

The "TWENTY SEVENTH MEETING" (Regular) of the Committee of the Whole was held at the Municipal Offices, 66 Charlotte Street, Port Colborne on Monday, December 10, 2012 commencing at approximately 6:35 p.m.

ATTENDANCE:

Mayor Vance Badawey presided with the following members in attendance:

COUNCILLORS:

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

Absent: B. Kenny (due to vacation)

REGIONAL COUNCILLOR:

D. Barrick

STAFF:

R. Heil, Chief Administrative Officer
A. Grigg, City Clerk
L. Merritt, Chief Building Official
R. Hanson, Director of Engineering & Operations
J. Huppunen, Manager of Engineering
P. Senese, Director of Community & Corporate Services
H. Hakim, Manager of Community Services
L. Richardson, Community/Policy Planner
S. McIntyre, Recording Clerk

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

CALL MEETING TO ORDER – MAYOR VANCE BADAWEY

1. **PRAYER**

Councillor David Elliott delivered the prayer.

2. **NATIONAL ANTHEM**

St. John Bosco Catholic School Choir sang O' Canada and two Christmas carols.

3. **INTRODUCTION OF ADDENDUM ITEMS**

Addition:

E-mail correspondence from Gordon Baker, President, Nyon Oil Inc., dated December 7, 2012, related to item 13, Chief Administrative Officer, Special Projects and Strategic Initiatives Report 2012-9, concerning comments from adjacent landowners on Kleinsmith Road. A copy of the correspondence is attached.

Addition:

Comments received by the Department of Engineering and Operations on December 10, 2012, concerning item 1, Engineering and Operations, Engineering Division Report 2012-40, regarding the Downtown Community Improvement Plan streetscape design. A copy of the comments is attached.

4. CONFIRMATION OF THE AGENDA

Moved by Councillor W. Steele
Seconded by Councillor R. Bodner

That the Agenda dated December 10, 2012 be confirmed as amended.
CARRIED.

5. DISCLOSURES OF INTEREST

Nil.

6. DETERMINATION OF COMMITTEE ITEMS REQUIRING SEPARATE DISCUSSION

The following items were identified for separate discussion:

Items 1, 2, 8, 9, 10 and 13.

7. APPROVAL OF COMMITTEE ITEMS NOT REQUIRING SEPARATE DISCUSSION

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

That Items 1 to 18 on the regular agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

ITEMS:

3. **Department of Engineering & Operations, Engineering Division, Report No. 2012-39, Subject: Project 2012-09 – Request for Proposal – Qualification of Consulting Services for the Development of a Storm Sewer System Infrastructure Needs Study**

Committee of the Whole recommends:

- a) That the Council of the City of Port Colborne award the Request for Proposal – Development of a Storm Sewer System Infrastructure Needs Study to Associated Engineering of St. Catharines, Ontario for the total proposed price of \$143,952.00, plus applicable taxes.
- b) That funding for Project 2012-09 be financed under Account 0-510-74845-3319.

4. **Department of Community & Corporate Services, Corporate Services Division, Report No. 2012-39, Subject: 2013 Interim Tax Billing**

Committee of the Whole recommends:

That Council adopt a by-law to authorize the 2013 interim levy for all property tax classes, from the last revised assessment roll, before the adoption of the estimates for the year.

5. **Department of Community & Corporate Services, Corporate Services Division, Report No. 2012-40, Subject: Penalty Charges and Interest Rates for 2013**

Committee of the Whole recommends:

That the Council of the City of Port Colborne adopt the by-law to establish the 2013 late payment charges on payments due to the municipality.

6. **Department of Community & Corporate Services, Corporate Services Division, Report No. 2012-41, Subject: 2013 Borrowing By-Law**

Committee of the Whole recommends:

That the Council adopt a by-law to authorize temporary borrowing, if required, of up to \$4,000,000.00 to meet the current expenditures of the Corporation until the taxes are collected.

7. **Department of Community & Corporate Services, Corporate Services Division, Report No. 2012-42, Subject: Approval of Spending Limits During the Interval Prior to the Approval of the 2013 Budget Estimates**

Committee of the Whole recommends:

That until such time that the 2013 Current Budget is adopted, the Council of the City of Port Colborne approve the following:

1. That City Departments, Boards, and Agencies be allowed to incur operating costs to a level of 50% of the departmental expenditure of the prior year.
2. That new capital items deemed essential by a department be approved by the respective Standing Committee or Board or Agency and the Council of the City of Port Colborne prior to purchase.
3. That this policy be communicated to all Department Directors, Boards, and Agencies.

11. **Department of Planning & Development, Report No. 2012-84, Subject: Parking Enforcement – By-law Appointment**

Committee of the Whole recommends:

The Council of the City of Port Colborne appoint Cody Walker and Tyler Broderick as a Municipal Law Enforcement Officers.

12. **Department of Planning & Development, Report No. 2012-85, Subject: Follow up 9-1-1- Public Emergency Reporting Services (9-1-1 PERS)**

Committee of the Whole recommends:

That the Council of the City of Port Colborne, direct staff, to continue to bring the City of Port Colborne into compliance with 9-1-1 PERS.

Miscellaneous Correspondence

14. **Skates for Kids Re Donation to Skates for Kids Program (St. Therese Catholic Elementary School Donation)**

Committee of the Whole recommends:

That the correspondence received from Josh Juhlke, Skates for Kids Program Coordinator and Bob Watson, Chief Executive Officer, PenFinancial Credit Union Re Donation made by City Councillors for the

Skates for Kids Program (St. Therese Catholic Elementary School) be received for information.

15. **Niagara Regional Housing Re NRH 2012 3rd Quarter Report to Council**

Committee of the Whole recommends:

That the correspondence received from Lora Beckwith, General Manager, Niagara Regional Housing Re The Niagara Regional 2012 3rd Quarter Report to Council, be received for information.

16. **Memorandum from Lindsay Richardson, Community/Policy Planner, Planning & Development Services Division Re Request for Extension of Draft Plan Approval – Northland Estates (File 26T-12-2000-02)**

Committee of the Whole recommends:

1. That Council resolve to extend the Draft Plan Approval for the Northland Estates Draft Plan of Subdivision to July 13, 2013.
2. That QX4 Investments Limited Consulting Services be notified accordingly.

Outside Resolutions – Requests for Endorsement

17. **City of Niagara Falls Re Hospital Services Petition**

Committee of the Whole recommends:

That the resolution received from the City of Niagara Falls Re Hospital Services Petition, be received for information.

18. **Resolution from the Town of Grimsby in support of resolutions received from the City of Toronto and City of Mississauga to Disband the Ontario Municipal Board**

Committee of the Whole recommends:

That the resolution received from the Town of Grimsby regarding in support of resolution received from the City of Toronto and the City of Mississauga to disband the Ontario Municipal Board, be received and filed.

CARRIED.

8. **PRESENTATIONS**

(a) **Presentation to the Winners of the 2012 Christmas Card Contest**

- ❖ Desiree Maceachern
- ❖ Mariah Robinson
- ❖ Hailey McCulligh
- ❖ Alexandra Klauck
- ❖ Megan Sardella

Mayor Badawey congratulated the winners of the Christmas card design contest. Each winner was presented with a framed copy of their Christmas card and an enlarged copy of their design.

(b) **Presentation to Lakeshore Catholic High School Senior Football Team, OFSAA Football Golden Horseshoe Champions**

Mayor Badawey congratulated the Lakeshore Catholic High School Senior Football Team, on their 2012 OFSAA Football Golden Horseshoe Championship. A team plaque and certificates of recognition were presented to the team members and coaches.

9. **DELEGATIONS**

Nil.

10. **MAYOR'S REPORT**

Nil.

11. **REGIONAL COUNCILLOR'S REPORT**

Regional Councillor Barrick reported that the Region has approved the City of Port Colborne Official Plan.

The Regional Councillor reported that the Region of Niagara has recently revised its Code of Conduct for Members of Council. A copy of the revised Code of Conduct is attached.

Regional Councillor Barrick advised that the Region's Battery Collection Pilot Project was successful and it's anticipated the Battery Collection Program will be implemented region-wide in 2013.

Councillor Barrick presented an informational video created by the Region to provide information to the public concerning the function and services it provides. The video is available for viewing on the Region of Niagara's website.

Regional Councillor Barrick advised that Regional Council recently adopted its 2013 Budget with a 1.97% increase. A wage freeze for members of Regional Council was also approved for a third consecutive year.

12. **COUNCILLOR'S ITEMS/NEW BUSINESS**

(a) **Birthday Congratulations (Steele)**

Councillor Steele congratulated the Director of Engineering and Operations on his recent birthday and his forty years of service with the City of Port Colborne.

(b) **Volcanic Ash Usage for Winter Roadways (Bodner)**

Councillor Bodner referred to information received by Council and staff concerning the use of EcoTraction Volcanic Ash, an alternative option to the use of salt for winter control purposes, and enquired whether staff has investigated the possible use of this product. The Director of Engineering and Operations advised that staff will review the potential use of the product for the City's operations.

(c) **Request for Bus Shelter (Desmarais)**

Councillor Desmarais advised she has received requests from residents for the replacement of the bus shelter once located adjacent to the Clarence Street Bridge on the east side of the Canal. Councillor Desmarais also requested that Ward four be considered for inclusion in the City's Transit Plan. The Director of Community and Corporate Services reported that the bus shelter was installed by the St. Lawrence Seaway Management Authority and that the Transit Advisory Committee is in the process of reviewing potential locations for the installation of new bus shelters. The Director will bring this request to the attention of the Committee. The Director informed that the inclusion of Ward four in the Transit Plan is an item that should be brought forward to budget deliberations.

(d) Skating Schedule (Badawey)

Mayor Badawey provided an overview of the staking schedule and free staking days sponsored by Tim Horton's and Ingredion.

13. ADOPTION OF MINUTES

(a) Minutes of the Twenty Sixth Meeting (Regular) of Committee of the Whole, November 26th, 2012

Moved by Councillor
Seconded by Councillor

That the Minutes of the Twenty Sixth Meeting (Regular) of Committee of the Whole, November 26th, 2012 be adopted as circulated.
CARRIED.

14. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

1. Department of Engineering & Operations, Engineering Division, Report No. 2012-40, Subject: Information Report: Detailed Streetscape Design for the Downtown Central Business District Community Improvement Plan Area

Presentations:

1. Gord Shields, Senior Project Manager, Community Infrastructure, AECOM, was in attendance and provided a PowerPoint presentation concerning the Community Improvement Plan streetscape design for the Downtown Area. A copy of the presentation is attached.

Delegations:

1. Mickey Mayne, was in attendance and spoke with regard to comments/concerns regarding the Downtown Community Improvement Plan Design. A copy of the presentation is attached. Ms. Mayne requested that the streetscape design be referred back to staff for revision.

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

That leave be granted to permit a delegation from Gary Tolosi, Downtown Business Improvement Area Board of Management.

CARRIED.

2. Gary Tolosi, representing the Downtown Business Improvement Area (BIA) Board of Management, was in attendance and spoke in support of the streetscape design and advised that the BIA was included in the design process. The BIA established a sub-committee for the purpose of reviewing the streetscape design and communicating with staff and the consultants. The committee regularly reported progress to the BIA. Invitations to the Public Information Centre were sent out to the BIA general membership.

Staff advised that one public information session was held concerning the streetscape design in November 2012 and that Technical Advisory Committee meetings - meetings open to the public - were held throughout the past year. Members of Council discussed specific features of the streetscape design including the purpose of the bollards, curb extensions, the appropriate use of concrete seating, the possible inclusion of bike lanes, the inclusion of the commemorative clock, the recommendation made by the Downtown BIA in 2008 for additional signage, and the

completion/improvement of the area north of Clarence Street and adjacent to the Canal. Council was informed that bike lanes could not be installed as they would require the removal of on-street parking. Staff advised that the matter of the commemorative clock is an item to be presented during budget deliberations. Staff advised that modifications to the streetscape design could be made by Council in the future and on an as-needed basis.

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

- a) That the Council of the City of Port Colborne accept this information report; and
- b) That Council endorse the detailed design of the Downtown Central Business District Community Improvement Plan project area as presented by AECOM.

CARRIED.

2. **Department of Engineering & Operations, Engineering Division, Report No. 2012-38, Subject: Project 2012-22 - Request for Proposal – Architect for the Port Colborne Operations Centre Design-Bid-Build Project**

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

- a) That the Council of the City of Port Colborne award the Request for Proposal – Architect for the Port Colborne Operations Centre Design-Bid-Build Project to McCallum Sather Architects Inc. of Hamilton, Ontario for the total proposed price of \$361,400, plus applicable taxes; and
- b) That the project be debentured in the amount of \$361,400, excluding taxes, through the Infrastructure Ontario Loan Program for a period of 30 years; and
- c) That the appropriate by-laws be drafted and submitted for execution by the Mayor and City Clerk.

CARRIED.

8. **Department of Community & Corporate Services, Corporate Services Division, Report No. 2012-44, Subject: Port Colborne Community Bus Proposed Route Change**

Councillor Elliott noted that the bus route does not travel down Mellanby Avenue and requested that staff bring this to the attention of the Transit Advisory Committee for review.

Staff Direction:

That the Director of Community and Corporate Services be directed to request the Transit Advisory Committee review the City's Transit Plan for the purpose of reviewing the need for a bus route to the new Skateboard/BMX Park.

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

That the Council of the City of Port Colborne approves the East Community Route change to accommodate the providing of transit service to the Vale Health and Wellness Centre effective January 21, 2013.

CARRIED.

9. **Department of Community & Corporate Services, Community Services Division, Report No. 2012-34, Subject: Community Services Program Schedule at the Vale Health and Wellness Centre and Centennial Pool Celebration and Closure**

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

That Council receives this report as information and continues to support Community Services staff to develop year round recreation and event programs, and approve the Centennial Pool celebration for December 15, 2012.

CARRIED.

10. **Department of Community & Corporate Services, Community Services Division, Report No. 2012-35, Subject: Information Report for Basic Rules & Regulations, Placement of Fencing Around the Perimeter and to Recommend By-law Adoption of Finalized Signage at the Skateboard & BMX Park Located at Lock 8**

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

- a) That the Council of the City of Port Colborne authorize the installation of signs at the Lock 8 Park advising that the Skateboard and BMX facility is "Under Video Surveillance".
- b) That Council approve Schedule "A" minimum rules to observe be temporarily approved and that signs accordingly be posted on the site now pending the final by-law.
- c) That Council approves the erection of protective fencing around the perimeter of the park (approximately 280m) from the end of December 2012 to April 2013 at a cost of \$3,600 until the park becomes operational in the spring 2013.

CARRIED.

13. **Department of Chief Administrative Officer, Special Projects & Corporate Strategic Initiatives, Report No. 2012-9, Subject: Request from Nyon Oil Inc. for the City of Port Colborne to consider approval of a new access from Highway 140 to the proposed Energy Park Lands including the closure of the existing Kleinsmith Road entrance and replacement with the new access**

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

That based upon the following terms City Council supports the request from Nyon Oil Inc. for a new access from the Port Colborne Energy Park as described in the November 22, 2012 correspondence from Nyon Oil Inc.; and

That no action regarding the changes in access be commenced other than obtaining Regional and Provincial approvals in principle until after the current Ontario Municipal Board hearings have been completed; and further

That the terms listed below form a prerequisite for final Council approval of the proposed new access described above:

- a. All costs associated with the closure of the existing Kleinsmith Road access to Highway 140 as proposed in the Nyon Oil Inc. letter and attached map showing the proposed configuration of same be at the sole cost of Nyon Oil Inc.

- b. No actual work be started until this arrangement has been confirmed in an appropriate legal agreement to reflect same to the City of Port Colborne's satisfaction.
- c. That Nyon Oil Inc. meet with the affected residents and identify any issues that require mitigation and to provide a list of same to the City along with their proposed mitigations of same. Council while not agreeing to mitigate these may have to judge the appropriateness of both the issues and the proposed mitigation to decide a final response to this request.
- d. That Nyon Oil Inc. obtain approvals from all Provincial, Regional and City of Port Colborne technical and legal authorities for the proposed changes before any work to implement same is commenced and that this will be at the full expense of Nyon Oil Inc.
- e. Legal Title without conditions for the proposed new municipal access and connection to the existing Kleinsmith properties will be transferred to the City as a part of any permit process to begin construction of the proposed new access.
- f. No work will be started without an approved schedule of start and finish approved by the City of Port Colborne and an identification of what mitigation measures will be implemented to ensure the existing resident of Kleinsmith road is not denied ongoing access to that residence.
- g. As a part of approval process noted in (d) the City reserves the right as a part of its approval to require a contribution to ongoing maintenance of the proposed new municipal access for wear expected from the heavy vehicle traffic access and leaving the Energy Park Project.
- h. The proposed internal servicing network will be a private road network until and unless the proponent and the City of Port Colborne negotiate a different ownership arrangement at a future date.
- i. Zoning and Official Plan be regularized for the two private properties (if required) based on the changes in road access, frontage etc. all at the expense of Nyon Oil Inc.

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

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

- j. As part of approval process noted in (c), that staff be directed to attend the meetings between Nyon Oil Inc. and affected residents and communicate directly with the landowners on matters pertaining to Kleinsmith Road.

CARRIED.

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

That based upon the following terms City Council supports the request from Nyon Oil Inc. for a new access from the Port Colborne Energy Park as described in the November 22, 2012 correspondence from Nyon Oil Inc.; and

That no action regarding the changes in access be commenced other than obtaining Regional and Provincial approvals in principle

until after the current Ontario Municipal Board hearings have been completed; and further

That the terms listed below form a prerequisite for final Council approval of the proposed new access described above:

- a. All costs associated with the closure of the existing Kleinsmith Road access to Highway 140 as proposed in the Nyon Oil Inc. letter and attached map showing the proposed configuration of same be at the sole cost of Nyon Oil Inc.
- b. No actual work be started until this arrangement has been confirmed in an appropriate legal agreement to reflect same to the City of Port Colborne's satisfaction.
- c. That Nyon Oil Inc. meet with the affected residents and identify any issues that require mitigation and to provide a list of same to the City along with their proposed mitigations of same. Council while not agreeing to mitigate these may have to judge the appropriateness of both the issues and the proposed mitigation to decide a final response to this request.
- d. That Nyon Oil Inc. obtain approvals from all Provincial, Regional and City of Port Colborne technical and legal authorities for the proposed changes before any work to implement same is commenced and that this will be at the full expense of Nyon Oil Inc.
- e. Legal Title without conditions for the proposed new municipal access and connection to the existing Kleinsmith properties will be transferred to the City as a part of any permit process to begin construction of the proposed new access.
- f. No work will be started without an approved schedule of start and finish approved by the City of Port Colborne and an identification of what mitigation measures will be implemented to ensure the existing resident of Kleinsmith road is not denied ongoing access to that residence.
- g. As a part of approval process noted in (d) the City reserves the right as a part of its approval to require a contribution to ongoing maintenance of the proposed new municipal access for wear expected from the heavy vehicle traffic access and leaving the Energy Park Project.
- h. The proposed internal servicing network will be a private road network until and unless the proponent and the City of Port Colborne negotiate a different ownership arrangement at a future date.
- i. Zoning and Official Plan be regularized for the two private properties (if required) based on the changes in road access, frontage etc. all at the expense of Nyon Oil Inc.
- j. As part of approval process noted in (c), that staff be directed to attend the meetings between Nyon Oil Inc. and affected residents and communicate directly with the landowners on matters pertaining to Kleinsmith Road.

CARRIED.

15. NOTICES OF MOTION

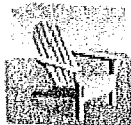
Nil.

16. MOTION TO ADJOURN

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

That there being no further business, the Committee of the Whole meeting be adjourned at approximately 10:02 p.m.
CARRIED.

AG/sm



Fw: Adjacent Landowners On Kleinsmith Road

Cecil Vincent

to:

Ashley Grigg, Bob H, Robert Heil

12/07/12 11:38 AM

Hide Details

From: Cecil Vincent/Port_Notes

To: Ashley Grigg/Port_Notes, "Bob H" <

>, Robert Heil/Port_Notes@Port_Notes,

History: This message has been forwarded.

From: "Gordon R. Baker Q.C."

Sent: 12/07/2012 11:29 AM EST

To: Cecil Vincent

Subject: Adjacent Landowners On Kleinsmith Road

Mr. Vincent, further to our conversation yesterday, you have the emails that I sent to Dan Monger, who has the house on the north side of Kleinsmith Road, and Robert Ferri, who owns the vacant land on the south side of Kleinsmith road together with his brother and father. After discussing with each of them the proposed new municipal road and the closing of the existing entrance from Highway 140 and the so that the trucks accessing the Energy Park would be then be accessing on the new municipal road rather than on Kleinsmith Road, neither expressed any opposition to the proposal. Mr. Monger sounded relieved that the vehicles would not be going in on Kleinsmith Road past his house then turning north again to the west side of his house. I asked each of them in the emails I sent to contact me if they had any concerns. As of 11:19 AM Friday, December 7, I have not heard from either of them. They both even seem to take a common sense approach, the farther away the truck entrance is from Kleinsmith road the better. They also acknowledged that it was safer with the access being farther from the rail overpass with level approaches and better sightlines.

Regards, Gordon Baker

COMMENT SHEET

Public Information Centre - Thursday November 22nd, 2012

If you have any comments regarding this project, please provide below.

- The Streetscape PROPOSAL is FABULOUS!
- PARTICULARLY LIKED THE ROUNDED STREET CORNERS + BOLLARDS.
- Hope the TOWN CLOCK CAN STAY...
- I AM STILL NOT SURE WHAT THE BY-LAWS ARE REGARDING OVERNIGHT PARKING IN THIS AREA ???
- CONCERN: THE BENCHES ARE GOING TO BE A MAJOR PROBLEM FOR US. THERE WILL BE DRUNKS + KIDS OUTSIDE THE WINDOWS, YELLING + SWEARING ALL NIGHT. THERE IS NOTHING OF INTEREST TO SIT + SEE AT THE CORNER OF KING + CLARENCE. I AM ALSO WORRIED ABOUT BROKEN WINDOWS.

Even though benches were ERRECTED DURING THE MAIN STREET IMPROVEMENTS, I FEEL THAT THERE IS A SLIGHTLY DIFFERENT CALIBER OF PEOPLE COMING OUT OF THE BARS ON MAIN STREET THAN THERE IS ON CLARENCE + KING STREET.

BENCHES ON CLARENCE + KING WILL AFFECT OUR BUSINESSES

Please provide your contact information for our records.

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Roslynnne Cooke - INNKEEPER
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Email: port.king@the.kinggeorgeinn.ca