

**City of Port Colborne
Regular Committee of the Whole Meeting 19-16
Minutes**

Date: October 11, 2016
Time: 6:30 p.m.
Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

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

Absent: B. Butters, Councillor (due to a work commitment)

Staff Present: D. Aquilina, Director of Planning & Development
T. Cartwright, Fire Chief
D. D’Innocenzo, Licensing Clerk (minutes)
A. Grigg, City Clerk
R. Hanson, Director of Engineering & Operations
S. Luey, Chief Administrative Officer
P. Senese, Director of Community & Corporate Services

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

1. Call to Order:

Mayor Maloney called the meeting to order.

2. National Anthem:

Joel Longfellow sang O Canada.

3. Introduction of Addendum Items:

Nil.

4. Confirmation of Agenda:

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

That the agenda dated October 11, 2016 be confirmed, as circulated.
CARRIED.

5. Disclosures of Interest:

Nil.

6. Adoption of Minutes:

(a) Regular meeting of Committee of the Whole 18-16, held on September 26, 2016.

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

- (a) That the minutes of the regular meeting of Committee of the Whole 18-16, held on September 26, 2016, be approved as presented.
 CARRIED.

7. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 3, 4, 7.

8. Approval of Items Not Requiring Separate Discussion:

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

That Items 1 to 17 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. Community and Corporate Services, Corporate Services Division, Report No. 2016-153, Subject: Appointment of Auditors

Committee of the Whole recommends:

1. That the auditor firm, Grant Thornton, be appointed for five (5) years being 2016 to 2020, inclusive.
2. That the Mayor and City Clerk execute the by-law for such appointment.

5. Community and Corporate Services, Corporate Services Division, Report No. 2016-165, Subject: City of Port Colborne – Asset Management Policy

Committee of the Whole recommends:

That the Port Colborne Asset Management Policy be adopted.

6. Planning and Development, Report No. 2016-161, Subject: Review of the Draft Provincial Growth Plan (Growth Plan for the Greater Golden Horseshoe)

Committee of the Whole recommends:

1. That Planning and Development Report No. 2016-61 regarding the Province's Coordinated Policy Review (Growth Plan), be supported.
2. That staff be directed to forward a copy of Planning and Development Report No. 2016-161 to the Region of Niagara to be included with their coordinated response on the Coordinated Policy Review.

8. Engineering and Operations, Engineering Division, Report No. 2016-167, Subject: City-Owned Firelanes Ownership and Maintenance

Committee of the Whole recommends:

That the minimum maintenance standards for City-owned Firelanes as outlined in Engineering and Operations, Engineering Division, Report No. 2016-167, Subject: City-owned Firelanes Ownership and Maintenance, be adopted; and

That the operations and maintenance activities be reviewed in one year's time prior to the 2017/2018 winter season and that all affected property owners on the firelanes be notified of the recommendations within the report.

Miscellaneous Correspondence

9. Carol Madden, Poppy Chair, Royal Canadian Legion, Branch 56, Port Colborne Re: Request for Proclamation of Annual Poppy Campaign, October 28, 2016 to November 11, 2016

Committee of the Whole recommends:

That October 28 to November 11, 2016 be proclaimed as "Poppy Week" in the City of Port Colborne in accordance with the request received from Carol Madden, Poppy Chair, Royal Canadian Legion, Branch 56, Port Colborne.

10. Region of Niagara Re: Recommendations from the Transportation Steering Committee Meeting Held on July 26, 2016 for Consideration – Airport Reviews (Report PWC-C 22-2016)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Recommendations from the Transportation Steering Committee meeting held on July 26, 2016 for consideration – Airport Reviews (Report PWC-C 22-2016), be received for information.

11. Region of Niagara Re: 2015 Reserve Water and Wastewater Treatment Capacities (Report PDS 6-2016)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: 2015 Reserve Water and Wastewater Treatment Capacities (Report PDS 6-2016), be received for information.

12. Region of Niagara Re: Great Lakes and St. Lawrence Cities Initiative: 2016 Annual Meeting Summary (Report PDS 26-2016)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Great Lakes and St. Lawrence Cities Initiative: 2016 Annual Meeting Summary (Report PDS 26-2016), be received for information.

13. Niagara Regional Housing Re: NRH Quarterly Report – April 1 to June 30, 2016

Committee of the Whole recommends:

That the correspondence received from Virginia Amato, Executive Assistant to the Chief Executive Officer, Niagara Regional Housing Re: NRH Quarterly Report – April 1 to June 30, 2016, be received for information.

14. Halton Region Re: LPS 106-16 – Supplementary Report – Coordinated Provincial Plan Review

Committee of the Whole recommends:

That the correspondence received from Halton Region Re: LPS 106-16 – Supplementary Report – Coordinated Provincial Plan Review, be received for information.

Outside Resolutions – Requests for Endorsement**15. City of Thorold Re: Energy from Waste**

Committee of the Whole recommends:

That the resolution received from the City of Thorold Re: Energy from Waste, be received for information.

16. Town of Aurora Re: Ontario Municipal Board Reform Update

Committee of the Whole recommends:

That the resolution received from the Town of Aurora Re: Ontario Municipal Board Reform Update, be received for information.

Responses to City of Port Colborne Resolutions**17. Marie-France Lalonde, Minister, Ministry of Government Services and Consumer Services, Re: City of Port Colborne's Resolution regarding Ban on Door-to-Door Sales in the Home Services Sector**

Committee of the Whole recommends:

That the correspondence received from Marie-France Lalonde, Minister, Ministry of Government Services and Consumer Services, Re: City of Port Colborne's Resolution regarding Ban on Door-to-Door Sales in the Home Services Sector, be received for information.

CARRIED.

9. Presentations:

Nil.

10. Delegations:

- a) **Thomas A. Suchocki, regarding the fines that he received under the City of Port Colborne's Open Air Burning By-law 6280/106/15 and requesting that the fines be waived**

Thomas A. Suchocki was in attendance and requested cancellation of a \$1,695 invoice from the Port Colborne Fire and Emergency Services Department for open air burning offences. A copy of the presentation is attached.

11. Mayor's Report:

A copy of the Mayor's report is attached.

12. Regional Councillor's Report:

Nil.

13. Councillors' Items:

- (a) **Portable Washrooms on Private Property (Doucet)**
Councillor Doucet expressed concern regarding portable washrooms placed on private property on a long-term basis. Councillor Doucet requested staff investigate regulation and permitting options. The Director of Planning and Development advised that staff would review and report back.
- (b) **Lot Grading - Property on Hampton Avenue (Mayne)**
Councillor Mayne advised that he received a complaint regarding lot grading on a property at the corner of Hampton Avenue and Sugarloaf Street. The Director of Planning and Development advised that staff would investigate and report back.
- (c) **Fire Inspection Fees - Talwood Manor Bed and Breakfast (Mayne)**
Councillor Mayne advised that he received a complaint from the owner of Talwood Manor Bed and Breakfast regarding the fire inspection fee increase. The Fire Chief advised that the fee schedule was approved by Council in September 2015. Councillor Desmarais stated that the fee scheduled could be reviewed during budget deliberations.
- (d) **Theft of City Property (Mayne)**
Councillor Mayne spoke regarding the recent theft of City property from the Port Colborne Historical and Marine Museum and Sugarloaf Marina. Councillor Mayne recommended the installation of additional security cameras. The Director of Community and Corporate Services advised that the request for security cameras will be brought forward during 2017 budget deliberations.
- (e) **Vicious Dog (Kenny)**
Councillor Kenny advised that she received a complaint regarding a vicious dog. Councillor Kenny informed that the dog has been deemed vicious by the Lincoln County Humane Society and is required to be muzzled. The Director of Planning and Development informed that staff would review with legal counsel and report back.
- (f) **Planter Containers in Downtown (Elliott)**
Councillor Elliott advised that he received complaints regarding the location and condition of the planter containers used for the potted trees recently installed downtown. The Director of Engineering and Operations advised that staff are reviewing suitable areas for relocation, with the preferred location being between parking stalls, and are working with the supplier regarding alternative planter options as some of the containers were damaged by vehicles and excessive heat.
- (g) **Lakeshore Road Watermain Replacement Project Update (Elliott)**
Councillor Elliott requested an update regarding the Lakeshore Road Watermain Replacement Project and reinstatement of the promenade. The Director of Engineering and Operations advised that the project is expected to be complete by the end of November.
- (h) **Garden at Vale Health & Wellness Centre (Doucet)**
Councillor Doucet thanked staff for the work completed on the garden adjacent the entrance of the Vale Health & Wellness Centre.
- (i) **Firelane Ownership (Bodner)**
Councillor Bodner referred to item 8 on the agenda, Engineering and Operations, Engineering Division, Report No. 2016-167, Subject: City-Owned Firelanes Ownership and Maintenance, and requested an overview of the definition of "minimum maintenance" standards. The Director of Engineering and Operations provided an overview, as outlined in the report.

Staff Responses to Previous Councillor's Enquiries

(a) New Zoning By-law (Aquilina)

The Director of Planning and Development advised that a series of maps are on display at City Hall that depict the proposed policy areas of the new Comprehensive Zoning By-law. The Director informed that public consultation will begin soon and a report is expected to be brought forward to Council by the end of the year.

(b) Rural Fire Station Report (Cartwright)

The Fire Chief referred to Council's previously approved direction for a report regarding a rural fire station to be presented at the October 24, 2016 Council meeting. The Fire Chief advised that staff is in the process of reviewing the option to enter into an Automatic Aid Agreement with the Town of Fort Erie and, as a result, the report is expected to be presented at the first meeting in November.

14. Consideration of Items Requiring Separate Discussion:

1. Motion (Councillor Bodner) Re: Medical Marihuana Grow Operations

Moved by Councillor R. Bodner

Seconded by Councillor A. Desmarais

WHEREAS the Council of The Corporation of the City of Port Colborne wishes to ensure the safety of its citizens and prevent another traumatic event like the armed robbery that occurred on September 19, 2016 at a local greenhouse on Pinecrest Road;

AND WHEREAS said greenhouse was operating as a medical marihuana grow operation that was grandfathered under the former Marihuana Medical Access Regulations;

AND WHEREAS, after executing a search warrant, the Niagara Regional Police Service – Guns, Gangs and Grow Unit discovered the number of marihuana plants in production at this location significantly exceeded the operator's allowable limit;

AND WHEREAS there is currently no agency responsible for ensuring these facilities are operating within the limits provided by the prescriptions that their clients hold;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE RESOLVES AS FOLLOWS:

1. That the federal government is hereby urged to appoint the necessary authorities to engage in regular inspections of all medical marihuana grow operations that are functioning under the former Marihuana Medical Access Regulations; and
2. That the federal government is further urged to provide that if a serious breach of the rules occurs, no further medical marihuana production is to be permitted at the offending location; and
3. That this motion be circulated to the federal and provincial governments, Local Area Members of Parliament, Local Area Members of Provincial Parliament, the Federation of Canadian Municipalities, and Local Area Municipalities for support.

The following was accepted as a friendly amendment:

That the second paragraph of the main motion be amended by striking the word “serious” and adding thereto the following:

“and the people holding the licenses also lose the use of said licence:
and”

The vote was then taken on the main motion, as amended, as

WHEREAS the Council of The Corporation of the City of Port Colborne wishes to ensure the safety of its citizens and prevent another traumatic event like the armed robbery that occurred on September 19, 2016 at a local greenhouse on Pinecrest Road;

AND WHEREAS said greenhouse was operating as a medical marihuana grow operation that was grandfathered under the former *Marihuana Medical Access Regulations*;

AND WHEREAS, after executing a search warrant, the Niagara Regional Police Service – Guns, Gangs and Grow Unit discovered the number of marihuana plants in production at this location significantly exceeded the operator’s allowable limit;

AND WHEREAS there is currently no agency responsible for ensuring these facilities are operating within the limits provided by the prescriptions that their clients hold;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE RESOLVES AS FOLLOWS:

1. That the federal government is hereby urged to appoint the necessary authorities to engage in regular inspections of all medical marihuana grow operations that are functioning under the former *Marihuana Medical Access Regulations*; and
2. That the federal government is further urged to provide that if a breach of the rules occurs, no further medical marihuana production is to be permitted at the offending location and the people holding the licenses also lose the use of said licence; and
3. That this motion be circulated to the federal and provincial governments, Local Area Members of Parliament, Local Area Members of Provincial Parliament, the Federation of Canadian Municipalities, and Local Area Municipalities for support.

CARRIED.

**3. Community and Corporate Services, Corporate Services Division,
Report No. 2016-162, Subject: Ontario Community Infrastructure Fund
– Formula-Based Component**

Moved by Councillor J. Mayne

Seconded by Councillor R. Bodner

That the Mayor, City Clerk and City Treasurer be authorized to execute the Contribution Agreement for the use of Ontario Community Infrastructure Fund – Formula-Based Component funds with the Government of Ontario; and

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

4. Community and Corporate Services, Corporate Services Division, Report No. 2016-164, Subject: Public Transit Infrastructure Fund Program

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

1. That the eligible projects for the Public Transit Infrastructure Fund be approved and staff be authorized to submit the application and related forms on behalf of the City of Port Colborne for funding up to the allocated \$96,701.
2. That the shared costs to be funded from the Capital Reserve and/or the 2017 capital budget be approved.
3. That the Mayor, City Clerk and City Treasurer be authorized to execute the Letter of Agreement to be entered into with the Ministry of Transportation for the use of any PTIF funds; and further
4. That the appropriate by-law be prepared and approved by Council at such time as the Agreement is executed.

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

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

- “1. That the list of eligible projects for the Public Transit Infrastructure Fund be amended by reallocating \$20,000 from the Thomas A. Lannan Sports Complex Internal Trail System to Trail Signage Replacements/Improvements (Various Locations).”

CARRIED.

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

1. That the list of eligible projects for the Public Transit Infrastructure Fund be amended by reallocating \$20,000 from the Thomas A. Lannan Sports Complex Internal Trail System to Trail Signage Replacements/Improvements (Various Locations).
2. That the eligible projects for the Public Transit Infrastructure Fund be approved, as amended, and staff be authorized to submit the application and related forms on behalf of the City of Port Colborne for funding up to the allocated \$96,701.
3. That the shared costs to be funded from the Capital Reserve and/or the 2017 capital budget be approved.
4. That the Mayor, City Clerk and City Treasurer be authorized to execute the Letter of Agreement to be entered into with the Ministry of Transportation for the use of any PTIF funds; and further
5. That the appropriate by-law be prepared and approved by Council at such time as the Agreement is executed.

CARRIED.

7. Planning and Development, Economic Development, Report No. 2016-163, Subject: Lease Agreement Between the City of Port Colborne and the Port Colborne-Wainfleet Chamber of Commerce for an Office at the Roselawn Centre

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

That the City of Port Colborne enter into a lease agreement with the Port Colborne-Wainfleet Chamber of Commerce for office space at the Roselawn Centre.

CARRIED.

15. Notice of Motion:

Nil.

16. Adjournment:

Moved by Councillor F. Danch
Seconded by Councillor Y. Doucet

That the Committee of the Whole meeting be adjourned at approximately 8:29 p.m.

CARRIED.

AG/dd