norio,

Re: Provincial Review of Regional Government – COTW 1-2019 Minute Item 6.2

This is to confirm that on Monday, March 26, 2019, West Lincoln Township Council adopted the following resolution:

Resolution:
That, the correspondence from the Office of the Regional Clerk, dated March 8, 2019, relating to a letter (Item COTW-C 02-2019) from the Local Area Municipal Mayors requesting Niagara Region to hire a Government Relations/ Communications firm to advise the 13 municipalities on government relations, public polling and communications as it relates to the Provincial Review of Regional Government; be received and supported.

If you require further information or clarification do not hesitate to contact me.

Sincerely,

Joanne Scime
Clerk

cc. Local Area Municipal Clerks

X:\cl-Clerks\Council\Council-2019\Letters\Letter to Region - re Provincial Review of Regional Government - Mar 25 Council .doc

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TOWN OF GRIMSBY

TELEPHONE: (905) 945-9634
FAX: (905) 945-5010
www.town.grimsby.on.ca

160 LIVINGSTON AVENUE
P.O. BOX 159
GRIMSBY, ONTARIO
L3M 4G3

PLEASE REFER TO FILE NO.

March 27, 2019

SENT VIA EMAIL

Region of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

RE: REGIONAL COUNCIL REQUEST – PROVINCIAL REVIEW OF REGIONAL GOVERNMENT

Please be advised that Town of Grimsby Council passed the following motion on March 18, 2019:

> THAT the correspondence from the Regional Clerk dated March 8, 2019 (see attached Appendix A) regarding Provincial Review of Regional Government be received for information; and
>
> THAT Council endorse the request from Regional Council (see attached Appendix A)
>
> > *"THAT the Region undertake the procurement of and facilitation for finances to hire a Government Relations/Communications firm to advise the 13 local area municipalities on government relations, public polling and communications in regard to the Provincial Government Review of Regional Government"*, and
>
> THAT the Acting Clerk for the Town of Grimsby be directed by Council to circulate a copy of this resolution to the Local Area Municipalities and the Regional Clerk.

Sincerely,

Sarah Kim
Acting Town Clerk

cc.: Local Area Municipal Clerks (Sent via Email)
M. Cain, Fire Chief

REPORT TO: Mayor J. Jordan
Members of Council

SUBJECT: Regional Council Request – Provincial Review of Regional Government

Recommendation

"RESOLVED That Report TM(A) 19-04 dated March 15, 2019 be received and that the recommendations of this report be approved for implementation as follows:

- The correspondence from the Regional Clerk dated March 8, 2019 (see attached Appendix A) regarding Provincial Review of Regional Government be received for information; and specifically,
- That Council endorse the request from Regional Council (see attached Appendix A),
  - *"THAT the Region undertake the procurement of and facilitation for finances to hire a Government Relations/Communications firm to advise the 13 local area municipalities on government relations, public polling and communications in regard to the Provincial Government Review of Regional Government"*, and
- That the Acting Clerk for the Town of Grimsby be directed by Council to circulate a copy of this resolution to the Local Area Municipalities and the Regional Clerk."

Purpose

The purpose of this report is to provide Council with the correspondence issued by Regional Council regarding the Provincial Regional Government Review and affirm Council's support of the Regional resolution contained in COTW 1 – 2019 (see attached Appendix A).

Background

The Province has undertaken a Regional Government Review. The review will consider issues of governance, decision-making and service delivery in eight Regional Municipalities (Durham, Halton, Muskoka District, Niagara, Oxford County, Peel, Waterloo and York), Simcoe County and their respective lower tier municipalities. In total, there are 82 upper and lower tier that are party to this review. Additional information about the review may be obtained from the Ontario website: https://www.ontario.ca/page/regional-government-review#section-2. The website also outlines the appointment of Special Advisors and their Terms of Reference, as well as, a provincial contact email address to forward questions or seek additional information. It is understood that Grimsby has already been afforded time with the Special Advisors.

On February 4, 2019, the Niagara Regional Mayors including the Regional Chair issued a formal Statement:

> *"Niagara's Mayors are united in support for improving governance, transparency and accountability in local government. It has been nearly 50 years since Niagara Region was formed and our communities, economy and the populations we serve have changed significantly in that time. With change comes opportunity, and we agree with the provincial government that there is room for improvement in the way Niagara works.*

We share the same goals in this review: to make it easier to access services, create more efficient local government, reduce duplication and be open for business. We also agree that there are a number of ways to achieve these goals and we expect that local voices and local solutions will truly be considered.

We are already working together as Team Niagara to be open for business and attract investment, jobs, and economic development. Many local agencies and municipal services are already working together to find efficiencies and reduce duplication. We are working together to build an integrated transit system that works for all of Niagara. And we know we can do more. As Mayors, we will work together to ensure that Niagara is given an opportunity to present made-in-Niagara solutions through this regional governance review."

On March 6, 2019, further correspondence, signed by all 12 Mayors and the Regional Chair, was issued to Regional Council (forming part of Appendix A to this report). The correspondence requested the Region undertake the procurement of and facilitation for finances to hire a Government Relations / Communications firm to advise the 13 municipalities on matters relevant to the ongoing Provincial Regional Government Review. At the March 7, 2019 Committee of the Whole, the following motion, as approved by Regional Council, was forwarded to the Clerk on or about March 8, 2019:

"That Correspondence Item COTW-C 02-2019, being a letter from the Local Area Municipal Mayors, dated March 6, 2019, respecting Provincial Review of Regional Government, BE RECEIVED and BE CIRCULATED to the Local Area Municipalities for consideration by their respective Councils at their next meeting for comment back to Niagara Region by March 28, 2019."

The March 6, 2019 correspondence further identified the Mayors & Regional Chair direction that the CAO's will serve to coordinate the process of procurement, selection and liaison with the bidders and successful company throughout the process, on behalf of the respective Heads of Council. At the March 8, 2019 meeting of CAO's, a subcommittee was created for this purpose.

Financial Implications

There are no financial implications to the Town, as the Region will address the financial obligations of this project.

Conclusion

The recommendation contained in this report are intended to establish Council's support of the 12 Mayors and Regional Chair, specifically for Region to undertake the procurement of and facilitation for finances to hire a Government Relations/Communications firm to advise the 13 local area municipalities on government relations, public polling and communications in regard to the Provincial Government Review of Regional Government.

Respectfully submitted,

Michael Cain
Fire Chief
MC/ew

APPENDIX A

Niagara Region

Administration
Office of the Regional Clerk
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977
www.niagararegion.ca

March 8, 2019

COTW 1-2019, March 7, 2019

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

RE: Provincial Review of Regional Government
COTW 1-2019 Minute Item 6.2

Committee of the Whole at its meeting held on Thursday, March 7, 2019, passed the following resolution:

> That Correspondence Item COTW-C 02-2019, being a letter from the Local Area Municipal Mayors, dated March 6, 2019, respecting Provincial Review of Regional Government, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities for consideration by their respective Councils at their next meeting for comment back to Niagara Region by March 28, 2019.

A copy of Correspondence Item COTW-C 02-2019 is attached for your reference.

Yours truly,

Ann-Marie Norio
Regional Clerk

CLK-C 2019-072

OFFICE OF THE MAYOR
4800 SOUTH SERVICE ROAD
BEAMSVILLE, ON L0R 1B1
Phone: 905-563-8205
Fax: 905-563-6566
www.lincoln.ca

March 6, 2019

Niagara Region
c/o Ron Tripp
Acting CAO

Dear Region of Niagara;
Re: Provincial Review of Regional Government

Following the recent conference call among the heads of Council of the lower tier municipalities including the Regional Municipality of Niagara it was agreed that the 12 Mayors and Chair, whom have signed below, request that the Region, on behalf of the 13 Municipalities undertake the procurement of and facilitation for finances to hire a Government Relations/Communications firm to advise the 13 municipalities on government relations, public polling and communications in regard to the provincial government review of regional government.

Further, this item be included in the Committee of the Whole Agenda for Thursday, March 7,2019 at 6:30pm at Regional Headquarters.

The CAO's will coordinate this effort. They will advise on appropriate companies to be considered. The CAO's will also act in the capacity of selecting said company and preparing sample questions in advance to be used for the public polling.

In their capacity as signing officers, the CAO's in their guidance to the Heads of Council will liaise with the successful bidder throughout the procurement process to ensure a successful conclusion.

Heads of Council will ensure that their own Councils and Regional Council members are kept apprised of the process.

OFFICE OF THE MAYOR
4800 SOUTH SERVICE ROAD
BEAMSVILLE, ON L0R 1B1
Phone: 905-563-8205
Fax: 905-563-6566
www.lincoln.ca

We are the Mayors and Regional Chair of the Region of Niagara and are in support of this request.

Mayor Wayne Redekop

Fort Erie

Mayor Jeff Jordan

Grimsby

Mayor Sandra Easton

Lincoln

Mayor Jim Diodati

Niagara Falls

Lord Mayor Betty Disero

Niagara-on-the-Lake

Mayor Marvin Junkin

Pelham

Mayor Bill Steele

Port Colborne

Mayor Walter Sendzik

St. Catharines

Mayor Terry Ugulini

Thorold

Mayor Kevin Gibson

Wainfleet

Mayor Frank Campion

Welland

Mayor David Bylsma

West Lincoln

Chair Jim Bradley

Niagara Region

Where Ships Climb The Mountain...

Thorold

February 22, 2019

SENT VIA EMAIL

Niagara Region Public Works
Waste Management Services
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Attention; Catherine Habermebl, Acting Commissioner Public Works

Dear Ms. Habermebl:

Re: Proposed Base Services for Next Collection Contract

Council at its meeting of Tuesday, February 5, 2019 approved the Report PWCS2019-04 of the Director of Public Works and Community Services which made the following recommendations:

1. That the City of Thorold support the recommendations outlined in the Niagara Region's Report PW 3-2019.

2. That Regional Council be guided by the City of Thorold's Resolution dated January 15, 2019 respecting the provision of in-house waste collection services.

3. That Regional staff be encouraged to research and source better alternatives for recycling containers that will reduce the amount of debris and litter collected along City roads and public spaces."

With respect to the proposed enhanced services for the DBA we request tender pricing for the following three (3) options:

- Option 1 – 3 days/wend and 7 bag limit
- Option 2 – 2 days/week and 7 bag limit
- Option 3 – 3 days/week and 4 bag limit

Operations Department – Location – 1543 Beaverdams Road, Thorold, Ontario L2V 3Y7
Public Works: 905-227-3521 Email: pubworks@thorold.com
Engineering: 905-227-3535 Email: thoreng@thorold.com
Fax: 905-227-3666
City of Thorold
P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7
www.thorold.com
Tel: 905-227-6613

In addition we would request ending pricing for the DBA:

- 2 days/week blue box collection
- 1 day/week Public Spaces Recycling Collection
- 3 days/week street litter bin collection

If you require additional information or clarification, please contact this office.

Yours very truly,

Geoff Holman, C.E.T.,
Director of Public Works and Community Services

GH:am

c.c. Brad Whitelaw, Waste Management Policy & Planning, by email
A. Norio, Niagara Regional Clerk, by email
Local Area Municipal Clerks, by email

Town of
Lincoln

4800 SOUTH SERVICE RD
BEAMSVILLE, ON L0R 1B1

905-563-8205

March 19, 2019

SENT VIA EMAIL

Region of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Attention: Catherine Habermebl, Acting Commissioner of Public Works

Dear Ms. Habermebl:

Re: Region of Niagara Waste Collection – Town of Lincoln Council Decision

Please be advised that at the Community Services and Infrastructure Committee held on March 6, 2019 and ratified at Council on March 18, 2019, Council for the Corporation of the Town of Lincoln passed the following motion:

> WHEREAS the Region of Niagara is undergoing a comprehensive review of its waste management practices; and
>
> WHEREAS Municipalities in the Niagara Region currently have plastic and paper recycling being placed at the curb in open box style containers; and
>
> WHEREAS the Town of Lincoln received correspondence from the City of Thorold indicating that it had submitted comments to the waste management review process requesting that measures be taken to contain plastic and paper recycling that is placed to the curb in open containers; and
>
> WHEREAS the Town of Lincoln receives complaints from residents regarding the amount of recycling material that spills and becomes refuse and litter; and
>
> WHEREAS the Region of Niagara collects and sells a portion of the recycling but is not able to sell any contents that are lost and is therefore losing revenue as a result.

THEREFORE BE IT RESOLVED that the Town of Lincoln requests that during its review of its waste management practices, that the Region consider both interim and long-term measures to contain recycling materials that are put to the curb awaiting pickup.

Carried

Regards,

Julie Kirkelos
Town Clerk
jkirkelos@lincoln.ca

cc: B. Whitelaw, Waste Management Policy & Planning, Program Manager
A. Norio, Niagara Regional Clerk
Local Area Municipal Clerks

Where Ships Climb The Mountain...

Thorold

March 21, 2019

The Right Honourable Justin Trudeau
House of Commons
Ottawa, ON K1A 0A6
justin.trudeau@parl.gc.ca

The Honourable Doug Ford
Premier of Ontario
Room 281, Legislative Building
Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Dear Prime Minister:

Re: Investing in Canada Infrastructure Program

Please be advised Thorold City Council, at its March 19, 2019 meeting, adopted the following resolution:

Whereas the Ontario Government must recognize the importance of job creation in contributing to local capital needs that are vital to communities across Niagara and the province; and

Whereas the federal government have been focused on getting the Investing in Canada Infrastructure Program intake open by applying maximum pressure on the Province of Ontario to deliver more immediate results for our collective constituents; and

Whereas, the federal government have reached out to FCM and to AMO, in addition to other stakeholders, to arm them with the facts and to engage them early; and

Whereas, the City of Thorold have, in detail, provided MP Badawey with infrastructure projects, outlining requisite materials to engage departments within the federal government and the Province of Ontario; and

Whereas the amount of federal funding available under the Integrated Bilateral Agreement (IBA), signed with the Province of Ontario on March 18, 2018, totals $11.9 million.

...2

City of Thorold
P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7
www.thorold.com
Tel: 905-227-6613

Now therefore be it resolved that, the City of Thorold demands that the Ontario government commit to a 3-year infrastructure plan and immediately open intakes for all four streams under the Investing in Canada Infrastructure Program so as to maximize the number of projects we can build together for Ontarians in 2019 and the years ahead, be received and supported.

Yours truly,

D Delvecchio

Donna Delvecchio
City Clerk

DD:cd

ec: M. Dilwaria, Chief Administrative Officer

V. Badawey, MP, Niagara Centre, vance.badawey@parl.gc.ca
J. Burch, MPP, Niagara Centre, JBurch-QP@ndp.on.ca
A. LaPointe, City Clerk, City of Port Colborne, cityclerk@portcolborne.ca

City of Port Colborne
Regular Committee of the Whole Meeting 10-19
Minutes

Date: March 25, 2019

Time: 6:38 p.m.

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

Members Present:
M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Staff Present:
D. Aquilina, Director of Planning and Development
M. Evely, Recording Clerk
A. Grigg, Director of Community & Economic Development
S. Hanson, Manager of By-law Services
A. LaPointe, City Clerk
S. Luey, Chief Administrative Officer
P. Senese, Director of Corporate Services
S. Shypowskyj, Manager of Projects & Design
D. Suddard, Environmental Compliance Supervisor

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

1. Call to Order:

Mayor Steele called the meeting to order.

2. National Anthem:

Those in attendance stood for O Canada.

3. Introduction of Addendum Items:

Nil.

4. Confirmation of Agenda:

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

That the agenda dated March 25, 2019 be confirmed, as circulated or as amended.
CARRIED.

5. Disclosures of Interest:

Councillor Wells declared a pecuniary interest regarding item 1 as it could affect the value of his property. Councillor Wells left the Council Chambers during discussion on Item 1.

6. Adoption of Minutes:

(a) Special meeting of Committee of the Whole 02-19, held on January 21, 2019.
(b) Special meeting of Committee of the Whole 03-19, held on January 23, 2019.
(c) Special meeting of Committee of the Whole 05-19, held on February 4, 2019.
(d) Special meeting of Committee of the Whole 08-19, held on March 4, 2019.
(e) Regular meeting of Committee of the Whole 07-19, held on March 11, 2019.

Moved by Councillor M. Bagu
Seconded by Councillor G. Bruno

(a) That the minutes of the special meeting of Committee of the Whole 02-19, held on January 21, 2019, be approved as presented.
(b) That the minutes of the special meeting of Committee of the Whole 03-19, held on January 23, 2019, be approved as presented.
(c) That the minutes of the special meeting of Committee of the Whole 05-19, held on February 4, 2019, be approved as presented.
(d) That the minutes of the special meeting of Committee of the Whole 08-19, held on March 4, 2019, be approved as presented.
(e) That the minutes of the regular meeting of Committee of the Whole 09-19, held on March 11, 2019, be approved as presented.
CARRIED.

7. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 4, 8, 10, and 13

8. Approval of Items Not Requiring Separate Discussion:

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

That Items 1 to 22 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:

2. Planning and Development Department, Planning Division, Report 2019-35, Subject: Downtown CBD CIP Expansion

Committee of the Whole Recommends:

That staff be directed to process an application to consider the inclusion of 176 Elm Street in the Central Business District Community Improvement Plan.

3. Planning and Development Department, By-law Enforcement Division, Report 2019-40, Subject: 2019-02 By-law Enforcement Services – Refuse/ Debris Removal & Property Grass Mowing – 4 year contract

Committee of the Whole Recommends:

That Council award Tender 2019-02 By-law Services - Refuse and Debris Removal & Property Grass Mowing – 4 year contract to Greenside Landscaping & Lawn Service Inc. of Port Colborne, Ontario, for the total tendered price of $7,185.00 plus applicable taxes.

That this report be approved as presented and the Clerk be authorized to execute the contract Agreement.

5. Memorandum from Peter Senese, Director of Corporate Services Re: 2019 Ontario Municipal Partnership Fund (OMPF) Budget Allocation

Committee of the Whole Recommends:

That Council approve the reduction of the OMPF funding amounting $47,900 reduce the budgeted allocation to the Downtown CIP from $100,000 to $52,100. Any required funding for the difference to the Downtown CIP project to be funded from the Capital Infrastructure Reserve Fund.

6. Corporate Services Department, Finance Division, Report 2019-36, Subject: Statement of Remuneration and Expenses 2018

Committee of the Whole Recommends:

That the Report on Remuneration and Expenses for 2018 be received for information purposes as per Sections 283 and 284 of the Municipal Act, 2001, as amended.

7. Engineering and Operations Department, Engineering Division, Report 2019-39, Subject: Application for Bulk Water Haulage Agreement – Village Enterprises Water Haulage

Committee of the Whole Recommends:

That the Council of the City of Port Colborne authorize entering into a Bulk Water Sales Agreement with:

Village Enterprises Water Haulage
3645 Carver Street
Stevensville, ON L0S 1S0

And that the Mayor and Clerk be authorized to sign the agreement.

9. Engineering and Operations Department, Operations Division, Report 2019-33, Subject: 2018 Sherkston Community Centre Cistern System Annual Drinking Water Quality Report

Committee of the Whole Recommends:

That Council accept report 2019-33, Sherkston Community Centre Annual Drinking Water Quality Report, prepared in accordance with O.Reg. 170/03, for information.

11. Memorandum from Richard Daniel, Manager of Operations Re: Request for Proclamation of April 2019 as Dig Safe Month

Committee of the Whole Recommends:

That the month of April 2019 be proclaimed as "Dig Safe Month" in the City of Port Colborne in accordance with the request received from Richard Daniel, Manager of Operations, City of Port Colborne.

12. Vance Badawey, Member of Parliament, Niagara Centre Re: Update on the Investing in Canada Infrastructure Program

Committee of the Whole Recommends:

That the correspondence received from Vance Badawey, Member of Parliament, Niagara Centre Re: Update on the Investing in Canada Infrastructure program be received for information.

14. Region of Niagara Re: Provincial Review of Regional Government

Committee of the Whole Recommends:

That the letter received from the Region of Niagara regarding a letter from the Local Area Municipal Mayors, dated March 6, 2019 respecting Provincial Review of Regional Government, for consideration by respective Councils, be supported.

15. Region of Niagara Re: Notice of Passing of By-law to Amend By-law 112-2013 Being a By-law to Protect Children and Vulnerable Persons from Exposure to Outdoor Second-Hand Smoke – Triple Majority Requirement – PHD Report 02-2019 – January 8, 2019

Committee of the Whole Recommends:

That Council consent to the update of Regional By-law No. 112-2013 to harmonize with the Smoke Free Ontario Act to include vaping and cannabis, as an interim measure for consistency, with an appropriate sunset clause.

16. Region of Niagara Re: 2019 Budget-Waste Management Services Operating Budget and Requisition (CSD Report 7-2019)

Committee of the Whole Recommends:

That the correspondence received from the Region of Niagara Re: 2019 Budget-Waste Management Services Operating Budget and Requisition, be received for information.

17. Region of Niagara Re: 2019 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition (CSD Report 8-2019 Revised)

Committee of the Whole Recommends:

That the correspondence received from the Region of Niagara Re: 2019 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition (CSD Report 8-2019), be received for information.

18. Region of Niagara Re: Environmental Planning Function Overview (PDS Report 2-2019)

Committee of the Whole Recommends:

That the correspondence received from the Region of Niagara Re: Environmental Planning Function Overview (PDS Report 2-2019), be received for information.

19. Region of Niagara Re: Development Applications Monitoring Report - 2018 Year End (PDS Report 3-2019)

Committee of the Whole Recommends:

That the correspondence received from the Region of Niagara Re: Development Applications Monitoring Report – 2018 Year End, be received for information.

20. Region of Niagara Re: Update on Natural Environment Work Program – New Regional Official Plan (PDS Report 10-2019)

Committee of the Whole Recommends:

That the correspondence received from the Region of Niagara Re: Update on Natural Environment Work Program – New Regional Official Plan, be received for information.

21. Niagara Regional Housing Re: Quarterly Report – October 1 to December 31, 2018

Committee of the Whole Recommends:

That the correspondence received from Niagara Regional Housing Re: Quarterly Report – October 1 to December 31, 2018, be received for information.

22. City of Guelph Re: Maintaining the Voters' List for Municipal Elections

Committee of the Whole Recommends:

That the resolution received from the City of Guelph Re: Maintaining the Voters' List for Municipal Elections, be received for information.

CARRIED.

9. Presentations:

Lori Kleinsmith, Co-Chair (Social Determinants of Health Committee – Everyone Matters), provided a report including considerations for Council in 2019 including a housing strategy, action against poverty, and a living wage policy.

Delegations:

(a) Patty Moss,

Patty Moss spoke regarding the impact of herbicide spraying in ditches and requested the creation of a by-law to keep vegetation alive in ditches and waterways on City owned lands. Sherry Hanson, Manager of By-law Services, and Steve Shypowskyj, Manager of Projects & Design provided details about the City of Port Colborne's Drainage by-law.

10. Mayor's Report:

Mayor Steele informed Council that the Welland Canal has officially opened. He thanked the Fair Trade Committee and other local businesses for their contributions. Mayor Steele met with Member of Parliament Vance Badawey, and members from local and regional government, the chamber of commerce, and local business owners to discuss strong trade corridors. Mayor Steele added that the City of Port Colborne's Spring and Summer Leisure Guide has been released and registration is opened.

11. Regional Councillor's Report:

Regional Councillor Butters informed Council of the Smarter Niagara Incentive Program which includes grants and loans for Local Area Municipalities.

12. Councillors' Items:

(a) Welland Humane Society (Desmarais)

Councillor Desmarais requested the Planning & Development Department contact the Welland Humane Society to request they deliver a presentation to Council regarding enforcement capacities following a recent court ruling.

(b) Governance Review (Desmarais)

Councillor Desmarais reminded Council to complete the governance review survey provided by Member of Provincial Parliament, Sam Oosterhoff.

(c) Property Standards Repeat Offenders (Desmarais)

Councillor Desmarais requested an in camera update of repeat property standard offenders from Sherry Hanson, Manager of By-law.

(d) Strategic Planning (Desmarais)

Councillor Desmarais requested that Council meet with staff to discuss strategic planning. Mayor Steele suggested that Council plan the meeting once budget is approved.

(e) Council Composition Committee (Desmarais)

Councillor Desmarais requested an update from staff and Council regarding the formation of a Council Composition Committee. Mayor Steele suggested discussion should begin once reports have been provided from the Provincial government.

(f) Construction on Main Street (Bruno)

Councillor Bruno informed Council that a resident asked how long hoe ramming will occur at the North West corner of Main Street West and West Side Road. He contacted the contractor and informed Council that they are expecting to conclude hoe ramming the week of April 8. Hoe ramming will then resume in the last two weeks of July in efforts to install piping and gas lines for the proposed gas station.

(g) Ward 2 Meeting (Beauregard)

Councillor Beauregard informed Council that Council Desmarais and himself will be hosting a Ward 2 meeting in the Golden Puck Room at the Vale Health & Wellness Centre on April 27th from 1 to 2 p.m.

(h) Main Street BIA Meeting (Danch)

Councillor Danch notified Council that there will be a Main Street BIA meeting held at City Hall on March 26, 2019 at 7 p.m.

(i) Crosswalk Signal at Clarence Street and Catharine Street (Kalalieff)

Councillor Kalalieff enquired about adding a traffic stake in the middle of the crosswalk at Clarence Street and Catharine Street, in efforts to draw attention to

potential need to stop. Steve Shypowskyj, Manager of Projects and Design, suggested leaving the crosswalk as designed as it complies with design standards from the Niagara Region.

(j) Downtown BIA Meeting (Kalalieff)

Councillor Kalalieff stated that there will be a Downtown BIA meeting held at the United Steel Workers Hall on March 26, 2019 at 6:30 p.m.

(k) Grading Roads in Ward 4 (Bodner)

Councillor Bodner requested an update from the Engineering and Operations Department regarding grading of roads in Ward 4. He also asked staff for an estimate cost to pave the roads versus annual grading costs. Steve Shypowskyj, Manager of Projects and Design, informed Council that staff will begin grading roads once the frost has melted and agreed to provide estimate costs to pave roads in Ward 4. Councillor Wells requested a schedule displaying which roads are being graded and when, be posted on the City's website.

Staff Responses to Councillor's Enquiries

(a) Wayne Lukacs, 32 Carter Street, Encroachment Application

Sherry Hanson, Manager of By-law Services, informed Council that she met with Mr. Lukacs. Mr. Lukacs has provided an encroachment application and is willing to enter into a licensing agreement. She added that his fence is in a low risk portion of City property and she is willing to approve his application pending Council approval. Council agreed in consensus to move forward with Mr. Lukacs application.

13. Consideration of Items Requiring Separate Discussion:

1. Planning and Development Department, Planning Division, Report 2019-38, Subject: Site Alteration Permit Additional Review – Port Colborne Quarries

David Sisco, IBI Group, and Steve Desrocher, Golder Associates Ltd., representing the Port Colborne Quarries Inc., presented to Council viable options for fill in the Port Colborne Quarry and informed Council of Federal and Provincial regulations applicable to the Quarry.

Dave Henderson presented information regarding filling materials to Council. He opposed the possible hazardous filling options in the Quarry. He also presented recommendations to Council. Mr. Henderson's presentation is attached.

Jack Hellinga presented information regarding filling materials to Council. He proposed amendments to the recommendation in report 2019-38. His presentation is attached.

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

That Council approve a Site Alteration Permit for Port Colborne Quarries for the placement of approved MECP Table 1 clean inert fill in Pit 1 for a 20-year period subject to the following conditions:

i) That the Ministry of Natural Resources' consent to change the type of rehabilitation program.
ii) That Port Colborne Quarries follow Golder's Soil Management Plan.
iii) That Port Colborne Quarries work with applicable agencies to ensure a portion of the ANSI remains exposed and to help create a form of public access for educational purposes.
iv) That a Site Alteration Permit fee of $1,420 be submitted to the Department of Planning and Development.
v) That a $2500 retainer be submitted by PCQ to cover any costs related to complaints received.
vi) That any future MECP guideline be in compliance prior to the placement of fill.

Moved in referral by Councillor A. Desmarais
Seconded by Councillor M. Bagu

That consideration of Report 2019-38, Subject: Site Alteration Permit Additional Review – Port Colborne Quarries be referred to the Director of Planning & Development to consider the proposed amendments to the recommendation made by staff.

CARRIED.

4. Corporate Services Department, Finance Division, Report 2019-37, Subject: 2019 Operating/Capital Budget

Moved by Councillor D. Kalalieff
Seconded by Councillor H. Wells

That Council hold a Committee of the Whole meeting to further discuss the 2019 budget.

LOST.

Moved by Councillor D. Kalalieff
Seconded by Councillor A. Desmarais

That the Corporate Services Department, Finance Division Report 2019-37 be approved; and

That Council confirm and approve, that in compliance with Ontario regulation 284/09, the 2019 budget was developed using the cash basis and has excluded the following accrual expenses: a portion of the amortization expense which amounts to approximately $1,124,154 and the amount of post-employment benefits expense which amounts to approximately $247,000.

That the 2019 Budget be approved as presented with the City's net overall levy for 2019 at $18,167,975 (Operating levy of $15,970,715 and Capital levy of $2,197,260).

That the operating expenditures of $25,025,858 operating revenues/fees/reserves/OMPF funds of $9,055,143 and capital expenditures of $5,654,095 with capital revenues from reserves/grants of $3,456,835 be approved.

That the Storm Sewer budget be approved to be funded through an established flat fee schedule to include an operating/capital budget raising approximately $740,800 annually to fund operations, the current storm sewer debt and establish a storm sewer capital reserve for future infrastructure.

That the Mayor and City Clerk be authorized to execute the appropriate By-law for the budget estimates for all sums required for the operations for the year 2019.

Moved in amendment by Councillor G. Bruno
Seconded by Councillor E. Beauregard

That the Storm Sewer budget be reduced by $171,000 in the 2019 capital budget.

LOST.

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

That the Corporate Services Department, Finance Division Report 2019-37 be approved; and

That Council confirm and approve, that in compliance with Ontario regulation 284/09, the 2019 budget was developed using the cash basis and has excluded the following accrual expenses: a portion of the amortization expense which amounts to approximately $1,124,154 and the amount of post-employment benefits expense which amounts to approximately $247,000.

That the 2019 Budget be approved as presented with the City's net overall levy for 2019 at $18,167,975 (Operating levy of $15,970,715 and Capital levy of $2,197,260).

That the operating expenditures of $25,025,858 operating revenues/fees/reserves/OMPF funds of $9,055,143 and capital expenditures of $5,654,095 with capital revenues from reserves/grants of $3,456,835 be approved.

That the Storm Sewer budget be approved to be funded through an established flat fee schedule to include an operating/capital budget raising approximately $740,800 annually to fund operations, the current storm sewer debt and establish a storm sewer capital reserve for future infrastructure.

That the Mayor and City Clerk be authorized to execute the appropriate By-law for the budget estimates for all sums required for the operations for the year 2019.

LOST.

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

That Council's decision on the matter of Corporate Services Department, Finance Division Report 2019-37, made at the March 25, 2019 Committee of the Whole meeting, be reconsidered.

CARRIED.

Council proceeded with consideration of the motion previously considered at the March 25, 2019 Committee of the Whole meeting as follows:

That the Corporate Services Department, Finance Division Report 2019-37 be approved; and

That Council confirm and approve, that in compliance with Ontario regulation 284/09, the 2019 budget was developed using the cash basis and has excluded the following accrual expenses: a portion of the amortization expense which amounts to approximately $1,124,154 and the amount of post-employment benefits expense which amounts to approximately $247,000.

That the 2019 Budget be approved as presented with the City's net overall levy for 2019 at $18,167,975 (Operating levy of $15,970,715 and Capital levy of $2,197,260).

That the operating expenditures of $25,025,858 operating revenues/fees/reserves/OMPF funds of $9,055,143 and capital expenditures of $5,654,095 with capital revenues from reserves/grants of $3,456,835 be approved.

That the Storm Sewer budget be approved to be funded through an established flat fee schedule to include an operating/capital budget raising

approximately $740,800 annually to fund operations, the current storm sewer debt and establish a storm sewer capital reserve for future infrastructure.

That the Mayor and City Clerk be authorized to execute the appropriate By-law for the budget estimates for all sums required for the operations for the year 2019.

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

That $30,000 for Firefighters memorial be removed from the 2019 budget.
CARRIED.

Moved in amendment by Councillor H. Wells
Seconded by Councillor D.Kalalieff

That $45,000 for Canal Days be removed by from the 2019 budget.
LOST.

Moved in amendment by Councillor H. Wells
Seconded by Councillor D.Kalalieff

That the 2019 budget reserve be increased by $3000 to include an entrance fee to the Napa Annual Classic Car Show.
LOST.

Moved in amendment by Councillor M. Bagu
Seconded by Councillor D. Kalalieff

That $9,000 for a new entrance sign at the Vale Health & Wellness Centre be removed from the 2019 budget.
CARRIED.

Moved in amendment by Councillor M. Bagu
Seconded by Councillor D. Kalalieff

That $15,000 for waste receptacles at the Marina be removed by the 2019 budget.
LOST.

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

That $15,000 for generator notification upgrade for City Hall, the City of Port Colborne Fire Hall, and Vale Health & Wellness Centre be removed from the 2019 budget.
LOST.

Moved in amendment by Councillor D. Kalalieff
Seconded by Councillor H. Wells

That $5,000 for electrical installations on West Street be removed from the 2019 budget.

LOST.

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

That the Corporate Services Department, Finance Division Report 2019-37 be approved, as amended with the removal of $39 000; and

That Council confirm and approve, that in compliance with Ontario regulation 284/09, the 2019 budget was developed using the cash basis and has excluded the following accrual expenses: a portion of the amortization expense which amounts to approximately $1,124,154 and the amount of post-employment benefits expense which amounts to approximately $247,000.

That the 2019 Budget be approved as presented with the City's net overall levy for 2019 at $18,128,975 (Operating levy of $15,970,715 and Capital levy of $2,158,260).

That the operating expenditures of $25,025,858 operating revenues/fees/reserves/OMPF funds of $9,055,143 and capital expenditures of $5,615,095 with capital revenues from reserves/grants of $3,456,835 be approved.

That the Storm Sewer budget be approved to be funded through an established flat fee schedule to include an operating/capital budget raising approximately $740,800 annually to fund operations, the current storm sewer debt and establish a storm sewer capital reserve for future infrastructure.

That the Mayor and City Clerk be authorized to execute the appropriate By-law for the budget estimates for all sums required for the operations for the year 2019.

CARRIED.

8. Engineering and Operations Department, Operations Division, Report 2019-32, Subject: Port Colborne Distribution System Annual Summary Report

Moved by Councillor E. Beauregard
Seconded by Councillor A. Desmarais

That Council accepts report 2019-32, Port Colborne Distribution System Annual Summary Report, prepared in accordance with O.Reg. 170/03 for information.
CARRIED.

10. Community and Economic Development Department, Parks and Recreation Division, Report 2019-41, Subject: Facilitated Strategic Planning Session Respecting the Canal Days Marine Heritage Festival

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

That the Director of Community and Economic Development be directed to coordinate with the City Clerk to schedule a facilitated strategic planning session for City Council (via a special Council meeting) regarding the Canal Days Marine Heritage Festival at the earliest possible date, as outlined in Community & Economic Development, Parks & Recreation Division, Report 2019-41, Subject: Facilitated Strategic Planning Session Respecting the Canal Days Marine Heritage Festival; and

That the Director be authorized to secure the services of MHBC for the purpose of facilitating the above noted strategic planning session, at a cost of $5,500, excluding taxes, as part of the preparation of the City's Parks and Recreation Master Plan to be funded with surplus funds from the completed Arts and Culture Master Plan which the Director of Corporate Services has advised are available.
CARRIED.

14. Region of Niagara Re: Status of Niagara Region Incentives and Grants Programs

Moved by Councillor G. Bruno
Seconded by Councillor F. Danch

That the correspondence received from Doug Giles, Director of Community & Long Range Planning, Region of Niagara Re: Status of Niagara Region Incentives and Grants Programs, be received for information.
CARRIED.

15. Notice of Motion:

Councillor Frank Danch provided a notice of motion for the April 8, 2019 regular meeting of Council to redelegate the site plan approval process for 399 Killaly Street West.

Councillor Eric Beauregard provided a notice of motion for the April 8, 2019 regular meeting of Council regarding an Informal Residential Care Facility Licensing By-law.

16. Adjournment:

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

That the Committee of the Whole meeting be adjourned at approximately 10:27 p.m.
CARRIED.

AL/me

PORT COLBORNE

MAYOR'S REPORT – MARCH 25, 2019

TOP HAT CEREMONY

On Friday, the Welland Canal officially opened and we celebrated with our traditional Top Hat Ceremony. I would like to thank the members of the Fair Trade Committee for providing a great pancake breakfast and to Bremfields, Smokin' Buddha and the Green Apple Café for their contributions. Special thanks to the students from McKay Public School for providing musical entertainment as well as assisting with the breakfast.

Captain Croucher of the Algoma Spirit was our guest of honour being the first downbound vessel. I understand that he received a second Top Hat for being the first vessel to enter Hamilton Habour. He had a busy weekend.

The Welland Canal is at the forefront of Niagara's transportation infrastructure.

Going forward we want to return Port Colborne to an important location within the Seaway, where marine related businesses can flourish and young adults can look to the marine business to make their living as our forefathers did many years ago.

Through strong partnerships with those in the marine industry we continue to create opportunities for marine related development within the Seaway trade corridor and within our City.

ROUNDTABLE WITH MP VANCE BADAWEY

We recently hosted a roundtable discussion with MP Vance Badawey and members from local and regional government, businesses and chamber of commerce.

Through discussion, we determined we need to move forward to develop strong trade corridors that will benefit businesses in our communities.

All participants are eager to continue the discussion and to move forward with a Niagara Trades Corridor Strategy and the creation of the Port of Niagara.

The City of Port Colborne takes seriously our responsibility to work with the marine industry to enable them to move their goods through the marine system in an efficient and economical manner.

News of our meeting has reached the Chamber of Marine Commerce on-line news and the Great Lakes St. Lawrence Seaway Review magazine.

GREAT LAKE PROFESSIONAL PILOTS ASSOCIATION

I would like to extend my appreciation to Mike Kilpatrick of the Great Lakes Professional Pilots Association for the invitation to attend their annual dinner last Friday.

They have offered their support of our initiatives in creating a Port of Niagara.

NIAGARA PENINSULA CONSERVATION AUTHORITY

As discussed at our last meeting, I spoke with the Acting CAO of the Niagara Peninsula Conservation Authority, Gayle Woods, about timing for replies to applications from the City. Ms. Woods has assured me that she will implementing changes for all parties in order that we can make informed decisions in a timely manner on all planning applications.

LEISURE GUIDE

Our Spring and Summer Leisure Guide has just been released and registration is open for all programs. Copies were delivered last week in the newspaper and are available at all City facilities.

These programs fill up quickly so don`t delay – get out and PORTicipate!

NEW FUNDING

Last week we received notification from the Federal and Provincial Governments that we will be receiving one time funds. The Ontario Ministry of Municipal Affairs and Housing fund is $711,467 and the Federal Gas Tax Fund is $586,822.

These funds must be used for new initiatives such as service delivery, infrastructure, sharing partnerships that will help reduce costs to our ratepayers.

I met with senior staff on Friday and asked them to investigate projects that fit with the government`s initiatives and bring back a report that we can discuss in order to move forward.

RATIONALE FOR THE DEVELOPMENT OF SOIL AND GROUND WATER STANDARDS FOR USE AT CONTAMINATED SITES IN ONTARIO

April 15, 2011

Prepared by:
Standards Development Branch
Ontario Ministry of the Environment

PIBS 7386e01

Soil Components for Table 2 - Full Depth, Potable Water Scenario													
Fine - Medium Textured Soil		Industrial/Commercial Land Use (ug/g)											
	MOE	Mass.	Ont. Soil	Plants &	Mammals	Soil Contact	Soil Contact	Soil Leaching		Indoor Air	Indoor Air	Outdoor Air	Free Phase
Chemical Parameter	Soil RL	PQL	Bkgrd	Soil Org.	& Birds	S2 Risk	S3 Risk	S-GW1	S-GW3	S-IA	Odour		Threshold
Trichlorobenzene, 1,2,4-	0.05		0.05	30		2200	22000	63	48	16	30000	290	5300
Trichloroethane, 1,1,1-	0.05		0.05	44	39000	440000	1500000	27	12	42	33000	12000	5500
Trichloroethane, 1,1,2-	0.05		0.05	200		19	720	0.73	150	0.11		2.9	5700
Trichloroethylene	0.05		0.05	250	390	85	160	0.76	360	0.61	15000	24	6000
Trichlorofluoromethane	0.05		0.25	40		66000	66000	33	5.8				6600
Trichlorophenol, 2,4,5-	0.1		0.1	10		470	470	13	30				14000
Trichlorophenol, 2,4,6-	0.1		0.1	10		72	470	2.9	4.2				15000
Uranium	1		2.5	2000	33	300	300						64000
Vanadium	10		86	250	18	160	160						11000
Vinyl Chloride	0.02		0.02	8.5	12	0.79	29	0.25	380	0.25	38000	14	8400
Xylene Mixture	0.05		0.05	210	47000	44000	88000	170	30	140	17000	4900	3400
Zinc	30		290	800	340	47000	47000						24000
Electrical Conductivity (mS/cm)			0.57	1.4									
Chloride	5		210					35000	430				5100
Sodium Adsorption Ratio			2.4	12									
Sodium	50		1300										

S-GW1 IS THE VALUE MECP USES TO DETERMINE WHETHER THERE ARE RISKS TO AQUIFERS

NOTE THERE ARE NO VALUES FOR EC AND SAR IN THE S-GW1 COLUMN

Chemical Name	Aquatic Protection Value (ug/L)	Basis	Source
Trichlorophenol, 2,4,5-	**130**	LOEL. 12d reduced growth in rainbow trout.	Neville, 1995 from MADEP 2008.
Trichlorophenol, 2,4,6-	**18**	LOEL divided by 10. 48h LC50 in medaka, red killifish.	Yoshioka, et al., 1986 from MADEP 2008.
Uranium	**33**	LOEL. IC25 for reproduction in *Ceriodaphnia dubia*.	Vizon SciTec Inc., 2004
Vanadium	20	LOEL. 3d-cell division in *Chlorella pyrenoidosa*.	Meisch and Benzschawell, 1978. LOEL from ECOTOX database.
Vinyl Chloride	**35,600**	LOEL divided by 10. 48h-LC50 of 356,000 ug/L in golden orfe Leuciscus idus.	Juhnke and Ludemann, 1978. LC50 from ECOTOX database.
Xylene Mixture	**330**	LOEL divided by 10. 96h-LC50 of 3,300 ug/L in rainbow trout.	Mayer and Ellersieck, 1986. LC50 from ECOTOX database.
Zinc	**89**	Criterion Continuous Concentration (hardness @ 70 mg/L as $CaCO_3$).	Hardness-based equation from USEPA 2008.
Electrical Conductivity (mS/cm)	No Value		
Chloride	**180,000**	LOEL. 7-d IC50 of 180,000 ug/L for reduced reproduction in Ceriodaphnia dubia.	Degreave et al., 1992 from Cantox Environmental Inc., 2007b
Sodium Adsorption Ratio	No Value		
Sodium	**180,000**	Substitute chloride value as chloride is less toxic than Na	Mount et al. 1997

APVs in bold indicate value updated from MOE 1996b.
ECOTOX database integrates three previously independent databases - AQUIRE, PHYTOTOX, and TERRETOX (see text for details).

AQUATIC PROTECTION VALUES ARE INTENDED TO PROTECT SURFACE WATER FROM IMPAIRMENT BY GROUNDWATER

Ontario	Subject: Importation of Inert Fill for the Purpose of Rehabilitation	Policy No.: A.R. 6.00.03	New: No
Compiled by – Branch: Lands & Waters	Section: Aggregate & Petroleum Resources	Date Revised: April 14, 2008	

Guiding Principle

Historically, legislation has allowed the practice of importing inert material (e.g. topsoil, overburden) for the purpose of rehabilitation (i.e. to create required slopes), where there was insufficient topsoil/overburden existing on the site. This practice is allowed to continue, provided that the site plan allows its use. In situations where the site plan is silent (i.e. importation activity not specifically addressed), a minor site plan amendment is required to allow the activity to occur.

Policy

The management of inert fill to be brought onto a particular site is governed by Regulation 347 of the *Environmental Protection Act* (EPA), which defines inert as earth or rock fill or waste of a similar nature that contains no putrescible material or soluble or decomposable chemical substance. If the results from a bulk analysis meet the criteria in Table 1 of the Ministry of the Environment's (MOE) "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*", as amended, the material is considered as "inert fill". This material may be used for sloping and/or backfilling purposes provided that the site plan allows its use. However, alternative criteria may be acceptable on a case-by-case basis with prior approval. If the material meets the definition of inert fill, no Certificate of Approval (C of A) is required from the MOE for disposing of the material.

For the purposes of pit/quarry rehabilitation, the soil quality standards for sodium adsorption ratio (SAR) and electrical conductivity (EC) specified in Tables 1, 2, and 3 under Part XV.1 of the EPA are intended to ensure good plant growth. Since plant growth is affected primarily by surface soil, the soil standards document does not include SAR and EC standards for subsurface soil (i.e. Tables 4 and 5 in the soil quality standards). Subsurface soil means soil that is more than 1.5 metres beneath the soil surface. Consequently, there is no need to apply the SAR and EC standards in Table 1, or any other table, for soil that is being deposited as a subsurface soil. The subsurface would be defined based on the final grade after rehabilitation.

Note: In situations where there is an existing condition on a site plan requiring the licensee/permittee to meet Table 1 criteria for imported fill being used for rehabilitation purposes, the licensee/permittee may request that the condition be modified to reflect the above discussion regarding SAR and EC criteria. The condition is to be modified through a minor site plan amendment to add Condition 2 in the Sample Wording for Site Plan Conditions (see below).

In 1990, the regulations under the ARA allowed the importation of material without requiring a site plan amendment where material was insufficient on the site. No further consent from the Ministry of Natural Resources was required. Consequently, many site plans remained silent on the importation of material. In 1997, the regulations were changed; this provision was removed and replaced by site plan standards within the Aggregate Resources of Ontario Provincial

Standards. Specifically, site plans for new applications must provide details regarding rehabilitation including whether inert material will be used to facilitate rehabilitation. For new applications, the operational plan must ensure, where possible, that sufficient materials are available on-site for rehabilitation and address how slopes and final elevations are to be achieved upon completion of extraction activities.

If the site plan does not address the importation of material and the licensee/permittee wishes to bring material on-site, provided that there is insufficient topsoil and/or overburden to create the necessary slopes as defined on the site plan, a minor amendment should be approved to allow this activity. The onus is on the licensee/permittee to demonstrate to MNR that material is lacking on the site to facilitate rehabilitation.

If the site plan has been approved to backfill the entire site or a portion of the site to the original grade, the licensee/permittee has the authority, provided that the material meets Table 1 (with the exceptions for SAR and EC criteria as described above) and proper monitoring or sampling of truck loads or the source occurs. However, alternative criteria may be acceptable on a case-by-case basis with prior approval.

If a licensee/permittee has no prior approval and wishes to backfill the entire site or a portion of the site to the original grade, this change in rehabilitation should be processed as a major site plan amendment (see A.R. 2.03.00 and A.R. 4.04.00). The importation of material to facilitate rehabilitation must be described on the site plan.

Sample Wording for Site Plan Conditions

1. Clean inert fill (e.g. topsoil, overburden) may be imported to facilitate pit/quarry rehabilitation. Only sufficient material to create a 3:1 / 2:1 (horizontal: vertical) grade may be imported. At the request of MNR, the licensee/permittee will conduct random sampling of the imported material to ensure that it meets the Ministry of the Environment's (MOE) criteria under Table 1 of MOE's "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*". Sampling results will be provided to MNR upon request.

2. Notwithstanding Condition 1, where the imported material is not being placed within 1.5 metres of the surface, the criteria under Table 1 for sodium adsorption ratio and electrical conductivity do not have to be met.

OR

3. Clean inert fill may be imported to facilitate the establishment of 3:1 / 2:1 (horizontal: vertical) slopes on the pit/quarry faces. The licensee/permittee must ensure that the material is tested at the source, before it is deposited on-site, to ensure that the material meets the Ministry of the Environment's (MOE) criteria under Table 1 of MOE's Soils, Ground Water and Sediment Standards for use under Part XV.1 of the *Environmental Protection Act*. Sampling results will be provided to MNR upon request.

4. Notwithstanding Condition 1, where the imported material is not being placed within 1.5 metres of the surface, the criteria under Table 1 for sodium adsorption ratio and electrical conductivity do not have to be met.

Proposed Excess Soil Regulatory Package – New Proposed Regulation and Amendments to Existing Regulations

a) *Excess soil* that is or may be elevated in parameters (e.g. Sodium Absorption Radio/Electrical Conductivity) that are typically associated with their application for road and sidewalk safety under conditions of snow or ice, may be reused in the following locations,

   i. A location where it is reasonable to expect that the *soils* at that location are or will be affected by the same parameters as a result of application for road and sidewalk safety under conditions of snow or ice,
   ii. In industrial and commercial areas,
   iii. Despite the above, not in a location:
      1. Within 120m of a waterbody,
      2. Within 100m from a water well, or
      3. On agricultural lands being used for or planned to be used for growing crops and pasturing livestock.

<u>Agricultural Lands</u>

a) The portion of agricultural land being used for, or planned to be used for, growing crops or pasturing livestock, will only be used as a *receiving site* for *excess soil* if the following criteria are met:
   i. No *excess soil* will be placed on top of existing *topsoil*, unless the *soil* is *topsoil*, and
   ii. One of the following apply:
      1. The excess soil meets Table 1 under the Ministry's Soil, Ground Water and Sediment Standards and, if the area from which the excess soil originated was an APEC, the requirements outlined below regarding Soil Originating from an APEC are met, or
      2. The excess soil is from a project area that is an agricultural property with no *PCA*s.

Please note that the Ministry of Agriculture, Food and Rural Affairs (MNRF) has released a fact sheet for farmers who may be receiving soil onto their properties, which is available at: http://www.omafra.gov.on.ca/english/engineer/facts/16-055.htm

<u>Local Background Concentrations</u>

a) An *excess soil* quality standard is deemed not to have been exceeded if a QP demonstrates, with evidence, that the standard is exceeded in the *excess soil* due to naturally occurring conditions found within the municipality/unorganized territory or an adjacent municipality/unorganized territory.

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David Henderson - Delegation

PCQ Site Alteration Permit

March 25, 2019

Questions March 11th?

1. Is Port Colborne aware "Survey of Municipal Soil By-laws" NO
2. Has Port Colborne heard or been in contact with the Ontario Soil Regulation Task Force? NO
3. Management of Excess Soil - "A Guide for Best Management Practices by MOECC" NO
4. Does Port Colborne have a Fill By-law? YES
5. Is Port Colborne's by-law adequate? Does it meet the recommendations of OSRTF. NO
6. Is Port Colborne aware of the problems faced by other municipalities with CLEAN FILL DUMP SITES? NO
7. Do we have any vulnerable aquifers in Port Colborne? YES

Questions March 25th.

Have the following experts reviewed the Site Alteration Application for PCQ and do you have a written formal response:

- MTO (Ministry of Transportation)
- NMRF (Ministry of Natural Resources and Forestry)
- MECP(Ministry of Environment Conservation and Parks)
- NPCA (Niagara Peninsula Conservation Authority)

Is PCQ proposal compliant with:

- Port Colborne Official Plan
- Niagara Regional Policy Statement
- Provincial Policy Statement

POLICY: CORPORATE ACCOUNTABILITY AND TRANSPARENCY

1. Purpose:

The **MUNICIPAL ACT, 2001** (the Act) provides that:

(a) It is the role of Council "to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality. (The **MUNICIPAL ACT, 2001,** Section 224(d.1)); and

(b) That municipalities must adopt and maintain a policy with respect to "the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public." (The **MUNICIPAL ACT, 2001,** Section 270(1) para. 5.)

The purpose of this policy is to provide guidance to the delivery of the City's activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the Act to comply with section 270.

Recommendations:

The following 14 items should be in place before the approval of PQC's Site Alteration Application:

1. City's solicitor's statement that the Site Plan Agreement (SPA) between the City of Port Colborne and Port Colborne Quarries (PCQ) is not enforceable. Staff made this claim regarding the solicitor's statement in an early planning report on this matter, but never provided the a copy of the statement.

2. Written acknowledgement from the Ministry of Natural Resources and Forests (MNRF) that the SPA is not a condition of the current licensing #4444 for Pits 2 and 3 and the responsibility for ensuring rehabilitation is the City's through the SPA.

3. MNRF acceptance that the rehabilitation of Pit 1 by placement of inert fill for a final use other than the original prime agricultural use is comparable to rehabilitation as a passive recreational lake and is consistent with the Aggregate Resources Act policies AR 6.00.00. 0.

4. Ministry of Environment Conservation and Parks (MECP) acknowledgement and approval of the fill management plan is required.

5. MECP acknowledgement and approval of the plan to protect and make available the identified Area of Natural and Scientific Interest (ANSI) in the west wall of Pit 1.

6. A ground water management plan and storm water management plan acceptable to and approved by the MECP to ensure protection of the ground water.

7. A fill management plan that ensures every source is sampled prior to shipment and upon receipt for conformance to MECP Table 1 Fill Criteria prior to placement. The current plan allows for the sampling of one truck in every 50 trucks, which means material from sources with less than 50 trucks could be received without being sampled on receipt.

8. Regional acknowledgement that this is consistent with the Regional Policy Statement for agricultural land uses.

9. NPCA acknowledgement that the storm water and ground water management plan is acceptable and consistent with their source and water policies.

10. MTO acknowledgement and acceptance for the anticipated increased vehicle traffic.

11. Formation of a Community Advisory Panel (CAP) and MECP approval of the CAP composition and functionality.

12. The establishing of a Property Value Protection Plan (PVPP) with approval of the first CAP and City's solicitor.

13. PCQ's agreement to withdraw their request for the rezoning and the revoking of by-law 6007/113/13 that is in place to consider zoning Pit 1 for EI-373-H Concrete Product Manufacturing.

14. Amend the Fill By-Law to include reasonable permit fees and financial assurances to protect the municipality in the event of non compliance issues.
ie. $2000.00 Application fee
$20,000.00 Deposit to cover cost of hiring expert reviewers.
$50,000.00 Security line of credit to cover non compliance issues.

THIS ABOUT DUE DILIGENCE

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RECOMMENDATION

That Council approve a Site Alteration Permit for Port Colborne Quarries for the placement of approved MECP Table 1 clean inert fill in Pit 1 for a 20-year period subject to the following conditions:
i) That the Ministry of Natural Resources' (and Forestry) consent to change the type of rehabilitation program. **ADD "for Pit 1".**

ii) That Port Colborne Quarries follow Golder Associates' Soil Management Plan **ADD "with the following amendments:**

a) **That the SAR and EC exemption to MECP Table 1 not be in effect until after an acceptable Groundwater Risk Assessment has confirmed the high vulnerable aquifer is not at risk from being in contact with SAR and EC exceedance of Table 1.**
b) **That a baseline investigation be conducted to ensure that the composition of the fill does not degrade the existing receiving site.**
c) **That the frequency of Receiving Site sampling match the Source Site sampling requirements in Table 2 for stockpiled material such that it ensures sampling occurs for material received from every site.**

iii) That Port Colborne Quarries work with applicable agencies to ensure **(DELETE)** ~~**a portion of**~~ the ANSI remains exposed and to help create a form of public access for educational purposes.

iv) That a Site Alteration Permit fee of $1420 be submitted to the Department of Planning and Development. **ADD "on Council's approval of the acceptable Site Alteration Bylaw, that a retroactive renewal fee of $1,000.00 be collected for every 6 month period already expired since filling commenced, and that a renewal fee of $1,000. or as amended by Bylaw 5528/125/10 be submitted semi-annually to the Department of Planning and Development, and the permit be extended for a further 6 months, subject to satisfactory performance in accordance with the Site Alteration Bylaw requirements."**

ADD

v) That this Site Alteration permit apply only to Pit 1.

vi) That at this time and until the Site Alteration is considered to be complete, no change in zoning be contemplated for the Progressive and Final Rehabilitation of Pit 1 as intended by Clause 23 of the Site Plan Agreement.

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PORT COLBORNE

City of Port Colborne
Regular Meeting of Council 10-19
Monday, April 8, 2019
following Committee of the Whole Meeting
Council Chambers, 3rd Floor, 66 Charlotte Street

Agenda

1. **Call to Order**: Mayor William C. Steele

2. **Introduction of Addendum Items:**

3. **Confirmation of Agenda:**

4. **Disclosures of Interest:**

5. **Adoption of Minutes:**
   (a) Special meeting of Council 07-19, held on March 25, 2019
   (b) Regular meeting of Council 08-19, held on March 25, 2019

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

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

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

9. **Proclamations:**
   Nil.

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

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

12. **Adjournment:**

Council Items:

Notes	Item	Description / Recommendation
WCS MB EB RB GB FD AD DK HW	1.	**Motion by Councillor Danch Re: Site Plan Approval Process for 399 Killaly Street, West** That Council redelegate the site plan approval process for 399 Killaly Street West. **Note:** Notice of Motion was given at the Council Meeting of March 25, 2019.
WCS MB EB RB GB FD AD DK HW	2.	**Motion by Councillor Beauregard Re: Informal Residential Care Facility Licensing By-law** That staff investigate an informal residential care facility licensing by-law and report back to Council with recommendations. **Note:** Notice of Motion was given at the Council Meeting of March 25, 2019.
WCS MB EB RB GB FD AD DK HW	3.	**Community and Economic Development Department, Parks and Recreation Division, Report 2019-44, Subject: 2019 Budweiser CanAm Walleye Challenge** That City sponsorship of the 2019 Budweiser CanAm Challenge be approved, with sponsorship to be provided as follows: a. Waiving of permit fees for the use of, and camping in, H.H. Knoll Lakeview Park; b. Provision and installation of snow fencing, and waiving of associated fees; c. Provision of security and waiving of associated fees; d. Provision of portable washroom facilities and waiving of associated fees; e. City assistance with event promotion and marketing on social media; f. $10,000 in financial support; and That, in accordance with By-law 5642/73/11, the Budweiser CanAm Challenge be provided with access to H.H. Knoll Lakeview Park for permitted RV camping/parking beginning at 12:00 p.m. on Thursday, June 20, 2019, and that RV camping/parking be cleared from Park by Sunday, June 23 at 6:00 p.m.; and **Continued.....**

			That approval of the above noted event and sponsorship is conditional on the Budweiser CanAm Challenge submitting a certificate of liability insurance in the amount of $5,000,000, naming the City of Port Colborne as additional insured.
WCS MB EB RB GB FD AD DK HW		4.	**Community and Economic Development Department, Parks and Recreation Division, Report 2019-45, Subject: Proposed New Event – Community Bonfires at Nickel Beach** That the Community Bonfires Event at Nickel Beach, to be hosted from 8:30 p.m. to 10:30 p.m. on Friday, June 21, Friday, July 26, and Friday, September 20, 2019 at Nickel Beach be approved, as outlined in Community & Economic Development, Parks & Recreation Division, Report 2019-45, Subject: Proposed New Event – Community Bonfires at Nickel Beach; That the provisions of By-law 6280/106/15, Being a By-law to Regulate Open Air Burning in the City of Port Colborne, respecting open air burning within the boundaries of the City, be waived in order to accommodate the Event at Nickel Beach; That the provisions of By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, respecting fires and bonfires in municipal parks, be waived in order to accommodate the Event at Nickel Beach; That funding for the Event be allocated under the "Community Group Events" account under the Community and Economic Development Department budget, at a total approximate cost of $2,653.44. That swimming at Nickel Beach be prohibited for the duration of the above noted Event, and that appropriate signage denoting same be posted on site. That Vale Canada Ltd. and other appropriate parties be so notified of the dates and times of the Event.

WCS MB EB RB GB FD AD DK HW	5.	**Community and Economic Development, Health Services Division, Report 2019-46, Subject: Request to Amend the Terms of Reference of the Port Colborne Medical Education, Recruitment and Health Services Committee** That By-law No. 4876/101/06, Being a By-law to Establish a Committee Known as the "Port Colborne Physician Recruitment and Medical Education Committee" and to Provide for the Appointment of Members Thereto, as amended, be further amended by adding the following under Subsection 3(A): "3(A)(e) That the Port Colborne Health Services Committee shall comprise the following non-voting members, who shall serve in an advisory capacity: (i) One representative of Niagara Health; and (ii) One representative of Hamilton Niagara Haldimand Brant Local Health Integration Unit." That By-law 4876/101/06, as amended, be further amended by replacing throughout the By-law the words "Port Colborne Medical Education, Recruitment and Health Services Committee," with the words "Port Colborne Health Services Committee"; and That the appropriate by-law be presented for approval.
WCS MB EB RB GB FD AD DK HW	6.	**Engineering and Operations Department, Engineering Division, Report 2019-47, Subject: Project 2019-05, Carter Street Watermain Replacement** That Project #2019-05, Carter Street Watermain Replacement, be awarded to Cotton Inc., of Niagara Falls, Ontario, for the submitted tender price of $451,990.00 (plus applicable taxes); and That the $254,990.00 for the municipality's portion of construction costs, and contingency allowance be funded from the Water Capital budget; and That the By-Law be prepared and the City Clerk and the Mayor be authorized to execute the Contract Agreement.

WCS MB EB RB GB FD AD DK HW	7.	**Corporate Services Department, Finance Division, Report 2019-50, Subject: City of Port Colborne – Strategic Asset Management Policy** That the Port Colborne Strategic Asset Management Policy attached as Appendix A to Corporate Services Department, Finance Division Report No. 2019-50, be adopted by Council.
WCS MB EB RB GB FD AD DK HW	8.	**Planning and Development Department, By-law Enforcement Division, Report 2019-49, Subject: Proposed Encroachment By-law, Policy and Fees** That Council approve the proposed encroachment By-law, policy and fee structure outlined in Planning and Development Department, By-law Enforcement Division, Report 2019-49, Proposed Encroachment By-law, Policy and Fees.
Miscellaneous Correspondence		
WCS MB EB RB GB FD AD DK HW	9.	**Geoff Black, Don Cherry's Sports Bar and Grill Re: Request for Letter of Non-objection for a Liquor Licence Extension for the Budweiser CanAm Tournament, June 20 – 25, 2019** That the Council of The Corporation of the City of Port Colborne does not object to the application for a Temporary Licence Extension to an existing licence held by Don Cherry's Sports Bar and Grill for an event to be held on the premise of Don Cherry's (pavilion) for the Budweiser CanAm Tournament, June 20 – 25, 2019.
WCS MB EB RB GB FD AD DK HW	10.	**Paul Dobson, Acting President and Chief Executive Officer, Hydro One Ltd. Re: Power Interruptions Experienced in the City of Port Colborne and Hydro One`s reliability** That the letter received from Paul Dobson, Acting President and Chief Executive Officer, Hydro One Ltd. concerning power interruptions experienced in the City of Port Colborne and Hydro One's reliability, be received for information.

WCS MB EB RB GB FD AD DK HW	11.	**Vance Badawey, Member of Parliament, Niagara Centre Re: Update regarding the 2019 Budget which Proposes a One Time transfer of Federal Gas Tax Funds to Niagara Centre** That the correspondence received from Vance Badawey, Member of Parliament, Niagara Centre Re: Update regarding 2019 Budget which proposes a One Time transfer of Federal Gas Tax Funds to Niagara Centre, be received for information.
Outside Resolutions – Requests for Endorsement		
WCS MB EB RB GB FD AD DK HW	12.	**Town of Fort Erie, City of Welland, Township of Wainfleet, Town of Pelham, Town of Lincoln, Town of West Lincoln, Town of Grimsby Re: Provincial Review of Regional Government** That the resolutions received from Local Area Municipalities regarding the Provincial review of Regional Government, be received for information. Note: At its meeting of March 25, 2019 Council supported the above.
WCS MB EB RB GB FD AD DK HW	13.	**City of Thorold, Town of Lincoln Re: Niagara Region Proposed Base Services for Next Collection Contract** That the resolutions received from the City of Thorold and the Town of Lincoln Re: Niagara Region Proposed Base Services for Next Collection Contract, be received for information.
WCS MB EB RB GB FD AD DK HW	14.	**City of Thorold Re: Investing in Canada Infrastructure Program** That the resolution received from the City of Thorold Re: Investing in Canada Infrastructure Program, be received for information.
Responses to City of Port Colborne Resolutions		
Nil.		

Consideration of By-laws
(Council Agenda Item 11)

By-law No.	Title
6663/27/19	Being a By-law to Amend By-law No. 4876/101/06, Being a By-law to Establish a Committee Known as the "Port Colborne Physician Recruitment and Medical Education Committee" and to Provide for the Appointment of Members Thereto
6664/28/19	Being a by-law to Authorize Entering Into a Contract Agreement with Cotton Inc. of Niagara Falls, Ontario Re: Tender 2019-05, Carter Street Watermain replacement
6665/29/19	Being a By-law to Adopt a Policy for Encroachments on Municipal Property
6666/30/19	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 and Special Meetings of April 8, 2019

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The Corporation of the City of Port Colborne

By-law No. 6663/27/19

Being a by-law to amend by-law No. 4876/101/06, being a by-law to establish a committee known as the "Port Colborne Physician Recruitment and Medical Education Committee" and to Provide for the Appointment of Members Thereto

Whereas on July 24, 2006 the Council of The Corporation of the City of Port Colborne enacted By-law 4876/101/06, Being a By-law to Establish a Committee Known as the "Port Colborne Wainfleet Physician Recruitment, Retention and Medical Education Committee" and to Provide for the Appointment of Members Thereto; and

Whereas By-law 4876/101/06 has been amended from time to time;

Whereas at its meeting of April 8, 2019, the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendation of Community and Economic Development, Health Services Division, Report 2019-46, Subject: Request to Amend the Terms of Reference of the Port Colborne Medical Education, Recruitment and Health Services Committee; and

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

1. That By-law No. 4876/101/06, Being a By-law to Establish a Committee Known as the "Port Colborne Physician Recruitment and Medical Education Committee" and to Provide for the Appointment of Members Thereto, as amended, be further amended by adding the following under Subsection 3(A):

   3(A)(e) That the Port Colborne Health Services Committee shall comprise the following non-voting members, who shall serve in an advisory capacity:

   (i) One representative of Niagara Health; and
   (ii) One representative of Hamilton Niagara Haldimand Brant Local Health Integration Unit.

2. That By-law 4876/101/06, as amended, be further amended by replacing throughout the By-law the words "Port Colborne Medical Education, Recruitment and Health Services Committee," with the words "Port Colborne Health Services Committee"

3. That this by-law come into force and effect on the day of passing.

Enacted and passed this 8th day of April, 2019.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-Law No. 6664/28/19

Being a by-law to authorize entering into a contract agreement
with Cotton Inc. of Niagara Falls, Ontario
Re: Tender 2019-05, Carter Street Watermain replacement.

Whereas at its meeting of April 8, 2019 the Council of The Corporation of the City of Port Colborne approved the recommendations of Engineering and Operations Department, Engineering Division, Report No. 2019-47, Subject: Project 2019-05, Carter Street Watermain Replacement; and

Whereas the Council of The Corporation of the City of Port Colborne is desirous of entering into a contract agreement with Cotton Inc. regarding Tender 2019-05, Carter Street Watermain Replacement.

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

1. That the Corporation of the City of Port Colborne enter into a contract agreement with Cotton Inc. regarding Tender 2019-05, Carter Street Watermain Replacement.

2. That the Mayor and the Clerk be and each of them is hereby authorized and directed to sign said agreement, together with any documents necessary to complete the conditions of said agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 8th day of April 2019.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-law No. 6665/29/19

Being a By-law to Adopt a Policy for Encroachments on Municipal Property

Whereas Section 8(1) of the *Municipal Act, 2001,* as amended, (the "Act") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas Section 9 of the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority; and

Whereas Item 1, Table to Section 11 of the Act provides a lower tier municipality and an upper tier municipality may pass by-laws respecting matters within the sphere of jurisdiction for highways; and

Whereas a municipality has the authority within its general highway powers to permit buildings and other structures to wholly or partly occupy or encroach on highways, permit the use of highways for general purposes, and pass such additional measures relating to the highways as Council deems necessary; and

Whereas Section 23.1 of the Act authorizes a municipality to delegate certain powers and duties under the Act; and

Whereas Section 391 of the Act authorizes the Council of a local municipality to pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of the municipality, and for the use of its property including property under its control; and

Whereas Section 446 of the Act provides, inter alia, that where a municipality has authority by a by-law to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense; and

Whereas the municipality has encountered encroachments on municipal property, including road allowances; and

Whereas the Council of the City of Port Colborne has deemed it desirable to adopt a policy relating to encroachments on municipal property;

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

1. In this by-law:

   (a) "City" means The Corporation of the City of Port Colborne;

   (b) "Council" means Council of The Corporation of the City of Port Colborne;

   (c) "Director" means the Director of Planning and Development of the City or his or her designate;

   (d) "Encroachment" means any fence, tree, shrub, hedge, landscape berm, vegetative planting, building, structure or other object placed on municipal property;

   (e) "Municipal Consent" means approval to encroach on a municipal property;

(f) "Municipal Property" shall mean any lands owned or leased by the City, including any municipal road allowance.

2. Council hereby authorizes, approves and adopts the Policy for Encroachments on Municipal Property (the "Policy") attached hereto and marked as Schedule A and forming part of this By-law.

3. Council hereby authorizes, approves and adopts the administration fees in respect of Encroachments as set out in Appendix "1" to Schedule "A", annexed hereto and forming part of this By-law.

4. Council hereby delegates to the Director the authority to authorize Encroachments on Municipal Property in accordance with the Policy.

5. The administration and enforcement of this By-law and the Policy shall be performed by the Director or his or her designate.

6. (a) No person shall place an Encroachment on Municipal Property, unless Municipal Consent has been granted in accordance with the Policy.

   (b) No person shall place an Encroachment on Municipal Property contrary to the terms and conditions of a Municipal Consent.

7. Where a person has placed an Encroachment on Municipal Property without Municipal Consent or in contravention of the terms and conditions of a Municipal Consent, the Director may make an order directing the person to do any or all of the following:

   (a) remove the Encroachment;
   (b) comply with the terms and conditions of the Municipal Consent; or
   (c) undertake work to correct the contravention of the Policy or to repair or restore Municipal Property as a result of the Encroachment,

   all within the time specified in the Director's order.

8. (a) Where a person fails to comply with the requirements of a Director's order, the City, in addition to any other remedies it may have, may take all necessary steps to bring the lands into compliance with this by-law and/or the Policy and may enter upon land, at any reasonable time for that purpose.

   (b) Any costs incurred by the City in action taken under Section 5(a) may be added to the municipal tax roll of the Owner and collected in the same manner and with the same priorities as municipal taxes.

9. The short title of this By-law will be the "Municipal Encroachment By- law/Policy".

Enacted and passed this 8th day of April, 2019.

William C Steele
Mayor

Amber LaPointe
City Clerk

CITY OF PORT COLBORNE

POLICY FOR ENCROACHMENTS ON MUNICIPAL PROPERTY

1. BACKGROUND

An encroachment occurs when things are placed on, in, or under Municipal Property. Encroachments may be deliberate or inadvertent, and may be man-made or natural including but not limited to:

a) "structural encroachments" such as fences, gates, decks, buildings, pools, wells, septic systems, docks, retaining walls, parking lots, awnings, ramps or other appurtenances;
b) "non-structural encroachments" such as pool drainage, waste, signs, benches, tables, chairs; or
c) "vegetative encroachments" such as plantings, flowers, vegetable gardens, decorative landscaping, shrubs, trees, bushes.

Encroachments are of concern because they:

a) may restrict or limit the use and enjoyment of Municipal Property which is for the benefit of all property owners, residents, tourists and visitors;
b) may pose a safety hazard to the public and give rise to potential damage claims from resultant injuries;
c) may damage the natural environment and undermine the City's stewardship role in protecting natural features;
d) may destabilize public lands with resultant damage to adjacent private lands:
e) may result in ratepayers absorbing costs to restore degraded Municipal Property;
f) may interfere with existing or future municipal infrastructure (ie. drainage, highway improvements, water and/or sewer lines); and
g) may interfere with other services such as gas, telephone, electrical distributers, cable television or electronic data transfer having been subject to proper location on Municipal Property through easement or other agreement.

It is the policy of the City that there shall be no unauthorized encroachments onto Municipal Property.

Property owners shall be required to seek permission from the City in order to encroach on Municipal Property.

An Encroachment Agreement shall be required for all approved encroachments and may, at the discretion and request of the City, be registered against the property that has been benefited by the agreement.

The purpose of this Policy is to:

i) implement an administrative process to provide a consistent application for approval of encroachments on Municipal Property;

ii) provide for administration and annual fees for encroachments; and

iii) provide a mechanism for the identification of, phasing out and removal of encroachments where there is no municipal consent and the encroachment is considered not to be in the public interest according to this Policy.

2. DEFINITIONS

In this by-law:

(a) **"Applicant"** means a person seeking authorization for an encroachment onto a municipal property, including a road allowance;

(b) **"By-law"** means the Municipal Encroachment By-law of Council authorizing this Policy;

(c) **"City"** means The Corporation of the City of Port Colborne;

(d) **"Clerk"** means the Clerk of the City or his or her designate;

(e) **"Council"** means the Council of The Corporation of the City of Port Colborne;

(f) **"Director"** means the Director of Planning and Development of City or his or her designate;

(g) **"Encroachment Agreement"** means an agreement entered into between the City and an owner in respect of an encroachment;

(h) **"Existing Residential Encroachment"** means a residential encroachment that existed prior to the enactment of the Municipal Encroachment By-law and this Policy;

(i) "**Municipal Consent"** shall mean approval to encroach on Municipal Property.

(j) "**Municipal Property**" shall mean any land owned by or leased by the City including any municipal road allowance;

(k) **"Municipal Road Allowance"** shall mean:

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,

that have not been permanently closed by by-law pursuant to the *Municipal Act, 2001* as amended from time to time, or its predecessor legislation.

(l) **"Non-Residential Encroachments"** shall mean encroachments on Municipal Property other than Residential Encroachments;

(m) **"Owner"** shall mean the registered owner of land abutting Municipal Property;

(n) **"Residential Encroachment"** shall mean an encroachment on Municipal Property appurtenant to a residential use;

(o) **"Temporary Encroachment"** shall mean a non-structural encroachment on Municipal Property for a temporary period.

3. RESIDENTIAL ENCROACHMENTS

3.1 Typical Residential Encroachments are structural, non-structural and/or vegetative, appurtenant to a residential use and often inadvertently erected/constructed without the benefit of a survey. These encroachments usually come to the attention of the City through surveys obtained by

proposed purchasers in real estate transactions, or minor variance and consent applications to the Committee of Adjustment.

3.2 It is the policy of the City that Residential Encroachments be prohibited. No Municipal Consent will be provided for new Residential Encroachments.

3.3 Where an Existing Residential Encroachment is brought to the attention of the Director, the Director shall cause a review of the Existing Residential Encroachment to be undertaken and a decision will be made as to whether or not the Existing Residential Encroachment will be permitted to remain in place. The decision of the Director is final.

3.4 Every Owner shall comply with the decision of the Director in respect of an Existing Residential Encroachment.

3.5 Where an Existing Residential Encroachment is permitted to remain on Municipal Property, the Owner shall be subject to the Municipal Consent process set out in this Policy, including the requirement for an Encroachment Agreement.

4. NON-RESIDENTIAL ENCROACHMENTS

4.1 Typical Non-Residential Encroachments are structural or non-structural and include parking lots, buildings, roof projections, awnings, signs, sidewalk patios and steps appurtenant to a commercial use and often inadvertently placed without the benefit of a survey.

4.2 It is recognized that Non-Residential Encroachments benefit a commercial corporate enterprise. Accordingly, the annual fee for an Encroachment Agreement shall reflect a lease/rental arrangement based upon the area of the encroachment multiplied by the annual taxes for the Owner's property (per square foot cost).

4.3 Every Owner wishing to place a Non-Residential Encroachment on Municipal Property shall apply for Municipal Consent in accordance with this Policy.

5. TEMPORARY ENCROACHMENTS

5.1 Typical Temporary Encroachments are non-structural encroachments placed on Municipal Property for a temporary period of time and include a dumpster, a sign, debris.

5.2 Every Owner wishing to place a Temporary Encroachment on Municipal Property shall apply for approval through the Department of Engineering and Operations. For greater certainty, this Policy does not apply to Temporary Encroachments. Rather, Temporary Encroachments are administered on an informal basis through the Department of Engineering and Operations and approval must be sought from that Department.

6. APPLICATION TO PERMIT ENCROACHMENTS

Every person wishing Municipal Consent to encroach on Municipal Property as required by this Policy shall submit an Application, in the form provided by the City, along with the required fee, to the Director.

Where the Applicant is not the registered owner of the property, the Applicant shall provide written authorization from the Owner to make the Application.

6.1 The Director shall consider the general guidelines for considering encroachments in determining whether or not to provide Municipal Consent.

6.2 The Director shall, in accordance with the provisions of this Policy, grant or refuse the Application.

6.3 Where an Application is refused, the Director may demand removal of an existing Encroachment.

6.3 The decision of the Director is final.

7. GENERAL GUIDELINES FOR CONSIDERING ENCROACHMENTS

The intent of this Policy is to ensure that each Application for Municipal Consent considers the unique circumstances of every Application with regard to the guidelines set out below.

The following general guidelines shall be applied by the Director when determining whether or not to provide Municipal Consent.

7.1 Is that part of the Municipal Property to be encroached upon required for municipal purposes.

7.2 Is/was/did the proposed encroachment:

i) placed inadvertently;
ii) exist for a long period of time;
iii) maintained in good repair, used or abandoned;
iv) pose a safety hazard to the public;
v) destabilize public lands with possible resultant damage to adjacent private lands;
vi) damage the natural environment and undermines the City's stewardship role in protecting natural features;
vii) a natural feature which should be preserved or protected – ie. mature trees and sensitive flora or fauna;
viii) conflict with the City's Official Plan Policies or other applicable by-laws;
ix) interfere with any existing, planned, proposed or possible future municipal improvements;
x) compromise drainage or interferes with existing or proposed drainage works;
xi) minor in nature;
xii) take into consideration the surrounding neighbourhood;
xiii) compromise other legally authorized encroachments.

7.3 In the case of a structure, determine also whether the encroachment:

i) is constructed on a permanent foundation;
ii) is being maintained in good condition.

7.4 The requirement to obtain Municipal Consent does not apply to the following:

(i) mailboxes and newspaper boxes placed to facilitate mail and newspaper delivery, provided that their location meets the approval of the Director of Engineering and Operations; and

(ii) mature trees which do not hinder or discourage public access to Municipal Property, subject to all other applicable laws and the right of the City to remove such mature trees for reasons of public safety, security or municipal works;

(iii) Notwithstanding Subsection 7.4 (ii) above, Council may, in its sole discretion, require the removal of such mature trees for reasons of public safety, security of City property or to facilitate the completion of present or future municipal works or improvements on or to a Municipal Property.

8. ENCROACHMENT AGREEMENT

8.1 Unless the requirement is waived by the Director, a Municipal Consent shall be recognized in an Encroachment Agreement. An Encroachment Agreement shall clearly establish the terms and conditions specific to the Municipal Consent being granted, including but not limited to a provision that the Municipal Consent is granted in accordance with the time frame set out in the Encroachment Agreement, or until such time as the City requires the encroachment to be removed, in its sole discretion.

8.2 The Owner will be required to indemnify and save harmless the City against any and all damages which result from the encroachment.

8.3 Where required by the Director, the Owner will deposit with the Clerk an Ontario Lands Survey that clearly identifies the extent of the encroachment, and serves to assist in eliminating subsequent enlargements of the encroachment without permission.

8.4 An Encroachment Agreement shall, at the discretion of the Clerk, be registered on title.

8.5 Where Municipal Consent is granted, no Non-Residential Encroachment shall take place until the Encroachment Agreement has been executed.

9. ADMINISTRATION FEES, ANNUAL FEES AND ASSOCIATED COSTS

9.1 Administration fees are based on cost recovery and account for administrative time spent reviewing surveys, visiting sites, formulating recommendations, preparing the Encroachment Agreement, facilitating and registering the Agreement. Applying fees eliminates the benefit to the Owner at the expense of taxpayers generally.

Annual fees are charged for the use of municipal land in a similar manner as a lease/rental arrangement.

9.2 Administration fees and annual fees for a Non-Residential Encroachment is set out in Appendix "2" annexed hereto.

9.3 In addition to the administration and annual fees set out in Appendix "2", where Municipal Consent is given and an Encroachment Agreement

entered into, an Owner shall be responsible for all other associated costs, including but not limited to:

i) The cost of a Survey prepared and deposited on title by an Ontario Land Surveyor;
ii) All title search costs;
iii) All fees payable for the registration of the Encroachment Agreement on the registered title of the Owner's property and the Municipal Property
iv) Advertising costs;
v) Additional conveyance and/or legal fees and disbursements, if applicable;
vi) Any other fees, costs, charges which the City may incur relating to the processing of the Encroachment Agreement;
vii) liability insurance naming the City as additional insured with a 30 day cancellation period. (5 million dollars for residential encroachments and 5 million for non-residential encroachments).

9.4 The full amount of the applicable administration fee shall be payable and submitted with the Application to permit an encroachment. The administration fee is non-refundable, regardless of whether the Clerk approves the request.

9.5 Harmonized Sales Tax (H.S.T) shall be charged and collected, where applicable, on all applicable fees.

9.6 The annual fee, plus H.S.T. where applicable, shall be prorated for the year in which the Encroachment Agreement is entered into or permission to encroach is given, and such prorated amount shall be payable and collected prior to registration of the Encroachment Agreement or immediately following the granting of permission, if an Encroachment Agreement is not required.

9.7 The annual fee may be increased annually in accordance with the Consumer Price Index (C.P.I.) as determined by the Treasurer.

9.8 The annual fee and C.P.I. increase (plus H.S.T. where applicable) for each subsequent year shall be added to the municipal tax roll of the Owner and collected in the same manner and with the same priorities as municipal taxes.

APPENDIX "1" TO SCHEDULE "A" OF BY-LAW NO. 6665/29/19

TABLE OF ADMINISTRATION AND ANNUAL FEES

CLASS OF ENCROACHMENT	ADMINISTRATION FEE	ANNUAL FEE	INSURANCE REQUIRED
NON-RESIDENTIAL	$350.00	$100.00	$5 MILLION DOLLARS Naming the City as additional insured with a 30 day cancellation certificate

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The Corporation of the City of Port Colborne

By-Law no. 6666/30/19

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 April 8, 2019

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

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 April 8, 2019 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; 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 8th day of April, 2019.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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City of Port Colborne
Special Council Meeting 07-19
Minutes

Date: March 25, 2019

Time: 5:30 p.m.

Place: Committee Room 3, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present:
M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Staff Present:
D. Aquilina, Director of Planning and Development
S. Luey, Chief Administrative Officer
A. LaPointe, Manager of Legislative Services/City Clerk
S. Shypowskyj, Manager of Projects & Design

1. Call to Order:

Mayor Steele called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

No. 45 Moved by Councillor A. Desmarais
Seconded by Councillor D. Kalailieff

That the agenda dated March 25, 2019 be confirmed, as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Council in Closed Session:

Motion to go into Closed Session – 5:32 p.m.:

No. 46 Moved by Councillor G. Bruno
Seconded by Councillor H. Wells

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: January 14, 2019 and February 11, 2019

b) Chief Administrative Officer Report 2019-42 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.

c) Planning and Development Department, Planning Division Report 2019-34, concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

CARRIED.

Motion to Rise With Report – 6:36:

No. 47 Moved by Councillor G. Bruno
Seconded by Councillor A. Desmarais

That Council do now rise from closed session with report at approximately 6:36 p.m.

CARRIED.

6. Disclosures of Interest Arising From Closed Session:

Nil.

7. Report/Motions Arising From Closed Session:

(b) Chief Administrative Officer Report 2019-42 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.

The City Clerk reported that Council received Chief Administrative Officer Report 2019-42 for information in accordance with the *Municipal Act, 2001.*

(c) Planning and Development Department, Planning Division Report 2019-34, concerning the potential disposition of City owned land, pursuant to the Municipal Act, 2001, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

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

8. Adjournment:

No. 48 Moved by Councillor F. Danch
Seconded by Councillor G. Bruno

That the Council meeting be adjourned at approximately 6:37 p.m.
CARRIED.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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City of Port Colborne
Regular Council Meeting 08-19
Minutes

Date: March 25, 2019

Time: 10:27 p.m.

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

Members Present:
M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Staff Present:
D. Aquilina, Director of Planning and Development
M. Evely, Recording Clerk
A. LaPointe, City Clerk
S. Luey, Chief Administrative Officer
P. Senese, Director of Corporate Services
S. Shypowskyj, Manager of Projects & Design
D. Suddard, Environmental Compliance Supervisor

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

1. Call to Order:

Mayor Steele called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

No. 49 Moved by Councillor A. Desmarais
Seconded by Councillor G. Bruno

That the agenda dated March 25, 2019 be confirmed, as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Councillor Wells declared a pecuniary interest regarding item 1 as it could affect the value of his property.

5. Adoption of Minutes:

No. 50 Moved by Councillor E. Beauregard
Seconded by Councillor A. Desmarais

That the minutes of the regular meeting of Council 06-19, held on March 11, 2019, be approved as presented.
CARRIED.

6. Determination of Items Requiring Separate Discussion:

Items 4 and 5.

7. Approval of Items Not Requiring Separate Discussion:

No. 51 Moved by Councillor E. Beauregard
Seconded by Councillor F. Danch

That Items 1 to 22 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.

Item:

2. Planning and Development Department, Planning Division, Report 2019-35, Subject: Downtown CBD CIP Expansion

Council resolved:

That staff be directed to process an application to consider the inclusion of 176 Elm Street in the Central Business District Community Improvement Plan.

3. Planning and Development Department, By-law Enforcement Division, Report 2019-40, Subject: 2019-02 By-law Enforcement Services – Refuse/ Debris Removal & Property Grass Mowing – 4 year contract

Council resolved:

That Council award Tender 2019-02 By-law Services - Refuse and Debris Removal & Property Grass Mowing – 4 year contract to Greenside Landscaping & Lawn Service Inc. of Port Colborne, Ontario, for the total tendered price of $7,185.00 plus applicable taxes.

That this report be approved as presented and the Clerk be authorized to execute the contract Agreement.

6. Corporate Services Department, Finance Division, Report 2019-36, Subject: Statement of Remuneration and Expenses 2018

Council resolved:

That the Report on Remuneration and Expenses for 2018 be received for information purposes as per Sections 283 and 284 of the Municipal Act, 2001, as amended.

7. Engineering and Operations Department, Engineering Division, Report 2019-39, Subject: Application for Bulk Water Haulage Agreement – Village Enterprises Water Haulage

Council resolved:

That the Council of the City of Port Colborne authorize entering into a Bulk Water Sales Agreement with:

Village Enterprises Water Haulage
3645 Carver Street
Stevensville, ON L0S 1S0

And that the Mayor and Clerk be authorized to sign the agreement.

8. Engineering and Operations Department, Operations Division, Report 2019-32, Subject: Port Colborne Distribution System Annual Summary Report

Council resolved:

That Council accepts report 2019-32, Port Colborne Distribution System Annual Summary Report, prepared in accordance with O.Reg. 170/03 for information.

9. Engineering and Operations Department, Operations Division, Report 2019-33, Subject: 2018 Sherkston Community Centre Cistern System Annual Drinking Water Quality Report

Council resolved:

That Council accept report 2019-33, Sherkston Community Centre Annual Drinking Water Quality Report, prepared in accordance with O.Reg. 170/03, for information.

10. Community and Economic Development Department, Parks and Recreation Division, Report 2019-41, Subject: Facilitated Strategic Planning Session Respecting the Canal Days Marine Heritage Festival

Council resolved:

That the Director of Community and Economic Development be directed to coordinate with the City Clerk to schedule a facilitated strategic planning session for City Council (via a special Council meeting) regarding the Canal Days Marine Heritage Festival at the earliest possible date, as outlined in Community & Economic Development, Parks & Recreation Division, Report 2019-41, Subject: Facilitated Strategic Planning Session Respecting the Canal Days Marine Heritage Festival; and

That the Director be authorized to secure the services of MHBC for the purpose of facilitating the above noted strategic planning session, at a cost of $5,500, excluding taxes, as part of the preparation of the City's Parks and Recreation Master Plan to be funded with surplus funds from the completed Arts and Culture Master Plan which the Director of Corporate Services has advised are available.

11. Memorandum from Richard Daniel, Manager of Operations Re: Request for Proclamation of April 2019 as Dig Safe Month

Council resolved:

That the month of April 2019 be proclaimed as "Dig Safe Month" in the City of Port Colborne in accordance with the request received from Richard Daniel, Manager of Operations, City of Port Colborne.

12. Vance Badawey, Member of Parliament, Niagara Centre Re: Update on the Investing in Canada Infrastructure Program

Council resolved:

That the correspondence received from Vance Badawey, Member of Parliament, Niagara Centre Re: Update on the Investing in Canada Infrastructure program be received for information.

13. Region of Niagara Re: Status of Niagara Region Incentives and Grants

Programs

Council resolved:

That the correspondence received from Doug Giles, Director of Community & Long Range Planning, Region of Niagara Re: Status of Niagara Region Incentives and Grants Programs, be received for information.

14. Region of Niagara Re: Provincial Review of Regional Government

Council resolved:

That the letter received from the Region of Niagara regarding a letter from the Local Area Municipal Mayors, dated March 6, 2019 respecting Provincial Review of Regional Government, for consideration by respective Councils, be supported.

15. Region of Niagara Re: Notice of Passing of By-law to Amend By-law 112-2013 Being a By-law to Protect Children and Vulnerable Persons from Exposure to Outdoor Second-Hand Smoke – Triple Majority Requirement – PHD Report 02-2019 – January 8, 2019

Council resolved:

That Council consent to the update of Regional By-law No. 112-2013 to harmonize with the Smoke Free Ontario Act to include vaping and cannabis, as an interim measure for consistency, with an appropriate sunset clause.

16. Region of Niagara Re: 2019 Budget-Waste Management Services Operating Budget and Requisition (CSD Report 7-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: 2019 Budget-Waste Management Services Operating Budget and Requisition, be received for information.

17. Region of Niagara Re: 2019 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition (CSD Report 8-2019 Revised)

Council resolved:

That the correspondence received from the Region of Niagara Re: 2019 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition (CSD Report 8-2019), be received for information.

18. Region of Niagara Re: Environmental Planning Function Overview (PDS Report 2-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: Environmental Planning Function Overview (PDS Report 2-2019), be received for information.

19. Region of Niagara Re: Development Applications Monitoring Report - 2018 Year End (PDS Report 3-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: Development Applications Monitoring Report – 2018 Year End, be received for information.

20. Region of Niagara Re: Update on Natural Environment Work Program – New Regional Official Plan (PDS Report 10-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: Update on Natural Environment Work Program – New Regional Official Plan, be received for information.

21. Niagara Regional Housing Re: Quarterly Report – October 1 to December 31, 2018

Council resolved:

That the correspondence received from Niagara Regional Housing Re: Quarterly Report – October 1 to December 31, 2018, be received for information.

22. City of Guelph Re: Maintaining the Voters' List for Municipal Elections

Council resolved:

That the resolution received from the City of Guelph Re: Maintaining the Voters' List for Municipal Elections, be received for information.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

1. Planning and Development Department, Planning Division, Report 2019-38, Subject: Site Alteration Permit Additional Review – Port Colborne Quarries

Council Resolved:

No. 52 Moved by Councillor R. Bodner
Seconded by Councillor E. Beauregard

That consideration of Report 2019-38, Subject: Site Alteration Permit Additional Review – Port Colborne Quarries be referred to the Director of Planning & Development to consider the proposed amendments to the recommendation made by staff.
CARRIED.

4. Corporate Services Department, Finance Division, Report 2019-37, Subject: 2019 Operating/Capital Budget

Council Resolved:

No. 53 Moved by Councillor R. Bodner
Seconded by Councillor E. Beauregard

That the Corporate Services Department, Finance Division Report 2019-37 be approved, as amended with the removal of $39 000; and

That Council confirm and approve, that in compliance with Ontario regulation 284/09, the 2019 budget was developed using the cash basis and has excluded the following accrual expenses: a portion of the amortization expense which amounts to approximately
$1,124,154 and the amount of post-employment benefits expense which amounts to approximately $247,000.

That the 2019 Budget be approved as presented with the City's net overall levy for 2019 at $18,128,975 (Operating levy of $15,970,715 and Capital levy of $2,158,260).

That the operating expenditures of $25,025,858 operating revenues/fees/reserves/OMPF funds of $9,055,143 and capital expenditures of $5,615,095 with capital revenues from reserves/grants of $3,456,835 be approved.

That the Storm Sewer budget be approved to be funded through an established flat fee schedule to include an operating/capital budget raising approximately $740,800 annually to fund operations, the current storm sewer debt and establish a storm sewer capital reserve for future infrastructure.

That the Mayor and City Clerk be authorized to execute the appropriate By-law for the budget estimates for all sums required for the operations for the year 2019.

Recorded Vote:
Yes: Bagu, Beauregard, Bodner, Danch, Desmarais, Kalalieff, Steele, Wells
No: Bruno
CARRIED.

5. Memorandum from Peter Senese, Director of Corporate Services Re: 2019 Ontario Municipal Partnership Fund (OMPF) Budget Allocation

Council Resolved:

No. 54 Moved by Councillor A. Desmarais
Seconded by Councillor F. Danch

That Council approve the reduction of the OMPF funding amounting $47,900 reduce the budgeted allocation to the Downtown CIP from $100,000 to $52,100. Any required funding for the difference to the Downtown CIP project to be funded from the Capital Infrastructure Reserve Fund.

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

That the main motion be amended by removing the words "Capital Infrastructure Reserve Fund" and adding "2018 Federal Tax Fund" at the end of the first paragraph.

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

That Council approve the reduction of the OMPF funding amounting $47,900 reduce the budgeted allocation to the Downtown CIP from $100,000 to $52,100. Any required funding for the difference to the Downtown CIP project to be funded from the 2018 Federal Tax Fund.
CARRIED.

9. Proclamations:

(a) Dig Safe Month, April 1 – 30, 2019

No. 55 Moved by Councillor A. Desmarais
Seconded by Councillor H. Wells

Whereas annual damages to Ontario's underground infrastructure caused by excavation events number in excess of 4,500 per year. These events cause negative impacts to the Ontario public and our province's economy;

And whereas, The Ontario Regional Common Ground Alliance (ORCGA), formed in 2003, whose purpose is to enhance public safety and utility infrastructure reliability through a unified approach to effective and efficient damage prevention, consists of some 500 members dedicated to this purpose, including Ontario1Call;

And whereas The Canadian Common Ground Alliance (CCGA) and the ORCGA have worked collaboratively to produce the "Underground Infrastructure Damage Prevention – Best Practices" handbook to assist in reducing infrastructure damage associated with excavations;

And whereas The ORCGA annually promotes many educational events across its thirteen (13) Geographic Councils which cover all of Ontario, including the Dig Safe Kick-Offs in April and "April is Dig Safe Month", to raise awareness of the importance of proper excavation practices.

Now therefore I, Mayor, William C. Steele, proclaim April 1 – 30, 2019 as "Dig Safe Month" in the City of Port Colborne.
CARRIED.

10. Minutes of Boards, Commissions & Committees:

No. 56 Moved by Councillor R. Bodner
Seconded by Councillor D. Kalalieff

a) That the minutes of the Environmental Advisory Committee meeting of September 19, 2018, be received.
b) That the minutes of Port Colborne Public Library Board meeting of February 5, 2019, be received.

c) That the minutes of the Port Colborne Active Transportation Advisory Committee Meeting of September 17, 2018, be received.

CARRIED.

11. Consideration of By-laws:

No. 57 Moved by Councillor G. Bruno
Seconded by Councillor A. Desmarais

That the following by-laws be enacted and passed:

6659/23/19	Being a By-law to Authorize Entering Into an Agreement with Greenside Landscaping and Lawn Service Respecting By-law Services – Refuse/Debris Removal and Property Grass Mowing
6660/24/19	Being a By-law to Adopt the Estimates for the City of Port Colborne for its Own Operations for the Year 2019
6661/25/19	Being a By-law to Authorize Entering Into a Bulk Water Sales Agreement with Village Enterprises Water Haulage
6662/26/19	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 Meeting of March 25, 2019

CARRIED.

15. Adjournment:

No. 58 Moved by Councillor F. Danch
Seconded by Councillor E. Beauregard

That the Council meeting be adjourned at approximately 10:34 p.m.

CARRIED.

William C. Steele
Mayor

Amber LaPointe
City Clerk

AL/me