

The “**NINETEENTH MEETING**” (**Regular**) of the Committee of the Whole was held at the Municipal Offices, 66 Charlotte Street, Port Colborne on Monday, August 13, 2012 commencing at approximately 6:37 p.m.

ATTENDANCE:

Mayor Vance Badawey presided with the following members in attendance:

COUNCILLORS:

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

Absent: Y. Doucet (due to vacation), B. Butters (due to vacation)

REGIONAL COUNCILLOR:

Absent: D. Barrick

STAFF:

R. Heil, Chief Administrative Officer
A. Grigg, City Clerk
D. Aquilina, Director of Planning & Development
R. Hanson, Director of Engineering & Operations
K. Thomas, Acting City Treasurer
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 Elliott delivered the prayer.

2. NATIONAL ANTHEM

Joel Longfellow sang O Canada.

3. INTRODUCTION OF ADDENDUM ITEMS

Addition: Item 14, memorandum from Robert J. Heil, Chief Administrative Officer, dated August 13, 2012 Re Minor Addition to Fees and Charges By-law for the Overholt Cemetery. This item was circulated via addendum on August 9, 2012.

4. CONFIRMATION OF THE AGENDA

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

That the Agenda dated August 13, 2012 be confirmed as circulated with the addition of addendum item 14.

CARRIED.

5. DISCLOSURES OF INTEREST

Nil.

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

The following items were identified for separate discussion:

Item 1

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

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

That Items 1 to 14 on the regular agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

ITEMS:

2. **Department of Planning & Development, Report No. 2012-62, Subject: Recommendation Report for a Zoning By-law Amendment (File No. D14-14-03-12) East Side of Elm Street**

Committee of the Whole recommends:

1. That Council of the City of Port Colborne approve the Zoning By-law Amendment, attached hereto as Appendix "A", rezoning the land from the existing "LI" and "HI" zone to a site specific "LI-358 (Car Wash & Vehicle Sales and Rental Establishment)" and "HI-359 (Car Wash & Vehicle Sales and Rental Establishment)" zone that would allow a "vehicle sales and rental establishment" and a "car wash" and allow the parking spaces for the car was to be stacked.
2. That the City Clerk is hereby authorized and directed to proceed with the giving of notice of passing of the by-laws, in accordance with the *Planning Act*.
3. That pursuant to the provisions of Section 34(17) of the *Planning Act*, no further notice of public meeting be required.

3. **Department of Planning & Development, Report No. 2012-63, Subject: Information Report: Repeal By-law 4914/139/06 (Being a By-law to Adopt the New Official Plan, 2006)**

Committee of the Whole recommends:

That this report be received for information purposes.

4. **Department of Corporate & Community Services, Community Services Division Report No. 2012-26, Subject: Hourly Ice Rental Contract**

Committee of the Whole recommends:

That the Council of The Corporation of the City of Port Colborne receives this report for information.

5. **Department of Chief Administrative Officer, Report No. 2012-09, Subject: Overholt Cemetery, Cemetery Regulation, Fees and Charges**

Committee of the Whole recommends:

1. That a by-law to adopt rules and regulations governing the operation, quiet enjoyment and provision of services in respect of the City's cemeteries as attached to this report be approved.
2. That a by-law to adopt the schedule of fees as attached to this report for interment rights, opening and closing, columbarium and cremation sales and opening and closing and other cemetery services be approved.

6. **Department of Planning & Development, Report No. 2012-64, Subject: Noise By-law Exemption – 799 Empire Road**

Committee of the Whole recommends:

Upon receipt of the non-objection form, that the Council of the City of Port Colborne approves the proposed grant of a temporary permit to exempt Ron Marshall from Section 4(3) of By-law 4588/119/04 on the following terms and conditions:

1. The temporary permit is for the period of August 18, 2012 at 1:00 p.m. until August 19, 2012 at 1:00 a.m. inclusive.
2. The permit is applicable only to the 3 or 4 bands performing in connection with event of August 18, 2012.

Miscellaneous Correspondence

7. **Port Colborne Feline Initiative request for proclamation of National Feral Cat Day, October 16, 2012**

Committee of the Whole recommends:

That October 16, 2012 be proclaimed as "National Feral Cat Day" in the City of Port Colborne in accordance with the request received from Kristi Mallinson Vogel, Port Colborne Feline Initiative.

8. **Niagara Peninsula Conservation Authority Re Strategic Planning Process**

Committee of the Whole recommends:

That the correspondence received from the Niagara Peninsula Conservation Authority Re Strategic Planning Process, be received for information and monitor reports.

9. **Region of Niagara Re Bill 100 – Ontario's Proposed Great Lakes Protection Act and Great Lakes Strategy (ICP Report 77-2012)**

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re Bill 100 – Ontario's Proposed Great Lakes Protection Act and Great Lakes Strategy (ICP Report 77-2012), be received for information.

10. **Region of Niagara Re Population and Employment Forecast Review – Growth Plan for the Greater Golden Horseshoe (ICP Report 75-2012)**

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re Population and Employment Forecast Review – Growth Plan for the Greater Golden Horseshoe (ICP Report 75-202), be received for information.

Outside Resolutions – Requests for Endorsement

11. **Monte McNaughton, MPP Lambton-Kent Middlesex Re: Bill 76 – Act to Amend the *Ontario Lottery and Gaming Act* of 1999, entitled Ensuring Local Voices in New Casino Gambling Development Act, 2012**

Committee of the Whole recommends:

That the resolution received from Monte McNaughton, MPP Lambton-Kent Middlesex Re: Bill 76 – Act to Amend the *Ontario Lottery and Gaming Act* of 1999, entitled Ensuring Local Voices in New Casino Gambling Development Act, 2012, be received for information.

12. **City of St. Catharines Re VIA Rail Services in Niagara**

Committee of the Whole recommends:

That the resolution received from the City of St. Catharines Re VIA Rail Services in Niagara, be sent to the Port Colborne Transit Advisory Committee for advice.

ITEMS:

13. **Department of Engineering & Operations, Operations Division, Report No. 2012-25, Subject: Update on Showcasing Water Innovation Funding and Project 2011-31 – Integration of Water Loss Analysis Tools into a Water SCADA Project**

Committee of the Whole recommends:

- A. That the Council of the City of Port Colborne enter in a second agreement with Insyght Systems Inc., of Burlington, Ontario, for the additional scope detailed under Option A – Full Funding Received, in RFQ 2011-31 – Integration of Water Loss Analysis Tools into a Water SCADA System, at an additional cost of \$167,120.00 plus applicable taxes and;
- B. That funding for the balance of Project 2011-31 be financed under Account 6-595-76345-3319 and;
- C. That a contract by-law, whereby the City enters into a contract agreement with the Consultant, be prepared.

14. **Memorandum from Robert J. Heil, Chief Administrative Officer, dated August 13, 2012 Re Minor Addition to Fees and Charges By-law for the Overholt Cemetery**

Committee of the Whole recommends:

That the by-law to adopt rules and regulations governing the operation, quiet enjoyment and provision of services in respect of the City's cemeteries as presented in Chief Administrative Officer, Report No. 2012-09, Subject: Overholt Cemetery, Cemetery Regulation, Fees and Charges, be approved with the addition of the columbarium fees and charges, as outlined in this memorandum.

CARRIED.

8. PRESENTATIONS

Nil.

9. DELEGATIONS

- (a) **Joe Pinelli Re Concerns Regarding City Development Charges, for Single Family Construction; and Section 4.9, Access Regulations of the Current Zoning By-law.**

Joe Pinelli was in attendance and asked to withdraw his delegation request due to the resolution of the matter to be addressed.

10. MAYOR'S REPORT

Mayor Badawey expressed appreciation to staff, volunteers, sponsors, residents, and Council for hosting a successful 2012 Canal Days Marine Heritage Festival.

On behalf of the Regional Councillor, Mayor Badawey reported that the Region of Niagara is hosting a promotion titled "Have your Say and Win - 2013 Regional Budget" in which residents are invited to submit feedback concerning the Region's 2013 budget. Participants are automatically entered into a contest to win one of three \$100.00 restaurant vouchers.

11. REGIONAL COUNCILLOR'S REPORT

Nil.

12. COUNCILLOR'S ITEMS/NEW BUSINESS

Staff Responses to Previous Councillor Enquiries

- (a) **Rescheduling of Royal Canadian Legion Street Dance (Heil)**
The Chief Administrative Officer informed that the Royal Canadian Legion Street Dance, approved at the July 23, 2012 Council meeting, was postponed due to weather conditions. The Legion subsequently contacted the City to request approval for the event to be rescheduled to August 17, 2012.

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

That leave be granted to consider the Royal Canadian Legion's request to host the Street Dance Event on August 17, 2012.

CARRIED.

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

That Council hereby approves and authorizes the closure of the following roads for the purposes of controlling traffic for the Royal Canadian Legion Street Dance from 5:00 p.m. on Friday, August 17, 2012 until 1:00 a.m. on Saturday, August 18, 2012.

Catherine Street from the northernmost part of Clarence Street to the southernmost limit of the intersection of the alley behind Matheson's Drug Store.

That the By-law Enforcement Division issue a temporary permit for a Noise By-law exemption for the street dance.

That the above referenced approval be conditional upon the Royal Canadian Legion notifying area residents of said event.

CARRIED.

(b) **Water Loss Analysis – SCADA Project (Hanson)**

At the request of Councillor Elliott, the Director of Engineering and Operations provided an overview of Department of Engineering and Operations, Operations Division, Report No. 2012-25, Subject: Update on Showcasing Water Innovation Funding and Project 2011-31 – Integration of Water Loss Analysis Tools into a Water SCADA Project.

13. ADOPTION OF MINUTES

(a) **Minutes of the Eighteenth Meeting (Regular) of the Committee of the Whole, July 23, 2012**

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

That the Minutes of the Eighteenth Meeting (Regular) of Committee of the Whole, July 23, 2012 be adopted as circulated.
CARRIED.

14. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

1. **Notice of Motion, Councillor Steele Re Amendment to the City's Alcohol Management Policy concerning the Two Drink Limit on Alcoholic Beverages per Patron at Special Events**

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

That the motion to increase the City's drink limit at special events from two (2) drinks to four (4), be referred to the Canal Days Advisory Committee for review;

That the Committee be further directed to review other means by which to improve the sale of alcoholic beverages during special events, with a view to increasing efficiency and convenience for patrons; and

That the above referenced review include consultation with the Volunteer Advisory Committee, the Flavours Advisory Committee, bartender volunteers, Niagara Regional Police Service, Fire and Emergency Services, the Alcohol and Gaming Commission of Ontario, Councillor Steele, City staff, and other appropriate representatives.

CARRIED.

15. NOTICES OF MOTION

Nil.

16. MOTION TO ADJOURN

Moved by Councillor B. Kenny
Seconded by Councillor F. Danch

That there being no further business, the Committee of the Whole meeting be adjourned at approximately 7:20 p.m.
CARRIED.