

**City of Port Colborne
Council Meeting Agenda**

Date: Tuesday, December 12, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

1. Call to Order
2. National Anthem
3. Land Acknowledgment
4. Proclamations
5. Adoption of Agenda
6. Disclosures of Interest
7. Approval of Minutes
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11. Delegations

In order to speak at a Council meeting, individuals must register no later than 12 noon on the date of the scheduled meeting. To register, complete the online application at www.portcolborne.ca/delegation, email deputyclerk@portcolborne.ca or phone 905-835-2900, ext. 115.

12. Mayor's Report

13.	Regional Councillor's Report	
14.	Staff Remarks	
15.	Councillors' Remarks	
16.	Consideration of Items Requiring Separate Discussion	
17.	Motions	
18.	Notice of Motions	
19.	Minutes of Boards & Committees	
20.	By-laws	
20.1	By-law to Authorize Entering into an Agreement with 2635450 Inc. Regarding Olde Humberstone Community Improvement Plan Financial Incentive Programs Property Tax Increment Grant	110
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22.	Information items	
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City of Port Colborne
Closed Session Meeting of Council Minutes

Date: Tuesday, October 24, 2023
Time: 5:30 pm
Location: Committee Room 3-City Hall
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

Members Present: W. Steele, Mayor (presiding officer)
M. Bagu, Councillor
E. Beauregard, Councillor
F. Danch, Councillor
G. Bruno, Councillor
R. Bodner, Councillor
M. Aquilina, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor

Staff Present: S. Luey, Chief Administrative Officer
S. Tufail, Acting City Clerk

1. Call to Order

Mayor Steele called the meeting to order at 5:31 p.m.

2. Adoption of Agenda

Moved by Councillor F. Danch
Seconded by Councillor R. Bodner

That the Closed Session Agenda dated October 24, 2023, be confirmed, as amended.

Carried

3. Disclosures of Interest

4. By-law

Moved by Councillor M. Aquilina
Seconded by Councillor M. Bagu

That item 4.1 be enacted and passed.

Carried

4.1 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne

5. Confidential Items

Moved by Councillor F. Danch

Seconded by Councillor R. Bodner

That Council do now proceed into closed session in order to address items 5.1 to 5.6.

Carried

5.1 Minutes of the closed session portion of the August 15, 2023 Council Meeting

5.2 Public Works Department Report 2023-216, advice that is subject to solicitor-client privilege, including communications necessary for that purpose

5.3 Community Safety & Enforcement Department Report 2023-218, personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations

5.4 Public Works Department Report 2023-215, personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations

5.5 Office of the Chief Administrative Officer Report 2023-209, a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality

5.6 Confidential Memorandum Human Resources - Personal matters about an identifiable individual, including municipal or local board employees

6. Adjournment

Council moved into Closed Session at 5:31 p.m.

Council recessed at 6:25 p.m.

Council reconvened into Closed Session at 8:25 p.m.

Mayor Steele adjourned the meeting at 9:59 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk

City of Port Colborne
Committee of the Whole - Budget Meeting Minutes

Date: Wednesday, November 22, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
W. Steele, Mayor (presiding officer)
Councillor T. Hoyle
Councillor D. Elliott
Councillor M. Aquilina

Staff Present: S. Luey, Chief Administrative Officer
S. Tufail, Acting City Clerk
B. Boles, Director of Corporate Services/Treasurer
S. Lawson, Fire Chief
D. Vasu, Acting Deputy Clerk (minutes)
S. Shypowskyj, Director of Public Works
J. Colasurdo, Manager of Infrastructure
C. Dray, Manager of Operations
T. Peazel, Water Wastewater Superintendent
G. Long, Manager of Strategic Initiatives
M. Murray, Chief Human Resources Officer
C. Collard, Manager of Information Technology
A. Pigeau, Manager, Financial Services/Deputy Treasurer
J. McDowall, Supervisor of Financial Reporting

1. Call to Order

Mayor Steele called the meeting to order at 6:31 p.m.

2. Adoption of Agenda

Moved By Councillor M. Aquilina

Seconded By Councillor E. Beauregard

That the agenda dated November 22, 2023, be confirmed as amended.

Carried

3. Disclosures of Interest

4. Staff Reports

4.1 2024 Rates Budget, 2023-164

Moved By Councillor R. Bodner

Seconded By Councillor T. Hoyle

That the Committee of the Whole recommend to Council:

That Corporate Services Department Report 2023-164, **BE RECEIVED**;
and

That the 2024 Rates Budget as outlined in Appendix B to Corporate
Services Department Report 2023-164, **BE APPROVED**.

Carried

a. 2023 Water and Wastewater Projects

4.2 2024 Rates Setting, 2023-165

Moved By Councillor M. Aquilina

Seconded By Councillor E. Beauregard

That the Committee of the Whole recommend to Council:

That Corporate Services Report 2023-165, **BE RECEIVED**;

That the 2024 Water and Wastewater Rates as outlined in Corporate
Services Department Report 2023-165, **BE APPROVED**; and

That the 2024 Storm Sewer Rates as outlined in of Corporate Services
Department 2023-165, **BE APPROVED**; and

That the draft by-law attached as Appendix A of Corporate Services
Report 2023-165 be brought forward to Council for consideration.

Carried

5. **Correspondence Items**
6. **Presentations**
7. **Delegations**
8. **Procedural Motions**
9. **Information Items**
10. **Adjournment**

Mayor Steele adjourned the meeting at approximately 8:28 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk

City of Port Colborne
Closed Session Meeting of Council Minutes

Date: Wednesday, November 22, 2023
Time: 7:00 pm
Location: Committee Room 3-City Hall
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

Members Present: W. Steele, Mayor (presiding officer)
M. Bagu, Councillor
E. Beauregard, Councillor
F. Danch, Councillor
G. Bruno, Councillor
R. Bodner, Councillor
M. Aquilina, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor

Staff Present: S. Luey, Chief Administrative Officer
S. Tufail, Acting City Clerk

1. Call to Order

Mayor Steele called the meeting to order at 8:40 p.m.

2. Adoption of Agenda

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

That the agenda dated November 22, 2023, be confirmed as amended.

Carried

3. Disclosures of Interest

4. By-law

**4.1 By-law to Adopt, Ratify and Confirm the Proceedings of the Council
of The Corporation of the City of Port Colborne**

Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

That item 4.1 be enacted and passed.

Carried

5. Confidential Items

Moved by Councillor T. Hoyle
Seconded by Councillor D. Elliott

That Council do now proceed into closed session in order to address the following matter(s):

Carried

- 5.1 Chief Administrative Officer Report 2023-247, litigation or potential litigation and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**
- 5.2 Corporate Services Department Report 2032-242, labour relations or employee negotiations**
- 5.3 Human Resources - Confidential Memorandum, personal matters about an identifiable individual, including municipal or local board employees**
- 5.4 Confidential Memorandum, personal matters about an identifiable individual, including municipal or local board employees**

6. Adjournment

Mayor Steele adjourned the meeting at approximately 11:04 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk

City of Port Colborne

Public Meeting Minutes

Date: Tuesday, November 28, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Aquilina, Councillor
M. Bagu, Councillor
E. Beauregard, Councillor (presiding officer)
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor

Member(s) Absent: W. Steele, Mayor

Staff Present: B. Boles, Director of Corporate Services/Treasurer
S. Luey, Chief Administrative Officer
S. Shypowskyj, Director of Public Works
S. Tufail, Acting City Clerk
D. Vasu, Acting Deputy Clerk (minutes)
D. Landry, Chief Planner
D. Schulz, Senior Planner
B. Cotton, Economic Development Officer
G. Long, Manager of Strategic Initiatives
J. Colasurdo, Manager of Infrastructure

1. Call to Order

Deputy Mayor Beauregard called the meeting to order at 6:30 p.m.

2. Adoption of Agenda

Moved By Councillor T. Hoyle
Seconded By Councillor D. Elliott

That the agenda dated November 28, 2023, be confirmed, as circulated.

Carried

3. Disclosures of Interest

4. Statutory Public Meeting

4.1 Niagara Gateway Economic Zone and Centre CIP Expansion, 2023-238

Moved By Councillor F. Danch

Seconded By Councillor G. Bruno

That Chief Administrative Office Report 2023-238 be received.

Carried

5. Procedural Motions

6. Information Items

7. Adjournment

Deputy Mayor Beauregard adjourned the meeting at approximately 6:35 p.m.

Eric Beauregard, Deputy Mayor

Saima Tufail, Acting City Clerk

City of Port Colborne

Council Meeting Minutes

Date: Tuesday, November 28, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Aquilina, Councillor
M. Bagu, Councillor
E. Beauregard, Councillor (presiding officer)
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor

Absent: W. Steele, Mayor

Staff Present: B. Boles, Director of Corporate Services/Treasurer
S. Luey, Chief Administrative Officer
S. Shypowskyj, Director of Public Works
S. Tufail, Acting City Clerk
D. Vasu, Acting Deputy Clerk (minutes)
D. Landry, Chief Planner
D. Schulz, Senior Planner
B. Cotton, Economic Development Officer
G. Long, Manager of Strategic Initiatives
J. Colasurdo, Manager of Infrastructure

1. Call to Order

Deputy Mayor Beauregard called the meeting to order at 6:41 p.m.

2. National Anthem

3. Land Acknowledgment

Councillor Aquilina recited the Land Acknowledgement.

4. Proclamations

5. Adoption of Agenda

Moved by Councillor M. Bagu

Seconded by Councillor D. Elliott

That the agenda dated November 28, 2023, be confirmed, as amended.

Carried

6. Disclosures of Interest

7. Approval of Minutes

7.1 Regular Meeting of Council - November 14, 2023

Moved by Councillor T. Hoyle

Seconded by Councillor M. Aquilina

That the minutes of the regular meeting of Council, held on November 14, 2023, be approved as presented.

Carried

8. Recommendations Arising from Committees

8.1 2024 Rates Budget, 2023-164

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That Corporate Services Department Report 2023-164, **BE RECEIVED**;
and

That the 2024 Rates Budget as outlined in Appendix B to Corporate
Services Department Report 2023-164, **BE APPROVED**.

Carried

8.2 2024 Rates Setting, 2023-165

Moved by Councillor M. Aquilina

Seconded by Councillor R. Bodner

That Corporate Services Report 2023-165, **BE RECEIVED**;

That the 2024 Water and Wastewater Rates as outlined in Corporate
Services Department Report 2023-165, **BE APPROVED**; and

That the 2024 Storm Sewer Rates as outlined in Corporate Services Department 2023-165, **BE APPROVED**; and

That the by-law attached as Appendix A of Corporate Services Report 2023-165 **BE APPROVED**.

Carried

9. Staff Reports

Moved by Councillor M. Bagu

Seconded by Councillor D. Elliott

That items 9.1 and 9.2 be approved, and the recommendations contained therein be adopted.

Carried

9.1 Niagara Gateway Economic Zone and Centre CIP Expansion, 2023-219

That Chief Administrative Office Report 2023-219 be received; and

That Council approve expanding the Niagara Gateway Economic Zone and Centre Community Improvement Plan (NGCIP) area as outlined in Appendix A; and

That the Manager of Strategic Initiatives be directed to contact the Niagara Region Growth Strategy and Economic Development Department to request a matching of the new boundaries; and

That the Mayor and Acting City Clerk be authorized to execute any and all required documents on behalf of the City.

9.2 Cancellation, Reduction or Refund of Realty Tax, 2023-206

That Corporate Services Department Report 2023-206 be received; and

That the applications pursuant to Section 357/358 of the *Municipal Act*, 2001, as amended, numbered 2022-900, 2023-100, 2023-200, 2023-300 A B, 2023-500, 2023-600, 2023-700, 2023-800, and 2023-900, be approved to cancel or reduce taxes in the amount of \$18,293.60.

10. Correspondence Items

Moved by Councillor M. Bagu

Seconded by Councillor D. Elliott

That items 10.1 to 10.9 be received for information.

Carried

- 10.1 Shelby Cleveland - Subject: Urgent Request for Bylaw Regulation of Unsolicited Graphic Anti-Abortion Flyers**
- 10.2 Niagara Region - Report PDS 37-2023 Niagara Region Unbuilt Housing Supply Update**
- 10.3 Bonfield Township - Childcare Availability in Ontario**
- 10.4 Coleman Township - Support for Ontario Conservation Officer's Association (OCA) to be reclassified as Enforcement Officers**
- 10.5 Town of Aylmer - Motion regarding Provincial Consideration for Amendments to the Residential Tenancies Act**
- 10.6 Town of Orangeville - Ontario Works Financial Assistance Rates**
- 10.7 Municipality of Shuniah regarding Unnecessary Noise - Engine Brakes**
- 10.8 Municipality of South Bruce - Ontario Association of Sewage Industry Services (OASIS)**
- 10.9 Prince Edward County - Province to stop the Ministry of the Environment, Conservation and Parks (MECP) Proposal to expand the Use of the Permit-by-rule**
- 11. Presentations**
- 12. Delegations**
- 13. Mayor's Report**
- 14. Regional Councillor's Report**
- 15. Staff Remarks**
- 15.1 Various Updates (Shypowskyj)**

The Director of Public Works provided updates regarding the roof rehabilitation project and installation of arena speaker system at the Vale Health and Wellness Centre, Lake Road end review, infrastructure needs study, condition assessment of the storm sewer system, sanitary sewer lining program, Victoria Park maintenance, and Lock 8 master plan.

15.2 2023 Christmas Parade (Boles)

The Director of Corporate Services/Treasurer provided details regarding the Christmas parade scheduled for December 2, 2023.

15.3 Municipal Drains (Boles)

The Director of Corporate Services/Treasurer provided an overview of the newly created information pamphlet and changes to the tax certificates for residents. He further stated that a staff report with additional details about the process will be brought forward at a future Council meeting.

15.4 Site Alteration By-Law and Parkland Dedication By-Law (Landry)

The Chief Planner provided a status update regarding the site alteration and parkland dedication by-law.

16. Councillors' Remarks

16.1 Lockview Park Maintenance (Hoyle)

Councillor Hoyle expressed appreciation towards Public Works staff for the recent maintenance work at the East Village Community Park - Victoria Playground and requested that the Lockview Park be maintained.

16.2 Highland Avenue and Fielden Avenue (Danch)

Councillor Danch requested asphalt maintenance of the curb located at the corner of Highland Avenue and Fielden Avenue.

16.3 Storm Sewer - Clarence Street (Elliott)

In response to Councillor Elliott's inquiry, the Manager of Infrastructure provided details regarding the status of the Clarence Street storm sewer and advised that construction will begin in March 2024.

16.4 Pump Station - Oxford Boulevard (Bruno)

In response to Councillor Bruno's inquiry, the Director of Public Works advised that he will contact the Niagara Region staff to address the overgrown trees surrounding the pump station located at Oxford Boulevard.

16.5 Reservoir Tank - Reservoir Park (Bruno)

Councillor Bruno requested that the reservoir at the Reservoir Park be decommissioned earlier than the schedule timeframe. In response, the Director of Public Works stated that he will contact the Regional

Municipality of Niagara to gather more details regarding the future plans for the site.

16.6 Municipal Drains - Training (Bruno)

Councillor Bruno requested that Council be provided training for the Court of Revision/Tribunal processes for Municipal Drains. The Director of Public Works confirmed that he will consult with the Drainage Superintendent and explore possible options for training.

16.7 Tribute (Bruno)

In response to Councillor Bruno's request to explore ways to honor individuals who have gained notoriety in business, culture, music, and the arts, the Chief Administrative Officer confirmed that he will explore all possible options.

16.8 Vision Zero Road Safety Initiative - Red Light Cameras (Bagu)

In response to Councillor Bagu's inquiry, the Chief Administrative Officer provided an overview of the Vision Zero Road Safety Initiative implemented by the Niagara Region.

17. Consideration of Items Requiring Separate Discussion

17.1 Final – Comprehensive Community Improvement Plan, 2023-239

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That Development and Legislative Services Department Report 2023-239 be received; and

That City's new Comprehensive Community Improvement Plan (CIP) be adopted; and

That the by-law attached as Appendix B to Development and Legislative Services Department Report 2023-239, being a by-law to designate the Port Colborne Comprehensive Community Improvement Project Area and repeal By-laws 1847/112/86, 5239/145/08, 5526/123/10, 5722/153/11, 5822/76/12, and any amendments thereto, **BE APPROVED**; and

That the by-law attached as Appendix C to Development and Legislative Services Department Report 2023-239, being a by-law to Adopt the Port Colborne Comprehensive Community Improvement Plan, Repeal By-laws 5525/122/10, 5240/146/08, 5769/25/12, 5823/77/12 and any amendments thereto, **BE APPROVED**.

Carried

17.2 Overholt Cemetery Trust, 2023-211

Moved by Councillor M. Bagu

Seconded by Councillor F. Danch

That Corporate Services Department Report 2023-211 be received; and

That Council authorize the City Treasurer to complete, execute, and submit a transfer application form to the Bereavement Authority of Ontario (BAO) for the City of Port Colborne to become the trustee of the Overholt Cemetery Care and Maintenance Trust.

Carried

17.3 Sale of Surplus City Property - Elm and Barrick, 2023-133

Moved by Councillor G. Bruno

Seconded by Councillor R. Bodner

That Chief Administrative Office Report 2023-133 be received; and

That Council approve entering into an Agreement of Purchase and Sale with 1000427593 Ontario Inc, regarding a vacant portion of City-owned property PIN: 64141-0386 legally described as Concession 2 Part of Lot 29 RP 59R10207; PT Part 1 RP at Barrick Street and Elm Street shown in Appendix B as “#2 Parcel”;

That the by-law attached as Appendix D, being a by-law to authorize entering into an Agreement of Purchase and Sale with 1000427593 Ontario Inc, owned by ePrime Construction Management and Estate Hill Developments Inc. regarding the sale of the City-owned property at the corner of Barrick and Elm Street, be approved; and

That the Mayor and Acting City Clerk be authorized to execute any and all documents respecting the sale of these lands.

Carried

17.4 Delegation of Powers and Duties, 2023-243

Moved by Councillor M. Bagu

Seconded by Councillor T. Hoyle

That Chief Administrative Office Report 2023-243 be received; and

That the Delegation of Authority By-law attached as Appendix A of Office of the Chief Administrative Officer Report 2023-243 be approved.

Carried

17.5 Recommendation Report for Proposed Zoning By-law Amendment for 395 Elm Street - File No. D14-05-23, 2023-241

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

That Development and Legislative Services Department – Planning Division Report 2023-241 be received; and

That the Zoning By-law Amendment attached as Appendix A to Planning Division Report 2023-241 be approved; and

That Council require no further public notice in accordance with Section 34(17) of the *Planning Act*; and

That the City Clerk be directed to issue the Notices of Adoption and Passing in accordance with the *Planning Act*.

Carried

17.6 Bonfield Township and Town of Gore Bay - Support Tax Credit Increase Volunteer Firefighters

Moved by Councillor T. Hoyle
Seconded by Councillor F. Danch

That the correspondence from Bonfield Township and Town of Gore Bay regarding Support Tax Credit Increase Volunteer Firefighters, be supported.

Carried

18. Motions

19. Notice of Motions

20. Minutes of Boards & Committees

Moved by Councillor R. Bodner
Seconded by Councillor M. Aquilina

That item 20.1 be approved, as presented.

Carried

20.1 Port Colborne Public Library Board Meeting Minutes - October 4, 2023

21. By-laws

Moved by Councillor M. Bagu

Seconded by Councillor D. Elliott

That items 21.1 to 21.7 be enacted and passed, as presented.

Carried

21.1 By-Law to Regulate the Supply of Water, to Provide for Maintenance and Management of Water Works, and for the Imposition and Collection of Water, Sewage Service, and Sewer Rates

21.2 By-law to designate the Port Colborne Comprehensive Community Improvement Project Area and Repeal Various By-laws

21.3 By-law to Adopt the Port Colborne Comprehensive Community Improvement Plan and Repeal Various By-laws

21.4 By-law to Authorize Entering Into an Agreement of Purchase and Sale with 1000427593 Ontario Inc. Respecting a portion of Con 2 PT Lot 29 RP, 59R10207; PT Part 1 RP at Barrick Road and Elm Street.

21.5 By-law to Amend Zoning By-law 6575/30/18 for the lands municipally known as 395 Elm Street and the vacant hydro corridor to the south

21.6 By-law to Delegate Certain powers and Duties under the Municipal Act, S.O. 2001 c.25, the Planning Act, R.S.O. 1990 c. P. 13, and other Acts to Municipal Officers and Employees

21.7 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne

22. Confidential Items

23. Procedural Motions

24. Information items

25. Adjournment

Deputy Mayor Beauregard adjourned the meeting at approximately 8:17 p.m.

E. Beauregard, Deputy Mayor

Saima Tufail, Acting City Clerk

City of Port Colborne
Closed Session Meeting of Council Minutes

Date: Tuesday, November 28, 2023
Time: 5:30 pm
Location: Committee Room 3-City Hall
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

Members Present: M. Bagu, Councillor
E. Beauregard, Councillor (presiding officer)
F. Danch, Councillor
G. Bruno, Councillor
R. Bodner, Councillor
M. Aquilina, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor

Member(s) Absent: W. Steele, Mayor

Staff Present: S. Luey, Chief Administrative Officer
S. Tufail, Acting City Clerk

1. Call to Order

Deputy Mayor Beauregard called the meeting to order at 5:40 p.m.

2. Adoption of Agenda

Moved by Councillor M. Bagu
Seconded by Councillor D. Elliott

That the agenda dated November 28, 2023, be confirmed, as amended.

Carried

3. Disclosures of Interest

4. By-law

4.1 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne

Moved by Councillor G. Bruno

Seconded by Councillor R. Bodner

That item 4.1 be enacted and passed.

Carried

5. Confidential Items

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That Council do now proceed into closed session in order to address items 5.1 to 5.5.

Carried

5.1 Minutes of the closed session portion of the August 22, September 5 and September 9, 2023

5.2 Chief Administrative Officer Department Report 2023-230, a proposed or pending acquisition or disposition of land by the municipality or local board

5.3 Confidential Chief Administrative Officer Report 2023-233, a proposed or pending acquisition or disposition of land by the municipality or local board

5.4 Confidential Corporate Services Department Report 2023-222, personal matters about an identifiable individual and labour relations

5.5 Grievance hearing, personal matters about an identifiable individual, including municipal or local board employees, and Subsection 239(2)(d) labour relations or employee negotiations.

6. Adjournment

Council moved into Closed Session at 5:40 p.m.

Council recessed at 6:16 p.m.

Council reconvened into Closed Session at 8:31 p.m.

Deputy Mayor Beauregard adjourned the meeting at approximately 9:52 p.m.

Eric Beauregard, Deputy Mayor

Saima Tufail, Acting City Clerk

City of Port Colborne
Closed Session Meeting of Council Minutes

Date: Tuesday, December 5, 2023
Time: 5:30 pm
Location: Committee Room 3-City Hall
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

Members Present: W. Steele, Mayor (presiding officer)
M. Bagu, Councillor
G. Bruno, Councillor
R. Bodner, Councillor
M. Aquilina, Councillor
T. Hoyle, Councillor

Member(s) Absent: E. Beauregard, Councillor
F. Danch, Councillor
D. Elliott, Councillor

Staff Present: S. Tufail, Acting City Clerk (minutes)
M. Murray, Chief Human Resources Officer

1. Call to Order

Mayor Steele called the meeting to order at 5:32 p.m.

2. Adoption of Agenda

Moved by Councillor M. Bagu
Seconded by Councillor M. Aquilina

That the agenda dated December 5, 2023, be confirmed, as amended.

Carried

3. Disclosures of Interest

None.

4. By-law

Moved by Councillor T. Hoyle

Seconded by Councillor R. Bodner

That item 4.1 be enacted and passed.

Carried

4.1 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne

5. Confidential Items

Moved by Councillor T. Hoyle

Seconded by Councillor M. Bagu

That Council proceed into closed session in order to address item 5.1.

Carried

5.1 Confidential Corporate Services Department Report 2023-253 - Personal matters about an identifiable individual, including municipal or local board employees

6. Adjournment

Mayor Steele adjourned the meeting at approximately 7:33 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk

Subject: West Street Hydro Lines Project

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-214

Meeting Date: December 12, 2023

Recommendation:

That Office of the Chief Administrative Officer Report 2023-214 be received; and

That the Director of Public Works be directed to proceed with the relocation of the West Street hydro lines with service drops for streetlights, as outlined in Option 3.

Purpose:

This report proposes solutions to public safety issues brought forward by the Electrical Safety Authority (ESA) during the 2023 Canal Days Marine Heritage Festival regarding the hydro lines on West Street. The report proposes that the hydro lines be relocated and buried where electricity is required.

Background:

On the first day of the 2023 Canal Days Marine Heritage Festival (Canal Days), the ESA identified a potential public safety issue created by placing food trucks and vendors beneath the overhead hydro and utility lines that border the Welland Canal on West Street. The height of vendor displays and food trucks—many of which have tall signage and vents on their roofs—do not provide enough clearance to satisfy the requirements of the ESA. At the time of their inspection, the ESA did not provide an explanation as to why this safety issue had not been flagged in any of the previous years when food trucks and vendors occupied West Street. During Canal Days, the local electricity utility provider, Canadian Niagara Power (CNP), was able to employ a temporary solution that mitigated the safety concern and allowed Canal Days to continue. Going forward, the ESA has identified that nothing greater than 10 feet (approximately 3 metres) tall will be permitted beneath the hydro lines on West Street.

Discussion:

The ESA, which is the authority having jurisdiction over electrical work in Ontario and a regulator of CNP, have stated that sections of the *Electrical Distribution Safety Regulation* require a distance of 3 to 4.8 metres (9.8 to 15.8 feet) vertical clearance between a structure and the hydro lines. This requirement impacts not only Canal Days and any other event, but also the delivery and transport trucks (which can be up to 4 metres or 13.6 feet tall) that need access to West Street. CNP has shared that they are planning upgrades in the West Street area and would contribute funds to the relocation of the hydro lines.

In bringing forward the recommendation of this report, staff considered the following:

1. Moving Canal Days activities off West Street

Under such a scenario, a complete reconfiguration of the Canal Days layout would be necessary, which may fundamentally change the Canal Days experience for attendees, vendors, and Port Colborne businesses. Food trucks and other tall vendor displays would have no choice but to be redistributed among the feeder streets (e.g., Clarence Street, Catharine Street, Kent Street, Victoria Street, and Adelaide Street) or the opposite side of West Street. In both cases, this change would not only obstruct storefronts and residences but also create servicing challenges with connections to electrical outlets and water. Furthermore, access to power on West Street is especially limited. Running wires on the ground and over sidewalks—from the hydro poles to electrical panels to food trucks and vendors—has been a past practice that should not be relied upon anymore.

2. Working with CNP to have taller hydro poles

CNP offered one solution that would involve replacing the existing wood poles on West Street with new concrete poles that are taller and more durable during extreme weather events.

3. Relocating the hydro lines with service drops for streetlights

CNP presented a second solution that would include relocating the high-voltage lines and transformers currently on the wood poles along West Street. Additionally, installations would be buried and dropped to service streetlights and any new electrical outlets. Recognizing that there is a design component to this solution, the majority of the work would occur after Canal Days 2024 (August 2-4, 2024). CNP has indicated that, upon receiving confirmation from the City that the work would go ahead, and subject to their inspection, they are willing to work with the ESA to allow Canal Days 2024 to continue on West Street on a one-time exception basis.

West Street provides a core competitive advantage to the City from both a lifestyle and economic development and tourism point-of-view. The relocation of the hydro lines represents a major improvement that rectifies more than just the Canal Days safety issue but would also benefit the downtown economy on which West Street businesses rely and open opportunities for future beautification efforts along West Street. The design process would allow staff to account for adding new electrical outlets that can be strategically placed along West Street, reduce the annual costs spent on electrical contractors during Canal Days, alleviate the risks and hazards associated with running wires on the ground and over sidewalks, and give groups like the Downtown Business Improvement Area opportunities to activate the Promenade with displays and interactive activities to draw more residents and visitors to the City's core.

Report 2023-181 (Rural Economic Development Program – Amending Agreement; September 12, 2023) regarding the West Street Renewal Project noted that staff continue to believe in the importance of refreshing the street's aesthetic appeal, maintaining its unique character, and giving Port Colborne's waterfront new vitality—all of which are supported by the various grant programs contributing to West Street's renewal.

Internal Consultations:

Internal consultations have included Public Works, Economic Development & Tourism Services (including Events), and Financial Services as part of a joint effort to seek solutions to the issue identified by the ESA, reevaluate the Canal Days layout, liaise with CNP as the public utility provider, and identify the potential to redistribute allocated grant funds towards this project. Staff also conferred with the Canal Days Committee regarding addressing the safety issue by moving Canal Days activities entirely off West Street.

Financial Implications:

The project cost for option 2—taller (concrete) hydro poles—is estimated at \$1,100,000 (inclusive of contingency), of which \$136,000 could be funded by CNP. This cost does not include improvements to lighting or additional poles. Given the taller poles would have only a minor effect on beautification and street functionality, the grants identified in option 3 would not be available. The City would have to fund the remaining \$964,000 through reserves.

The project cost for option 3, being the recommended project, is estimated at \$2,176,000 (inclusive of contingency). This estimated cost includes relocating West

Street's hydro lines to Catharine Street and replacing the streetlights with decorative and other lights where warranted.

The funding model for the recommended project uses grant funds as follows.

Project Cost	\$2,176,000	
Canadian Niagara Power (CNP)	<u>\$546,000</u>	\$1,630,000
Grant – Canada Community-Building Fund	\$509,845	
Grant – Canada Community Revitalization Fund (CCRF)	\$497,675	
Grant – Strategic Priorities Infrastructure Fund (SPIF)	\$441,630	
Grant – Rural Economic Development (RED)	<u>\$180,850</u>	\$1,630,000
		<u>\$ –</u>
CCRF – FedDev Ontario; SPIF – Ministry of Infrastructure; RED – Ministry of Agriculture, Food & Rural Affairs (OMAFRA)		

Any road or sidewalk repair required during the project would be funded through the City's road and sidewalk budgets.

Staff highlight that the CCRF, SPIF, and RED grants were previously allocated to other "West Street Renewal" capital projects. Should Council proceed with the project recommended in this report, the following adjustments to previously approved capital projects will be required:

Project #	Project	Approved Budget	Reduction	Adjusted Budget	Spend To Date	Available Funds
22C-PW-B13	A.13 Waterfront Centre	\$1,145,500	\$497,675	\$647,825	\$254,224	\$393,601
22C-PW-R23	West Street Streetscaping	\$437,150	\$437,150	\$ –	\$ –	\$ –
22C-PW-R24	Wayfinding	\$130,000	\$74,670	\$55,330	\$ –	\$55,330
						\$448,931

Project #22C-PW-R23 would be closed out with a budget of zero.

Staff have consulted the funding administrators at the provincial and federal levels about using portions of the approved grants on this project. The funding administrators are supportive, seeing as these capital upgrades and improvements to West Street fall within the scope of the originally proposed projects.

Importantly, staff also note that the CCRF grant must be spent by February 29, 2024.

Public Engagement:

Should Council proceed with option 3, as recommended in this report, the project would be added to Let's Connect, Port Colborne—the City's new online community engagement platform.

Because the project requires design, construction is not anticipated until after Canal Days 2024. Staff will use the time before then to consult with residents and businesses located on and near West Street and Catharine Street that could be affected by the project. Few or several adjoining streets—determined at CNP's discretion—may need to have new overhead and underground circuits added as a result of relocating some of West Street's lines and transformers.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
- Economic Prosperity
- Sustainable and Resilient Infrastructure

Conclusion:

West Street provides a core competitive advantage to the City of Port Colborne. Arising out of the need to address a public safety issue brought forward by the ESA, this report proposes that the hydro lines on West Street be relocated and buried where electricity is required. The proposed project serves as an opportunity to resolve West Street's limitations to delivery and transport truck access, hosting annual events such as Canal Days, and clears the way for future beautification projects to enhance the area's crucial role in attracting community and visitor activity.

Conclusion:

- A. Pictures of West Street hydro lines

Respectfully submitted,

Greg Higginbotham
Tourism & Strategic Projects Coordinator
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Joe Colasurdo
Manager of Infrastructure
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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.





Subject: West Street Road Closure (Extension)

To: Council

From: Development and Legislative Services Department

Report Number: 2023-249

Meeting Date: December 12, 2023

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2023-249 be received; and

That the road closure extension of West Street from Victoria Street to Adelaide Street until April 30, 2024, as detailed in Appendix A of Report 2023-249, be approved.

Purpose:

The purpose of this report is to seek Council's approval of a road closure extension of West Street from Victoria Street to Adelaide Street. This report comes in response to an urgent request by Rankin Construction to continue the roadway closure of West Street to allow for the safety of workers and residents until April 30, 2024.

Background:

The South Port Condominium Development on West Street, approved in 2021 via the Site Plan process, is presently progressing with its construction. Since 2021, a portion of West Street has been closed to protect members of the public from construction hazards caused by the limited right of way and the road width near the site. Construction progress has been hindered by Covid restrictions, requiring an extension of the project duration, as detailed in the request attached as Appendix A to this report.

Discussion:

This report has been prepared in response to an urgent extension request from the contractor. The City of Port Colborne Public Works and the City's Planning Divisions have both been circulated on the request and agree with the proposed extension of the road closure.

As detailed in Appendix A, the request is to maintain the road closure until April 30, 2024. The ongoing construction phase is progressing towards the installation of bricks for the outer façade of the development, which requires the use of scaffolding. Opening the area to vehicles and residents during this phase poses a significant risk to public safety due to the construction hazards.

Upon reviewing the request from the contractor, attached as Appendix A, staff explored the alternative to extending the road closure, which would be to open the roadway as per the original timeline approved by the City. If Council permits the roadway to open as originally planned, the contractors would need to build their scaffolding for the next phase of the development on the sidewalk due to the lack of space between the edge of the sidewalk and the building façade.

Erecting scaffolding on a City sidewalk would result in the closure of the sidewalk to protect pedestrians from construction materials and other environmental hazards created by the use of scaffolding. Vehicular traffic would also be at risk of damage from falling construction materials because of the limited space from the sidewalk to the road. During snowfalls, the scaffolding would create a situation where there is no safe space to store snow from the sidewalks, and there would be an additional safety hazard created from the potential of a snowplough hitting the scaffolding and causing it to fall.

After considering alternative measures to allow the roadway to reopen while protecting public safety, based on the details provided in Appendix A, staff concluded that the most viable and safe choice remains maintaining the roadway closure until April 30, 2024, due to the road's width constraints and the pending works essential for completion.

Internal Consultations:

The Planning Division collaborated with the City's Public Works Division to consider alternatives to extending the roadway closure. Both Divisions ultimately concluded that the extended closure of the roadway, as detailed in Appendix A, is required to protect members of the public from ongoing construction hazards.

Financial Implications:

This section is not applicable.

Public Engagement:

As this proposed roadway closure extension is a public safety matter, staff have not provided and venue for public engagement. This decision has been made due to the safety issues the construction will entail.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcoming, Livable, Health Community
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
-

Conclusion:

Staff recommend that Council approve the extension of the West Street road closure until April 30, 2024, as per the Appendix A, to protect members of the public from the construction hazards posed by the ongoing work at the South Port Condominium Development.

Appendices:

A. West Street Closure Extension - Nov. 27, 2023

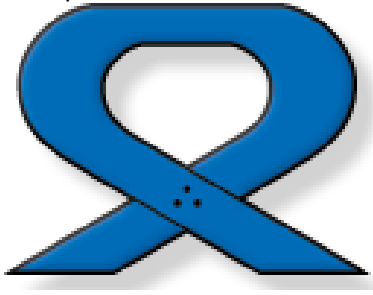
Respectfully submitted,

Adam Motchka,
Development Services Supervisor
(905) 835-2900 x225
Adam.Motchka@portcolborne.ca

Denise Landry, MCIP, RPP
Chief Planner
(905) 835-2900 x203
denise.landry@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



Rankin Construction Inc.

CONTRACTORS & ENGINEERS

20 Corporate Park Drive
Suite 100-101
St. Catharines, Ontario
L2S 3W2
Telephone: (905) 684-1111
Fax: (905) 684-2260
stcath@rankinconstruction.ca

605 James Street North
3rd Floor
Hamilton, Ontario
L8L 1K1
Telephone: (905) 525-5153
Fax: (905) 525-9110
ham@rankinconstruction.ca

City of Port Colborne
City Hall
66 Charlotte Street
Port Colborne, ON L3K 3C8

November 27th, 2023

Dear City of Port Colborne,

Subject: Request for Extension of Closure for West Street Road Until April 30, 2024

I hope this letter finds you well. I am writing to address the pressing need to extend the closure of West Street Road until April 30, 2024, due to essential safety concerns and ongoing construction activities in the area.

As you are aware, the closure of West Street Road has been in effect for several years, initially intended for reopening by December 2023. However, unforeseen delays in the construction schedule have emerged as a result of the Covid-19 Pandemic and its effect on labor and supply chain, which has impacted the completion timeline.

Primarily, our imperative concern revolves around the safety of the public and workers involved in the ongoing construction projects along West Street. The execution of masonry brickwork necessitates the use of scaffolding, which poses inherent risks and hazards to pedestrians and vehicular traffic passing through the area. Ensuring a safe environment during this critical phase of construction remains our paramount priority.

Furthermore, essential road works along West Street are yet to be finalized, compelling us to maintain the closure to facilitate the completion of these crucial infrastructural enhancements. The completion of these road works is fundamental to ensuring the safety and durability of the thoroughfare for all future users.

In light of these circumstances, it is imperative to extend the closure of West Street Road until April 30, 2024, to guarantee the seamless execution of construction activities, ensuring the highest standards of safety and quality for the residents and visitors of Port Colborne.

We deeply appreciate your understanding and cooperation in this matter. If you require any further information or clarification, please do not hesitate to contact me at 289-969-7008 or via email at jfrank@rankin.ca.

Thank you for your attention to this matter.

Sincerely,

Jim Frank, P.Eng., MBA
Rankin Construction Inc.



Subject: Expropriation / Acquisition of Bridge Street, Lock Street and Park Avenue in the Central Park Subdivision

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-244

Meeting Date: December 12, 2023

Recommendation:

That Chief Administrative Office Report 2023-244 be received; and

That the Mayor and Acting City Clerk be directed to sign the Application for Vesting Order to be filed with the Land Registry Office.

Purpose:

The purpose of this report is to provide an update on the expropriation of the old laneways located at Lockview Park and to outline the next steps in the process including the acquisition of these lands.

Background:

City tax records and a title search revealed that the property legally described as Plan 836 PT Lock Street Pt. is owned by two individuals who purchased the property from the City in 1919 (see Appendix A). Attempts to contact the owners over the past 30 years have been unsuccessful as there is no address or other contact information for the individuals or their estates.

The current laneways, which were registered as part of Plan 836, bisect the City-owned property of Lockview Park and it is the City's wish to join all parcels together into one parcel under City ownership.

The recommendation from the City Solicitor was to expropriate the lands through the process outlined in the *Expropriations Act, R.S.O 1990, c. E.26*, as amended ("the Act") has been followed. A survey has been completed and registered as Reference Plan 59R-17185 (see Appendix B) and the prescribed public engagement has taken place. As per Act, Public Notice of Application for Approval to Expropriate Land was advertised

for three (3) consecutive weeks specifically March 24, March 31, and April 7, 2022, in the Port Colborne Leader and there was no response to request a hearing of necessity.

Extensive efforts were taken to find the family descendants, but none were located.

The expropriation process commenced with Council Approval through Report 2022-92. Once the process started it was determined by the City Solicitor that an alternative course of action existed for the acquisition of this property.

A Notice of Application was filed and the City was successful with an Order of Application approved by the Courts. The City Solicitor then filed a Motion of Record to Dispense with Service. The City was again successful and received an Order to Dispense with Service which was issued on October 24, 2023.

The final step is to file an Application for Vesting Order with Land Registry Office.

This application will allow for the City to complete the acquisition of Plan 836 PT Lock Street Pt. Bridge Street, Lock Street and Park Avenue in the Central Park Subdivision, Registered as Central Park Subdivision 836, for the village of Humberstone described as Parts 1, 2, 3 and 4 on Reference Plan 59R-17185 shown in Appendix B

Discussion:

The City plans to redevelop this park property into a more fulsome neighbourhood park. The entire parcel will be crucial for other future development needs in this area of the City. Resolving the ownership issue through the acquisition process is an important step in this planning schedule. City staff will be bringing forward these future redevelopment plans in 2024.

Financial Implications:

The legal, public notice, survey fees and were funded through the Economic Land Reserve and will be replenished through future land proceeds.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
- Economic Prosperity
- Increased Housing Options

- Sustainable and Resilient Infrastructure
-

Conclusion:

There are privately owned laneways running through City-owned Lockview Park. Staff feel that the City should have ownership over this area for risk management and liability, and for future redevelopment. Attempts to reach the owners over the past 30 years have been unsuccessful and the expropriation process has been completed. To finalize the acquisition of this property, staff recommend that Council direct the Mayor and Acting City Clerk to sign the Application for Vesting Order and have the City Solicitor file it with the Land Registry Office.

Appendices:

- a. Map (Plan 836)
- b. Reference Plan 59R-17185

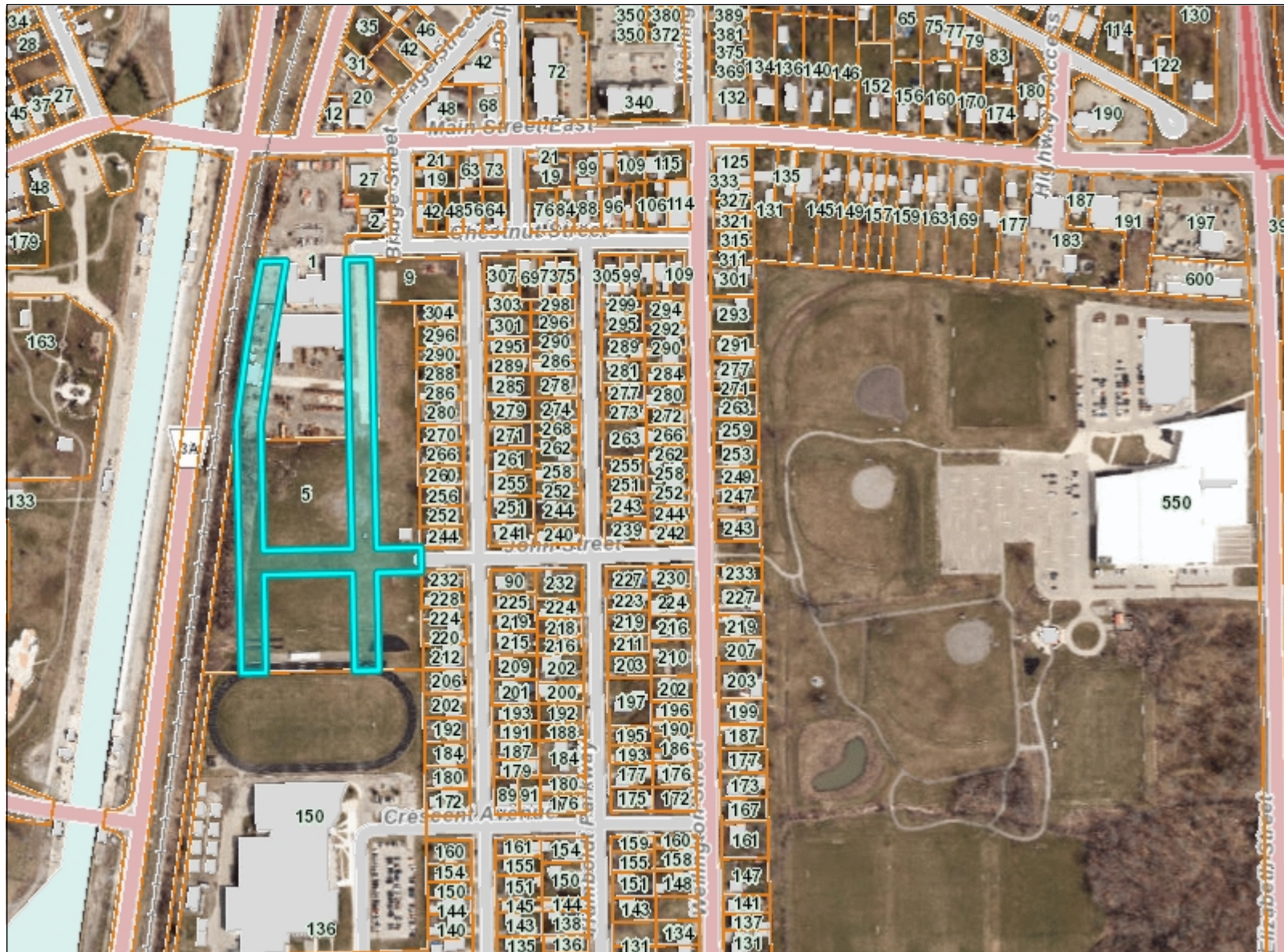
Respectfully submitted,

Bram Cotton
Economic Development Officer
(905) 835-2900 Ex. 504
Bram.Cotton@portcolborne.ca


Gary Long
Manager of Strategic Initiatives
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Gary.Long@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



Legend

 Parcel Fabric

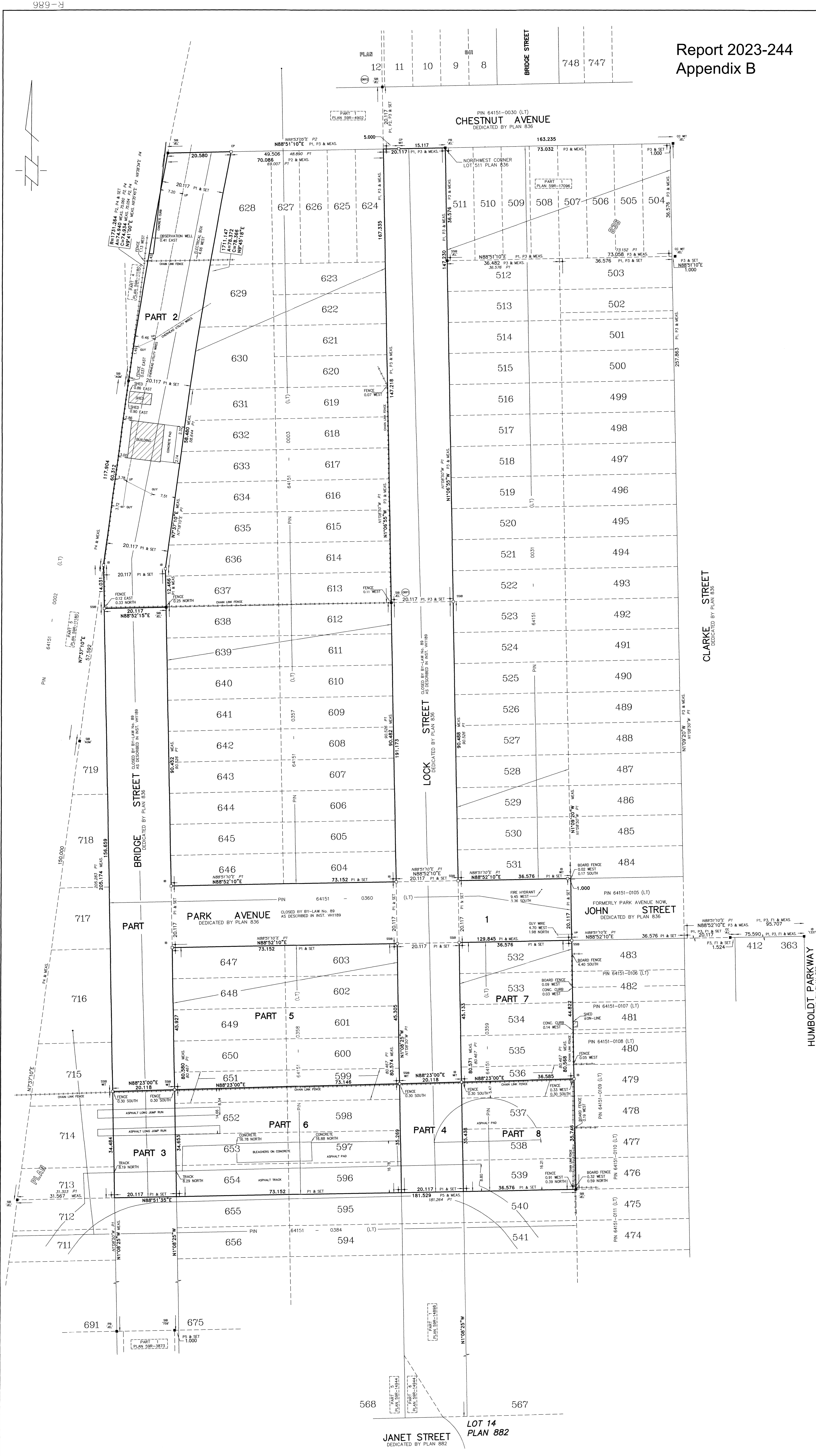
254.0 0 127.00 254.0 Meters

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



Notes



Report 2023-244
Appendix B

1 REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: JANUARY 10, 2022

MARK GILMORE
ONTARIO LAND SURVEYOR

PLAN 59R-17/85

RECEIVED AND DEPOSITED
DATE: 2023.10.10.8

Andrienne Fogarty
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF NIAGARA SOUTH (25)

SCHEDULE			
PART	LOT/STREET	PLAN	PIN
1	PART OF BRIDGE STREET, PARK AVENUE & LOCK STREET (CLOSED BY BY-LAW No. 89 AS DESCRIBED IN INST. V11189)		
2	PART OF BRIDGE STREET (CLOSED BY BY-LAW No. 89 AS DESCRIBED IN INST. V11189)		ALL OF PIN 64151-0360 (LT)
4	PART OF LOCK STREET (CLOSED BY BY-LAW No. 89 AS DESCRIBED IN INST. V11189)		
5	PART OF LOTS 599 & 601 (CLOSED BY BY-LAW No. 89 AS DESCRIBED IN INST. V11189)	836	
6	PART OF LOTS 599 & 601 (CLOSED BY BY-LAW No. 89 AS DESCRIBED IN INST. V11189)		ALL OF PIN 64151-0358 (LT)
7	LOTS 532, 533, 534 & 535 (PART OF LOT 536)		
8	LOTS 532, 533 & 535		ALL OF PIN 64151-0359 (LT)

PLAN OF SURVEY OF

PART OF BRIDGE STREET, PARK AVENUE & LOCK STREET (CLOSED BY BY-LAW No. 89 AS DESCRIBED IN INST. V11189)

LOTS 532 to 539 (both inclusive)
LOTS 596 to 603 (both inclusive)
LOTS 647 to 654 (both inclusive)
PLAN 836

IN THE

CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1:400

LANTHIER & GILMORE SURVEYING LTD.
2022

LEGEND

• DENOTES SURVEY MONUMENT FOUND	• JEL DENOTES LANTHIER & GILMORE SURVEYING LTD.
• SURVEY MONUMENT SET	• D.G. MARK, C.L.S.
• STANDARD IRON BAR	• "AGM" - ARCHIBALD, GRAY & MCKAY SURVEYING LTD.
• SHORT STANDARD IRON BAR	• PLAN 836
• IRON BAR	• PLAN 59R-4902
• ROUND IRON BAR	• PLAN 59R-17096
• PLASTIC BAR	• PLAN 59R-11180
• CUT CROSS	• PLAN 59R-14844
• CONCRETE PIN	• "1337" FILE NO. 02-3902
• WITNESS	• RADIUS
• ORIGIN UNKNOWN	• A
• OBSERVED REFERENCE POINT	• GUY WIRE
• MEASURED	• UTILITY POLE

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP) DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, UTM ZONE 17, NAD 83 (CSRS) (1997).

COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.R.G. 216/10.

POINT ID	NORTHING	EASTING
ORP1	4,751,118.36	643,377.60
ORP2	4,751,285.64	643,374.34

CAUTION

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BEARING NOTE

BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS FROM MONUMENTS ORP1 TO ORP2, SHOWN HEREON, HAVING A BEARING OF N106°55'W REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE) NAD 83 (CSRS) (1997).

FOR BEARING COMPARISONS, A ROTATION OF 1° 31' 50" IN A COUNTER CLOCK-WISE DIRECTION WAS APPLIED TO BEARINGS ON PLAN 836.

FOR BEARING COMPARISONS, A ROTATION OF 2° 06' 25" IN A COUNTER CLOCK-WISE DIRECTION WAS APPLIED TO BEARINGS ON PLAN 59R-4902.

DISTANCE NOTES

METRIC CONVERSION

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

GRID SCALE CONVERSION

DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES AND CAN BE USED TO COMPUTE GRID COORDINATES BY MULTIPLYING THE DISTANCES BY A COMBINED SCALE FACTOR OF 0.999832.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON JANUARY 6, 2022.

DATE: JANUARY 10, 2022

MARK GILMORE
ONTARIO LAND SURVEYOR

LANTHIER & GILMORE SURVEYING LTD.
1715 DUNDAS ST. PORT COLBORNE, ONT. (S95) S35-547

SCALE: 1:400 DR. BY: CM JEL FILE: 22-605 R-686



Subject: Shared Services Update – Wainfleet and Port Colborne

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-251

Meeting Date: December 12, 2023

Recommendation:

That Chief Administrative Office Report 2023-51 be received; and

That Council adopt the Shared Services Principles attached to this report as Appendix A; and

That Council direct Port Colborne Staff to continue exploring shared services opportunities with Wainfleet Staff.

Purpose:

This report is provided to seek Council adoption of the Shared Services Principles that will apply to shared services discussions with Township of Wainfleet staff and to seek continued direction from Council for staff to continue shared services discussions with the Township of Wainfleet.

Background:

During the last term of Council, the Province conducted a 'regional review' in numerous two-tier jurisdictions in Ontario. In Niagara, 2 facilitators interviewed a number of municipal officials including the City's Mayor and Chief Administrative Officer.

The final recommendation of the facilitator, and the Province's ultimate decision, was to avoid a Provincially-mandated restructuring and allow municipalities to administer their own service delivery changes with an emphasis on shared service delivery.

Since that time, municipal administrators in Niagara have been reviewing service delivery and exploring opportunities to share services. There is a region-wide group

meeting frequently to determine the best service delivery models for a variety of municipal services.

Staff in Wainfleet and Port Colborne believe there are also opportunities to share services as partner municipalities due to the geographic proximity of the City and Township. Earlier this year, staff and the Mayors of both municipalities met to discuss the potential for formalizing the idea of shared services.

Discussion:

While meeting with the Mayors of Wainfleet and Port Colborne, staff from both municipalities laid out a plan to enter into a memorandum of understanding (MOU) that would provide a framework where shared services would be considered when an opportunity arose from a vacant position or a change in the regulatory environment. At the same meeting, it was decided to provide an education session to both municipal councils to provide information on shared services models and to analyze some cases where shared services have been successfully implemented in other areas of Ontario.

A closed meeting of Port Colborne Council was held on September 5, 2023, and the Chief Administrative Officer was directed to enter into a MOU with the Chief Administrative Officer of the Township of Wainfleet.

A Special Joint Meeting of Port Colborne Council and Wainfleet Council was held on October 16, 2023. At the meeting, the MOU was adopted by Port Colborne Council in open session. Wainfleet Council also adopted the MOU the same day.

At the same meeting, in closed session, both Councils participated in a facilitated training session on shared services models. At the end of the meeting, staff from both municipalities were directed to develop a set of principles that would guide shared services discussions in the future and continue to identify opportunities for shared services between Wainfleet and Port Colborne.

Since the joint meeting of both Councils, staff have met several times and developed a set of principles for each Council to consider and adopt. These principles are attached as Appendix A to this report.

Staff have also continued to meet and explore opportunities for shared services and will continue to do so and present the results to both municipal Councils.

Internal Consultations:

A number of staff from various departments have been working on shared services initiatives and scanning the operating environment in search of appropriate shared services opportunities.

Financial Implications:

There are no financial implications at this time.

Public Engagement:

To date, there have only been informal discussions with Wainfleet staff. Public Engagement has not been necessary at this time.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
-

Conclusion:

The City of Port Colborne and the Township of Wainfleet have entered into a Memorandum of Understanding respecting a shared services delivery model for delivering municipal programs and services.

At the direction of Council, staff from both municipalities have drafted a set of principles for Council adoption.

This report seeks adoption of these principles and staff direction to continue exploring shared services with the Township of Wainfleet.

Appendices:

- a. Appendix A – Draft Shared Services Principles

Respectfully submitted,

Scott Luey
Chief Administrative Officer
(905) 835-2900 ext. 306
Scott.Luey@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

Successfully sharing municipal services

***Principles to help guide the
process of establishing
shared services.***

Guiding Principles

We establish these principles to guide staff and Council actions and manage expectations on the shared services voyage!

Shared Goals & Objectives

Work together to define clear, common goals and objectives that are regularly revisited.

Value for Money

Arrangements should deliver service enhancements, a reduction in overall cost, or cost-avoidance.

Workforce Levels & Employee Mobility

While workforce levels change from time to time, they should not change as a result of shared services. Employees may naturally move between organizations; shared services are not intended to attract employees from one municipality to another.

Mutual Benefit

Each community must gain from the shared service arrangement.

Flexibility & Adaptability

Opportunities for continuous improvement should be seized when circumstances arise.

Embracing Technology

We will commit to leveraging technology to support sharing of services.

Risk Mitigation

We will work collectively to identify, assess, and mitigate potential risks associated with shared services. Some risks could include financial, operational, legal, and service continuity risks.

**Subject: Niagara Gateway CIP Application 1555 Elm Street
Jungbunzlauer Canada Inc.**

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-220

Meeting Date: December 12, 2023

Recommendation:

That Officer of the Chief Administrative Officer Report 2023-220 be received; and

That the Gateway CIP Tax Increment Grant for Jungbunzlauer Canada Inc. for property located at 1555 Elm Street be approved; and

That the Economic Development Officer be directed to send notice of the approval to the Niagara Region.

Purpose:

The purpose of this report is to provide Council with a recommendation for the application made by Jungbunzlauer Canada Inc. (JBL) for a Niagara Gateway Economic Zone and Centre Community Improvement Plan (Gateway CIP) Tax Increment Grant (TIG). The applicant proposes to undertake a significant facility build at 1555 Elm Street to produce a new product line and supports the expansion of existing businesses within the City while encouraging future economic development.

Background:

The Niagara Gateway Economic Zone and Centre Community Improvement Plan (Gateway CIP) provides eligible projects with property tax reductions of between 40% and 100% for five to ten years to eligible property owners in the municipalities of Fort Erie, Niagara Falls, Port Colborne, Thorold, and Welland. Those same projects are also eligible for grants to cover Regional Development Charges. Projects that promote private sector investment, development, redevelopment, and construction activity in strategic zones identified in each City may be eligible.

The Tax Increment Based Grant Program provides an incremental tax grant to completed projects within the Gateway Project Area based on the project's economic and environmental design performance. Successful applicants will receive a tax rate rebate of a percentage of the post-project values, for a period of five or ten years depending on the location of the project. The tax savings resulting from this program can be a significant incentive for development.

The City acts in partnership with the Niagara Region on the assessment and monitoring of this program and will ensure that the applicant continues to meet all obligations of the City prior to the tax rebate being paid each year.

Discussion:

The project that is proposed at 1555 Elm Street is an eligible project under the terms of the Gateway CIP and will result in significant improvements to the vacant land. Development costs are estimated to be well in excess of \$100,000,000 and the total estimated grant over the ten-year period from the City and Niagara Region is \$15,020,121 for the initial phase. There is potential for an additional two phases. Conditions in phase one must be met before future phases would be included in the CIP.

The final schedule of grant payments will be contingent upon the new assessment by MPAC following completion of the project. The applicant will be required to enter into a Tri-Party Agreement with the City and Region outlining the terms and conditions of the funding. This agreement would be authorized and signed by the Mayor and Acting City Clerk and forwarded to the Region for signature. The payment of grants will commence upon verification of the program requirements and reassessment of the property by MPAC (Municipal Property Assessment Corporation). Applicants are given 365 days from the issuance of an occupancy permit within which to contact the City regarding the achievement of the eligibility points outlined in their submission. The City of Port Colborne and Niagara Regional Economic Development staff will verify that all conditions are met. JBL will be required to provide proof yearly that the conditions of the agreement continue to be met prior to receiving the tax rebate. The rebate amount remains constant throughout the 10-year period.

For the applicant to continue to be eligible for the tax rebate grant, approval must be granted by the City prior to building permits being issued. JBL staff would like to submit building permit applications as soon as possible to the City for review. To this end, they are seeking approval of the Gateway TIG incentives from the City and the Region to allow them to proceed with building permit applications to keep the project timelines on track. Staff will bring the Grant Agreement and by-law to a future meeting of Council in 2024.

The agreement will also outline the terms and conditions of the grant payments over the ten-year period. Key terms and conditions include the following:

- Property owner must maintain property taxes in good standing. Properties must have no outstanding work orders and/or orders or request to comply from a City department or other regulatory authority.
 - Annual grant payments after the first grant payment are adjusted downward in the event the municipal tax increment in any subsequent year has been reduced.
 - If the property taxes are owing for more than one full year, the City will have the option, without notice and at its own discretion, to terminate all future grant payments.
 - In the event of the sale, conveyance, transfer or entering into any agreement of sale or transfer of the title of the property, the City shall have absolute discretion in ceasing any further grant payments.
 - Where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City, the City may, at its discretion and without notice, terminate all future grant payments. Applicants are individuals, corporate entities, and individuals behind the corporation (Officers/Directors/shareholders).
-

Internal Consultations:

The Niagara Gateway Economic Zone and Centre Community Improvement Plan (Gateway CIP) application, submitted by JBL, has been reviewed by the Niagara Region and City of Port Colborne Economic Development staff.

Based on the points-based scoring system, a preliminary review of the information for the criteria of construction value, number of full-time jobs created and Environmental Design Performance (Smart Growth Criteria) the applicant has scored 17 points. This score makes the applicant eligible for an 85% reduction on the incremental tax assessment. The applicant would be eligible for a 10-year grant from the City and 10 years from Niagara Region for the first phase. The potential subsequent phases would score 19 for a 95% TIG Grant and 20 for 100%, should they proceed and continue to meet the Gateway CIP guidelines.

There is potential for an additional two phases of expansion in the medium and longer term bringing further investment and increases in jobs and tax assessment to the City.

Financial Implications:

Over the next 10 years the City will see an increase in tax assessment for this property, to be determined by MPAC. There will be no negative tax impact to the City as JBL will be required to pay 100% taxes on the property on an annual basis. Provided the applicant meets the Gateway CIP program criteria annually, they will be entitled to a tax rebate of 85%, which, over the initial ten-year period, amounts to an estimated \$8,615,984.63. The two additional phases would be eligible for a 95% and 100% TIG Grant respectively if they are constructed and the company continues to meet the criteria. Phase one, two, and three are attached as Appendix A, B, and C, respectively.

The estimated increase in City property taxes to be received from the first project resulting in TIG 1 (Appendix A), is \$4,133,500 over the 10 years of TIG 1. This figure is over and above the grant that will be funded from the project, as illustrated in Appendix D.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
- Economic Prosperity

Conclusion:

The City of Port Colborne has put in place a number of CIP programs aimed at increasing industrial development, tax assessments, and employment within the City. The Gateway CIP is one of these programs and Jungbunzlauer Canada Inc., located at 1555 Elm Street, is making a significant investment in expansion and has expressed that the Gateway Grant was an important consideration in their decision-making process. The applicant has met all the criteria of the grant, and the approval of the Gateway CIP TIG supports the principles of the program including development and regeneration. The tri-party agreement and by-law will be brought to a future Council meeting for approval.

Appendices:

- a. JBL Phase 1 TIG Calculation
- b. JBL Potential Phase 2 TIG Calculation
- c. JBL Potential Phase 3 TIG Calculation
- d. City Tax Increase over 10-year TIG

Respectfully submitted,

Bram Cotton
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Gary Long
Manager of Strategic Initiatives
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Gary.Long@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

**NIAGARA ECONOMIC GATEWAY & COMMUNITY IMPROVEMENT PLANS
TAX INCREMENT GRANT PROGRAM ESTIMATE**

Municipality: Port Colborne
Address: 1555 Elm Street
Roll Number:
Pre Project Year: 2023
Post Project Year: 2023

Report 2023-220
Appendix A

	Industrial	Residential	Industrial	Total Pre-Project Taxes	Industrial	New Multi-residential	Commercial	Total Post Project Taxes	Tax Increment	Annual Grant amount
Class Code	IT	RT	IT		IT	NT	CT			
Assessment Value ¹	\$30,000,000.00	\$0.00	\$0.00		\$67,500,000.00	\$0.00	\$0.00			
Municipal Taxes ^{2,3,4}	\$810,916	\$0	\$0	\$810,916	\$1,824,561	\$0	\$0	\$1,824,561	\$1,013,645	\$861,598
Regional Taxes ^{5,6,7}	\$602,742	\$0	\$0	\$602,742	\$1,356,170	\$0	\$0	\$1,356,170	\$753,428	\$640,414
Provincial Taxes ^{8,9,10}	\$264,000	\$0	\$0	\$264,000	\$594,000	\$0	\$0	\$594,000	N/A	
					Total				\$1,767,073.13	
					% of Tax Increment Year 1 ¹¹				85.00%	
					Annual Grant Payment ¹³				\$1,502,012.16	

This estimates the completed project being assessed at \$67,500,000.00 based on cost of land and construction costs; actual assessment will be completed by MPAC following the project completion. Existing assessment value is based on estimated 2023 MPAC assessment. These calculations reflect the grant percentage that would be received based on a project score of 17. These results are estimated using the 2023 tax rates. Actual annual amount will be based on the grant percentage applied to the incremental taxes paid each year for the duration of the grant however may be subject to a reduction should the taxes owing be reduced in any given year due to a assessment appeal.

¹ Both Pre- and post-project completion assessments are estimates and may be subject to change.

- 2 Municipal Industrial Tax Rate
3 Municipal Residential Tax Rate
4 Municipal Industrial Tax Rate
5 Regional Industrial Tax Rate
6 Regional Residential Tax Rate
7 Regional Industrial Tax Rate
8 Education Industrial Tax Rate
9 Education Residential Tax Rate
10 Education Industrial Tax Rate

Pre-Project Tax Rates	Post-Project Tax Rates
0.02500324	0.02500324
0.01027777	0.01027777
0.02703054	0.02703054
0.01858456	0.01858456
0.00763932	0.00763932
0.02009141	0.02009141
0.0088	0.0088
0.00153	0.00153
0.0088	0.0088

¹³ This is an estimate only and does not constitute any guarantee or assurance of a grant and should not be relied upon as such.

SUMMARY FORECAST (excluding education)

Event	Year	Grant %	Municipal Grant Estimate	Regional Grant Estimate	Total Grant Estimate
Base year	2023				
Grant Year 1	2023	85%	\$ 861,598.46	\$ 640,413.69	\$ 1,502,012.16
Grant Year 2	2024	85%	\$ 861,598.46	\$ 640,413.69	\$ 1,502,012.16
Grant Year 3	2025	85%	\$ 861,598.46	\$ 640,413.69	\$ 1,502,012.16
Grant Year 4	2026	85%	\$ 861,598.46	\$ 640,413.69	\$ 1,502,012.16
Grant Year 5	2027	85%	\$ 861,598.46	\$ 640,413.69	\$ 1,502,012.16
Grant Year 6	2028	85%	\$ 861,598.46	\$ 640,413.69	\$ 1,502,012.16
Grant Year 7	2029	85%	\$ 861,598.46	\$ 640,413.69	\$ 1,502,012.16
Grant Year 8	2030	85%	\$ 861,598.46	\$ 640,413.69	\$ 1,502,012.16
Grant Year 9	2031	85%	\$ 861,598.46	\$ 640,413.69	\$ 1,502,012.16
Grant Year 10	2032	85%	\$ 861,598.46	\$ 640,413.69	\$ 1,502,012.16
Total Estimate	Total Estimate		\$ 8,615,984.63	\$ 6,404,136.94	\$ 15,020,121.56

**NIAGARA ECONOMIC GATEWAY & COMMUNITY IMPROVEMENT PLANS
TAX INCREMENT GRANT PROGRAM ESTIMATE**

Municipality: Port Colborne
Address: 1555 Elm Street
Roll Number:
Pre Project Year: 2023
Post Project Year: 2023

Report 2023-220
Appendix B

	Industrial	Residential	Industrial	Total Pre-Project Taxes	Industrial	New Multi-residential	Commercial	Total Post Project Taxes	Tax Increment	Annual Grant amount
Class Code	IT	RT	IT		IT	NT	CT			
Assessment Value ¹	\$67,500,000.00	\$0.00	\$0.00		\$112,500,000.00	\$0.00	\$0.00			
Municipal Taxes ^{2,3,4}	\$1,824,561	\$0	\$0	\$1,824,561	\$3,040,936	\$0	\$0	\$3,040,936	\$1,216,374	\$1,155,556
Regional Taxes ^{5,6,7}	\$1,356,170	\$0	\$0	\$1,356,170	\$2,260,284	\$0	\$0	\$2,260,284	\$904,113	\$858,908
Provincial Taxes ^{8,9,10}	\$594,000	\$0	\$0	\$594,000	\$990,000	\$0	\$0	\$990,000	N/A	
					Total				\$2,120,487.75	
					% of Tax Increment Year 1 ¹¹				95.00%	
					Annual Grant Payment ¹³				\$2,014,463.36	

This estimates the completed project being assessed at \$112,500,000.00 based on cost of land and construction costs; actual assessment will be completed by MPAC following the project completion. Existing assessment value is based on estimated 2023 MPAC assessment. These calculations reflect the grant percentage that would be received based on a project score of 19. These results are estimated using the 2023 tax rates. Actual annual amount will be based on the grant percentage applied to the incremental taxes paid each year for the duration of the grant however may be subject to a reduction should the taxes owing be reduced in any given year due to a assessment appeal.

¹ Both Pre- and post-project completion assessments are estimates and may be subject to change.

- 2 Municipal Industrial Tax Rate
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0.00763932	0.00763932
0.02009141	0.02009141
0.0088	0.0088
0.00153	0.00153
0.0088	0.0088

¹³ This is an estimate only and does not constitute any guarantee or assurance of a grant and should not be relied upon as such.

SUMMARY FORECAST (excluding education)

Event	Year	Grant %	Municipal Grant Estimate	Regional Grant Estimate	Total Grant Estimate
Base year	2023				
Grant Year 1	2023	95%	\$ 1,155,555.59	\$ 858,907.78	\$ 2,014,463.36
Grant Year 2	2024	95%	\$ 1,155,555.59	\$ 858,907.78	\$ 2,014,463.36
Grant Year 3	2025	95%	\$ 1,155,555.59	\$ 858,907.78	\$ 2,014,463.36
Grant Year 4	2026	95%	\$ 1,155,555.59	\$ 858,907.78	\$ 2,014,463.36
Grant Year 5	2027	95%	\$ 1,155,555.59	\$ 858,907.78	\$ 2,014,463.36
Grant Year 6	2028	95%	\$ 1,155,555.59	\$ 858,907.78	\$ 2,014,463.36
Grant Year 7	2029	95%	\$ 1,155,555.59	\$ 858,907.78	\$ 2,014,463.36
Grant Year 8	2030	95%	\$ 1,155,555.59	\$ 858,907.78	\$ 2,014,463.36
Grant Year 9	2031	95%	\$ 1,155,555.59	\$ 858,907.78	\$ 2,014,463.36
Grant Year 10	2032	95%	\$ 1,155,555.59	\$ 858,907.78	\$ 2,014,463.36
Total Estimate	Total Estimate		\$ 11,555,555.85	\$ 8,589,077.78	\$ 20,144,633.63

**NIAGARA ECONOMIC GATEWAY & COMMUNITY IMPROVEMENT PLANS
TAX INCREMENT GRANT PROGRAM ESTIMATE**

Municipality: Port Colborne
Address: 1555 Elm Street
Roll Number:
Pre Project Year: 2023
Post Project Year: 2023

Report 2023-220
Appendix C

	Industrial	Residential	Industrial	Total Pre-Project Taxes	Industrial	New Multi-residential	Commercial	Total Post Project Taxes	Tax Increment	Annual Grant amount
Class Code	IT	RT	IT		IT	NT	CT			
Assessment Value ¹	\$112,500,000.00	\$0.00	\$0.00		\$157,500,000.00	\$0.00	\$0.00			
Municipal Taxes ^{2,3,4}	\$3,040,936	\$0	\$0	\$3,040,936	\$4,257,310	\$0	\$0	\$4,257,310	\$1,216,374	\$1,216,374
Regional Taxes ^{5,6,7}	\$2,260,284	\$0	\$0	\$2,260,284	\$3,164,397	\$0	\$0	\$3,164,397	\$904,113	\$904,113
Provincial Taxes ^{8,9,10}	\$990,000	\$0	\$0	\$990,000	\$1,386,000	\$0	\$0	\$1,386,000	N/A	
					Total				\$2,120,487.75	
					% of Tax Increment Year 1 ¹¹				100.00%	
					Annual Grant Payment ¹³				\$2,120,487.75	

This estimates the completed project being assessed at \$157,500,000.00 based on cost of land and construction costs; actual assessment will be completed by MPAC following the project completion. Existing assessment value is based on estimated 2023 MPAC assessment. These calculations reflect the grant percentage that would be received based on a project score of 20. These results are estimated using the 2023 tax rates. Actual annual amount will be based on the grant percentage applied to the incremental taxes paid each year for the duration of the grant however may be subject to a reduction should the taxes owing be reduced in any given year due to a assessment appeal.

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0.02009141	0.02009141
0.0088	0.0088
0.00153	0.00153
0.0088	0.0088

¹³ This is an estimate only and does not constitute any guarantee or assurance of a grant and should not be relied upon as such.

SUMMARY FORECAST (excluding education)

Event	Year	Grant %	Municipal Grant Estimate	Regional Grant Estimate	Total Grant Estimate
Base year	2023				
Grant Year 1	2023	100%	\$ 1,216,374.30	\$ 904,113.45	\$ 2,120,487.75
Grant Year 2	2024	100%	\$ 1,216,374.30	\$ 904,113.45	\$ 2,120,487.75
Grant Year 3	2025	100%	\$ 1,216,374.30	\$ 904,113.45	\$ 2,120,487.75
Grant Year 4	2026	100%	\$ 1,216,374.30	\$ 904,113.45	\$ 2,120,487.75
Grant Year 5	2027	100%	\$ 1,216,374.30	\$ 904,113.45	\$ 2,120,487.75
Grant Year 6	2028	100%	\$ 1,216,374.30	\$ 904,113.45	\$ 2,120,487.75
Grant Year 7	2029	100%	\$ 1,216,374.30	\$ 904,113.45	\$ 2,120,487.75
Grant Year 8	2030	100%	\$ 1,216,374.30	\$ 904,113.45	\$ 2,120,487.75
Grant Year 9	2031	100%	\$ 1,216,374.30	\$ 904,113.45	\$ 2,120,487.75
Grant Year 10	2032	100%	\$ 1,216,374.30	\$ 904,113.45	\$ 2,120,487.75
Total Estimate	Total Estimate		\$ 12,163,743.00	\$ 9,041,134.50	\$ 21,204,877.50

Year	1	2	3	4	5	6	7	8	9	10	11 Completion
		0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05
NEW	\$1,824,561	\$1,915,789.52	\$2,011,579.00	\$2,112,157.95	\$2,217,765.85	\$2,328,654.14	\$2,445,086.85	\$2,567,341.19	\$2,695,708.25	\$2,830,493.66	\$2,972,018.34
OLD	-\$810,916	-\$851,462.01	-\$894,035.11	-\$938,736.87	-\$985,673.71	-\$1,034,957.39	-\$1,086,705.26	-\$1,141,040.53	-\$1,198,092.55	-\$1,257,997.18	-\$1,320,897.04
INCREASE	\$1,013,645	\$1,064,328	\$1,117,544	\$1,173,421	\$1,232,092	\$1,293,697	\$1,358,382	\$1,426,301	\$1,497,616	\$1,572,496	\$1,651,121
GRANT	-\$861,598.46	-\$861,598.46	-\$861,598.46	-\$861,598.46	-\$861,598.46	-\$861,598.46	-\$861,598.46	-\$861,598.46	-\$861,598.46	-\$861,598.46	0
CITY YEARLY INCREASE	\$152,046.79	\$202,729.05	\$255,945.43	\$311,822.62	\$370,493.67	\$432,098.28	\$496,783.12	\$564,702.20	\$636,017.23	\$710,898.01	\$1,651,121.30

CITY TOTAL
INCREASE
OVER 10 YEARS \$4,133,536.40



Subject: Olde Humberstone CIP TIG Application “The Spot”

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-234

Meeting Date: December 12, 2023

Recommendation:

That Chief Administrative Office Report 2023-234 be received; and

That the by-law attached as Appendix A to Chief Administrative Office Report 2023-234, being a by-law to authorize entering into an agreement with 2635450 Ontario Inc. regarding the Olde Humberstone Community Improvement Plan Financial Incentive Programs Property Tax Increment Grant, be approved.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding the application for the Olde Humberstone CIP Financial Incentive Programs Tax Increment Grant (TIG) submitted by 2635450 Ontario Inc. for 225 Main Street West in Port Colborne, as depicted in Appendix A.

Background:

Since 2008, Council has adopted and implemented six Community Improvement Plans (CIPs) for various project areas throughout the City. 2635450 Ontario Inc. has applied for the Olde Humberstone CIP Financial Incentive Program Tax Increment-Based Grant for 225 Main Street West, under the terms of the Olde Humberstone CIP. The TIG is a three-year grant for 100% of the increase in municipal taxes that result from property rehabilitation and improvements. The grant payment is based on the actual post-project assessed value as determined by the Municipal Property Assessment Corporation (MPAC).

A condition of approving the application for tax assistance is that the owner is required to enter into an agreement with the City. The agreement requires that the applicant

develop the subject property in accordance with the City's objectives and required information in the CIP Program Guides.

While many of the programs contained in the various CIPs for the City can be approved through the authority delegated to staff, any application for tax assistance must go through Council for approval. The CIP Review Team has met and recommended that this application be brought forward to Council for approval.

Discussion:

The owner of 225 Main Street West Street has proposed a development to rehabilitate and renovate four apartments on the second floor of the property and add two new residential apartment units. The property currently generates \$1,721 in annual City property tax and \$1,227 in Niagara Regional property tax based on 2022 tax rates. Upon completion of the project the new estimated amount in City property tax is \$8,074.32 and Niagara Region tax is \$5,760.08 per year.

The addition of rental housing units to the City of Port Colborne in the Olde Humberstone area supports the goals of the CIP and City to increase housing stock, density, and walkability to local restaurants and shopping.

The agreement is comprehensive in terms of what is expected by the City from the owner to meet eligibility requirements for the tax increment grant. Some key provisions are as follows:

- The annual grant is based on actual post-project MPAC assessed value;
- City to be satisfied in its discretion that owner completed property improvements in accordance with the proposed plans;
- City to be satisfied with its review of all documentation submitted to support actual cost of works incurred by owner, including third party review if required by City at cost of owner;
- Payments are repayable by owner if City determines that conditions set out in the Application or Agreement have not been met;
- Grant may be reduced by amount of any tax arrears on the property;
- Specific preconditions for annual grant to be met to satisfaction of the City.

Internal Consultations:

The application and the agreement have been reviewed by the City's CIP Review Team comprised of staff from Building, Economic Development and Tourism Services, and Planning. The TIG calculations were supplied by Finance.

Financial Implications:

As per the agreement attached, Schedule B indicates that the TIG over a three-year period is estimated to be \$41,503.22. Current (2022) City taxes paid on the property are \$1,721 per year. There will be no net impact on the property tax levy in relation to the Tax Increment Grant (TIG) Program. The incremental portion of the tax increase is returned in the form of a grant upon the confirmation of the payment of taxes each year. Following the three-year period, the City will receive the full property tax value, estimated to be \$8,074.32 from the redeveloped property. The owner is responsible for the upfront costs of redevelopment and must pay for the increased taxes arising from the higher assessed value.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
 - Increased Housing Options
-

Conclusion:

Staff recommends that Council approve the application by 2635450 Ontario Inc. for the City's Olde Humberstone CIP to assist with the development of the property and construction of a multi-unit residential building. If approved, the TIG would return 100% of the tax assessment increase for 3-years estimated to be \$41,503.22. As a condition of approval, the owner is required to enter into an agreement with the City that outlines obligations of the owner to satisfy the eligibility requirements of the City's CIP programs. Staff recommend Council endorse the agreement with 2635450 Ontario Inc. as these CIP programs will help facilitate the development of the property while adding housing stock and population into the Olde Humberstone Business district.

Appendices:

- a. By-law to Authorize Entering into an Agreement with 2635450 Ontario Inc. regarding Olde Humberstone Community Improvement Plan Financial Incentive Programs Property Tax Increment Grant

Respectfully submitted,

Bram Cotton
Economic Development Officer
(905) 835-2900 Ex. 504
Bram.Cotton@portcolborne.ca

Gary Long
Manager of Strategic Initiatives
(905) 835-2900 Ex. 502
Gary.Long@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Authorize Entering into an Agreement with 2635450 Ontario Inc. regarding Olde Humberstone Community Improvement Plan Financial Incentive Programs Property Tax Increment Grant

Whereas at its meeting of December 12th, 2023, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Chief Administrative Officer Report 2023-234, Subject: Olde Humberstone CIP TIG Application "The Spot"; and

Whereas Council is desirous of entering into an agreement with 2635450 Ontario Inc., for the purposes of an Olde Humberstone Community Improvement Plan Financial Incentives Program Property Tax Incentive Grant; and

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 enters into an agreement with 2635450 Ontario Inc., for the purposes of an Olde Humberstone Community Improvement Plan Financial Incentives Program Property Tax Increment Grant, attached hereto as Schedule "A";
2. That the Mayor, the Acting City Clerk be and are hereby authorized to execute any documents that may be required for the purpose of carrying out the intent of this by-law and the Acting City Clerk is dully authorized to affix the Corporate Seal thereto.

Enacted and passed this 12th day of December, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

**Olde Humberstone Community Improvement Plan Financial Incentive Programs
Tax Assistance Increment Grant Agreement**

BETWEEN:

THE CITY OF PORT COLBORNE
(hereinafter referred to as the "City")

and

2635450 ONTARIO INC. [REDACTED]
(hereinafter referred to as the "Owner")

WHEREAS the City has adopted the Olde Humberstone Community Improvement Plan Financial Incentives Program (Olde Humberstone CIP) pursuant to Section 28 of the *Planning Act*;

AND WHEREAS the Owner is the registered Owner of the lands described in Section 1 and Schedule "A" to this agreement (the "subject lands") which are located within the City of Port Colborne;

AND WHEREAS the Owner has made applications (the "application") to the City for the Tax Increment Grant under the Olde Humberstone CIP;

AND WHEREAS the City has approved this application and has agreed to provide tax assistance;

AND WHEREAS a condition of approval of this application for tax assistance and the Owner is required by the City to enter into this Agreement (the "Agreement");

1. INFORMATION ON SUBJECT LANDS

- 1.1 The tax assistance and/or grant shall apply to the subject lands as set out in Schedule "A" attached.

2. TAX ASSISTANCE/GRANT ELIGIBILITY

- 2.1 To be eligible for the tax assistance grant, the development and remediation works on the subject lands (hereinafter referred to as "work"), shall conform to and fulfill:
- (a) the objectives and requirements of the Tax Increment and Rehabilitation program of the Olde Humberstone CIP,
 - (b) any other requirements as specified by the City,

- 2.2 The Owner acknowledges that it has received and read a copy of the City's Olde Humberstone CIP Tax Assistance Program Guide (the "Olde Humberstone CIP Guide") and the Owner covenants with the City that the subject lands shall be rehabilitated and developed in accordance with the City's objectives, policies and requirements set out in the DCIP.

3. TAX ASSISTANCE/GRANT CALCULATION AND PAYMENT

- 3.1 The annual tax assistance will be calculated as the difference between property taxes on the subject lands at the time of approval of this Agreement and property taxes that would have been collected on the subject lands after the project's completion.
- 3.2 Municipal tax assistance will commence at the time of passing of the by-law and three year freeze of taxes for the subject lands and will cease on the earlier of:
- a) sale or conveyance of the subject lands;
 - b) Three (3) years from the date the tax assistance begins.
- 3.3 The annual grant will be calculated as a percentage of the increase in municipal property taxes on the subject lands that result from the development with this percentage as identified in the table below.

Year*	Grant Factor
1	100%
2	100%
3	100%

- 3.4 The tax assistance/grant payments shall be calculated according to the formulas and schedules set out in Schedule B to this agreement.
- 3.5 The actual tax assistance/grant payment amounts will be based on the actual post-project assessed value (AV) as determined by the Municipal Property Assessment Corporation (MPAC) and actual applicable City tax rates.
- 3.6 Where at any time after the original rehabilitation of the subject lands, new construction is added to the subject lands that is not part of the original program application, the tax assistance and/or grant will be calculated only in respect of the original rehabilitation contained in the original application, based on the assessed value and property taxes in the last year before revaluation by the MPAC as a result of the new construction added to the subject lands.
- 3.7 The annual tax assistance shall be calculated by the City based upon, and provided the City is satisfied in its discretion that rehabilitation of the subject lands took place in accordance with the proposed rehabilitation works as specified in the application, accompanying documentation, and this Agreement;
- 3.8 The City shall review all cost estimates and documentation submitted in support of the application in evaluating the estimated costs eligible for tax assistance and/or a grant, which costs, when designated by the City shall constitute the maximum costs eligible for tax assistance and/or a grant. In the event the City is not satisfied with said cost

estimates, the City may substitute their opinion of such amounts for purposes of calculating the eligible costs and maximum total tax assistance and/or maximum total grant.

- 3.9 If the City is not in receipt of sufficient information satisfactory to the City to determine eligible costs and the amount of tax assistance and/or grant, there shall be no tax assistance/grant. The decision of the City regarding the total amount of eligible costs, the calculation of the total estimated tax assistance and grant, and the calculation of the actual tax assistance and grant is final and within the City's sole discretion.
- 3.10 Payment of the tax assistance and/or grant is subject to the City's review and satisfaction with all reports and documentation submitted in support of the application, including but not limited to: documentation of the estimated and actual costs of eligible works. Any and all of these costs may be, where required by the City, subject to verification, third party review or independent audit, at the expense of the Owner.
- 3.11 The Owner shall not be entitled to tax assistance and/or a grant payment unless and until they have met all the conditions of this Agreement to the satisfaction of the City. Except where expressly stated in this Agreement, all conditions in this Agreement are for the benefit of the City and may only be waived by the City. No waiver is effective unless in writing.
- 3.12 The total value of the tax assistance that may be provided to the Owner shall not exceed the total eligible Tax Assistance Program costs that have been approved by the City.
- 3.13 The tax assistance that has been provided to the Owner will become payable (including interest) upon notice in writing from the City that one or more of the terms and conditions set out in the application, this Agreement or the Tax Increment Grant Program have not been met.
- 3.14 The total sum value of the annual grant payments that may be provided to the Owner shall not exceed the total eligible Tax Increment Grant Program costs that have been accepted by the City.
- 3.15 Any and all grant payments that have been provided to the Owner will become payable upon notice in writing from the City that one or more of the conditions set out in the application, this Agreement, or the Tax Increment Grant Program have not been met.
- 3.16 Grants are not payable by the City until such time as additional assessment eligible for a grant has been added to the assessment roll by the MPAC, property taxes have been billed by the City, and property taxes have been paid in full for one year on the property.
- 3.17 Annual grant payments to the Owner will not be issued if there is an outstanding tax payment. If at any time after the term of this Agreement, property taxes are owing on a property for more than one full year, the City will have the option, at its sole discretion, to terminate this Agreement and all future grant payments.
- 3.18 The grant is not payable by the City until such time as all assessment appeals relating to the value of the subject lands before the additional assessment or as to the additional assessment as a result of the development of the subject lands have been filed and decided.

- 3.19 The first grant payment as finally determined by the City shall be paid to the Owner by the City, subject to the provisions of this Agreement, following completion and occupancy of the said redevelopment of the subject lands, and during or after the property taxation year in which the property taxes increase as a result of the completed rehabilitation.
- 3.20 Annual grant payments under Olde Humberstone CIP will not be provided by the City until the Owner has satisfied the City that:
- a) The development work on the subject lands has been completed in accordance with the work as described in the application;
 - b) The Owner has supplied the City with the actual amount of the eligible Tax Increment Grant Program costs incurred by the Owner;
 - c) There are no outstanding work orders and/or orders or requests to comply from any City department or other regulatory authority in respect of the subject lands, and the business of the Owner conducted on the subject lands;
 - d) The Owner and the subject lands are in full compliance with:
 - i) Any Agreement(s) relating to the property in favour of the City, including any Agreement relating to: subdivision, modified subdivision, service, site plan approval, encroachment, joint sewer & water use, easement or other Agreement; and,
 - ii) Bylaws of the City and provincial or federal legislation and regulations.
 - e) There are no unpaid charges where applicable against the subject lands in favour of the City, including but not limited to: development charges, parkland dedication fees, special assessments and local improvement charges; and,
 - f) The Owner has not appealed the post-project assessed value and there exists no other pending appeal which has not been settled completely in respect of the post-project assessed value.

4. PERSONAL STATUS

4.1 The Owner warrants and represents to the City that:

- a) the Owner is a resident of Canada as of the date of this Agreement and that in the event the Owner ceases to be a resident of Canada, the Owner shall immediately notify the City, and it is agreed, the City may deduct from any or all annual grant payments, such sum(s) as may be required by Canada Customs and Revenue Agency in order to meet the City's obligations as a payer and the Owner's obligations under the *Income Tax Act (Canada)* and other applicable laws.
- b) to the best of its knowledge and belief, there are no actions, suits or proceedings pending or threatened against or adversely affecting the Owner in any court or before or by any federal, provincial, city or other governmental department,

commission, board, bureau or agency, Canadian or foreign, which might materially affect the financial condition of the Owner or title to their property or assets; and,

- c) The Owner shall notify the City immediately of any material change in the conditions set out in paragraphs (a)-(d) above.

5. PROVISIONS RELATING TO THE OWNER

- 5.1 The Owner covenants to the City that building(s) and improvements that are the subject of this Agreement will not be demolished, in whole or in part prior to the advance of all of the grant payments.
- 5.2 The Owner shall ensure there are no liens or other claims outstanding in respect of the subject lands, including its rehabilitation, all accounts for work and materials which could give rise to any claim for a construction lien against the subject lands have been paid; and there is no default by the Owner with respect to any of the terms of this Agreement.
- 5.3 The Owner shall ensure that the Owner is in compliance with the *Construction Lien Act*, including its holdback provisions and is not aware of any potential or unresolved Lien claim in respect of the redevelopment.
- 5.4 The Owner covenants to the City that the Owner shall use the subject lands in compliance with this Agreement, all city by-laws pertaining to use, and all applicable environmental laws.
- 5.5 The Owner covenants to the City that the Owner will require, as a term of every lease that tenants of the subject lands comply with all city by-laws pertaining to use, and all applicable environmental laws.
- 5.6 The Owner agrees to comply with all outstanding work orders and/or orders or requests to comply from any and all City departments during the term of this Agreement.
- 5.7 The Owner covenants to the City that the Owner shall not commit or permit any waste to be dumped or any nuisance upon the subject lands or permit any part of the subject lands to be used for any dangerous occupation or business or for any noxious or offensive trade.
- 5.8 The Owner covenants to the City that where the Ownership of part or all of the subject lands ceases for any reason to be in the Owner's name by sale, conveyance, assignment or otherwise, prior to the advance of all of the tax assistance and/or the grant, the Owner will notify the City in writing of said change of ownership at least 30 days prior to said change of ownership.
- 5.9 The Owner acknowledges that nothing in this Agreement is intended to impose or shall impose upon the City any duty or obligation to inspect or examine the land for compliance or non-compliance or to provide an opinion or view respecting any condition of development; and,
 - a) Nothing in this Agreement is intended to be or shall be construed to be a representation by the City regarding compliance of the land with:
 - i) Applicable environmental laws, regulations, policies, standards, permits or

approvals; or,

ii) Other by-laws and policies of the City.

- 5.10 If the City determines in its sole discretion that any of the conditions of this Agreement are not fulfilled, and the City at its sole discretion delays or cancels tax assistance and/or grant payments, and/or requires repayment of tax assistance and/or grant payments already made to the Owner, and/or terminates this Agreement, the Owner agrees that notwithstanding any costs or expenses incurred by the Owner, the Owner shall not have any claim for compensation or reimbursement of these costs and expenses against the City and that the City is not liable to the Owner for losses, damages, interest, or claims which the Owner may bear as a result of the City exercising its rights herein to delay or cancel tax assistance and/or grant payments, require repayment of tax assistance and/or grant payments already made to the Owner, and/or terminate this Agreement.
- 5.11 The Owner shall indemnify and save harmless from time to time and at all times, the City and its officials, officers, employees, and agents from and against all claims, actions, causes of action, interest, demands, costs, charges, damages, expenses and loss made by any person arising directly or indirectly from:
- a) The City entering into this Agreement; and
 - b) Any failure by the Owner to fulfil its obligations under this Agreement. This indemnification shall, in respect of any matter arising prior to the termination of this Agreement, remain in force following termination or expiry of this Agreement.

6. PROVISIONS RELATING TO THE CITY

- 6.1 The City agrees to provide a grant to the Owner with said grant to commence at the end of the tax assistance period and ceasing on the earlier of:
- a) the point in time when the total of all annual grant payments provided equals total eligible Tax Increment Grant Program costs that have been accepted by the City;
 - b) Three (3) years.
- 6.2 On an annual basis, the City, upon being satisfied that the Owner is not in default of any of the terms and conditions set out in the application, this Agreement, the Tax Increment Grant Program, shall pay the annual grant payment.
- 6.3 If the Owner cannot be reached over a protracted period (more than 2 years), the City will have the option, without notice and at its own discretion, of terminating this Agreement and all future grant payments to the Owner.
- 6.4 If in the opinion of the City the property is not maintained in its rehabilitated condition, the City may, at its sole discretion, terminate tax assistance and/or all future grant payments and require repayment of the tax assistance and/or grant payments already provided by the City to the Owner.

- 6.5 The City, its employees and agents are entitled to inspect the subject lands at any time during business hours for the purpose of ascertaining their condition or state of repair or for the purpose of verifying compliance with the Olde Humberstone CIP.
- 6.6 The City retains the right at all times to delay or cancel tax assistance and/or grant payments, and/or require repayment of tax assistance and/or grant payments already made to the Owner, and/or terminate this Agreement where the City deems that there is non-compliance with this Agreement. In particular, without limiting the generality of the foregoing, the tax assistance and the grant is conditional upon periodic reviews satisfactory to the City to there being no adverse change in the rehabilitation works and to there being compliance on the part of the Owner with all other requirements contained in this Agreement.
- 6.7 Communications from the City to the Owner may be addressed to the Owner at the address of the Owner listed in Section 9 of this Agreement.

7. DEFAULT AND REMEDIES

- 7.1 On the occurrence of default under this Agreement the City shall be entitled to its remedies to enforce this Agreement, including, but not limited to:
- a) Delaying or cancelling tax assistance and/or grant payments; and/or,
 - b) Requiring repayment to the City by the Owner of all tax assistance and/or grant payments already made to the Owner; and/or,
 - c) Terminating the Agreement.
- 7.2 Default shall be deemed to occur upon any default of the Owner in complying with the terms set out in this Agreement, including, but not limited to, the following:
- a) Non-compliance with any City by-laws, provincial, and/or federal laws and regulations;
 - b) Failure to pay and keep in good standing all real property taxes;
 - c) Any representation or warranty made by the Owner is incorrect in any material respect;
 - d) Failure to perform or comply with any of the obligations contained in this Agreement or contained in any other Agreement entered into between the Owner and the City;
 - e) The Owner makes an assignment for the benefit of creditors, or assigns in bankruptcy or takes the advantage in respect of their own affairs of any statute for relief in bankruptcy, moratorium, settlement with creditors, or similar relief of bankrupt or insolvent debtors, or if a receiving order is made against the Owner, or if the Owner is adjudged bankrupt or insolvent, or if a liquidator or receiver is appointed by reason of any actual or alleged insolvency, or any default of the Owner under any mortgage or other obligation, or if the subject lands or interest of the Owner in the subject lands becomes liable to be taken or sold by any creditors or under any writ of execution or other like process;

f) This Agreement is forfeited or is terminated by any other provision contained in it.

7.3 The City may at its sole discretion provide the Owner with an opportunity to remedy any default.

8. ADDITIONAL PROVISIONS

8.1 This Agreement shall remain in effect from the date of its execution by the City to the earlier of:

- a) The time when the City informs the Owner in writing that due to the non-fulfilment or non-compliance with a required condition or due to default, this Agreement is terminated;
- b) The time when total amount of the tax assistance and grants paid out to the Owner equals the total accepted eligible costs under the Tax Assistance Program;
- c) Three (3) years.

8.2 Time shall be of the essence with respect to all covenants, Agreements and matters contained in this Agreement.

8.3 Schedule "A" attached to this Agreement forms part of the Agreement.

9 NOTICES

9.1 Where this Agreement requires notices to be delivered by one party or the other, such notice shall be given in writing and delivered either personally, by e-mail, by fax or by prepaid first call mail by the party wishing to give such notice to the other party at the address noted below:

To the Owner at:

2635450 Ontario Inc.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

To the City at:

City of Port Colborne
c/o Saima Tufail
66 Charlotte Street
Port Colborne Ontario, L3K 3C8
Ph: 905-835-2900 ext 106
Fax: 905-835-2939

THIS AGREEMENT shall be binding upon the parties and their heirs, executors, successors and assigns.

IN WITNESS WHEREOF the parties duly execute this Agreement:

SIGNED, SEALED AND DELIVERED
In the presence of

THE CITY OF PORT COLBORNE

Mayor William C. Steele

Saima Tufail; Acting City Clerk

WITNESS

2635450 Ontario Inc. [REDACTED] :
Owner

Schedule "A"

Of an Agreement between the City of Port Colborne and the Owner named in this Agreement.

Name of Registered Property Owner: 2635450 Ontario Inc. [REDACTED]

Address of Subject Lands: 225 Main Street West

Roll NO.: 030030059000000

Mailing Address of Property Owner (where different from address of subject lands):

[REDACTED]
[REDACTED]
[REDACTED]

E-mail: [REDACTED]

Legal Description of Subject Lands

PLAN 762 BLK A PT LOT 4 PT; LOT 2 S MAIN

Schedule "B"

Olde Humberstone CIP Tax Assistance Estimates

(1) Cost of approved eligible tax assistance works	\$999,000
(2) Pre-project assessed value (AV):	\$119,000
(3) Pre-project City property taxes	\$1,721
(4) Post-project assessed value (AV):	CT \$999,000
(5) Post-project City property taxes	\$13,834.41

Municipal Tax Assistance = Post-project City property Taxes – Pre-project City property taxes

Grant = Post-project City property taxes – Pre-project City property taxes

**TAX ASSISTANCE CALCULATION SCHEDULE ESTIMATE
2022**

	Pre- Development	Project Completion	Tax Increment	% of Tax Increment	Annual Grant
Assessment Value	\$119,000	\$999,000	\$881,000	100%	100%
Municipal Taxes	\$1,721	\$13,834.41	\$13,834.41	100%	\$13,834.41
		Duration of Grant			3 years
		Total Payment of Grant \$41,503.22 however subject to any assessment or tax increase during the 3-year period			

Subject: 2024 Schedule of Meeting Dates - Council and Committees/Boards

To: Council

From: Corporate Services Department

Report Number: 2023-170

Meeting Date: December 12, 2023

Recommendation:

That Corporate Services Department Report 2023-170 be received; and

That the 2024 Council meeting schedule set out in Appendix A of Corporate Services Report 2023-170 be approved; and

That the 2024 Committees/Boards meeting schedule set out in Appendix B of Corporate Services Report 2023-170 be received for information.

Purpose:

This report provides a recommendation regarding the 2024 schedule of meeting dates for City Council and its Committees/Boards. The 2024 meeting schedule is being brought forward for approval to allow City staff time to plan for and conduct work on reports being brought to City Council and ensure that these reports are entered into the City's meeting management system in accordance with the required timelines.

Background:

Section 10.2 of the City of Port Colborne's Procedural By-law 6979/17/22 establishes Council meetings on the second and fourth Tuesday of each month and permits changes with a majority vote of Council.

Discussion:

Government transparency and the ability to observe the political process are foundational to democracy. The meeting requirements set out in section 239 of the

Municipal Act, 2001, permit the public to observe municipal government in progress; as such, municipalities are required to provide for public notice of meetings. Notice of meetings is an important factor in strengthening municipal accountability and transparency and encouraging public participation in local government decision making.

Appendix A of this report contains the proposed 2024 Council meeting schedule. This proposed schedule deviates from the Procedural By-law by including a tentative Statutory Public Planning Meeting scheduled on the first Tuesday of each month, resulting from the passing of Bill 109 and its impact on planning approval timelines. Previously, the Statutory Public Planning meetings were scheduled on the third Tuesday of the month but has been moved to the first Tuesday due to a conflict with the Port Colborne Museum, Heritage and Culture Board meeting schedule.

For the 2023 Council Meeting schedule, the Clerk's Division, in consultation with the Planning Division, implemented hosting Planning Public Meetings outside of Regular Council Meetings. This schedule has been well received and staff recommend the practice be continued for the 2024 Council Meeting schedule. In the event the Statutory Planning meeting is not required, Staff have indicated a Special meeting may be held on these dates for additional Council education, training, Strategic Planning sessions, or to present Council with new City initiatives.

There may be instances that a Public Meeting needs to be held prior to a regularly scheduled Council meeting. These are expected to be rarities and would only be employed if a regularly scheduled Public Meeting date would not suffice in meeting the new legislated timelines under the *Planning Act*.

Committee of the Whole – Budget Meetings to deliberate the budgets for the following year are proposed to occur in October and November of 2024, as depicted in the attached Appendix A, being the proposed 2024 Council meeting schedule.

To strengthen municipal accountability and transparency, the Clerk's Division has also created a schedule for local board and committee meetings in 2024, which is attached as Appendix B. As outlined in their terms of reference, local boards and committees are permitted to schedule Special meetings outside of their scheduled meeting dates as necessary, but this proposed meeting schedule has been provided to encourage public participation in local government decision making.

Internal Consultations:

The proposed 2024 Council Meeting schedule has been circulated to all City directors and received their approval before its inclusion in this report. The proposed 2024 Committees/Boards meeting schedule has been circulated to all local board and committee staff liaisons, who have provided feedback on the schedule before its inclusion in this report.

Financial Implications:

There are no financial implications.

Public Engagement:

Both Appendix A and Appendix B will be added to the City's website and all meeting dates will be added to the Committees, Boards and Council Calendar page to encourage public participation in the proceedings of Council and all local boards and committees.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
 - Welcoming, Livable, Healthy Community
 - Economic Prosperity
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
-

Conclusion:

Staff recommend that Council approve the proposed 2024 Council Meeting Schedule and receive the proposed 2024 Committees/Boards meeting schedule for information.

Appendices:

- a. Proposed 2024 Council Meeting Schedule
- b. Proposed 2024 Committee/Boards Meeting Schedule

Respectfully submitted,

Saima Tufail
Acting City Clerk
saima.tufail@portcolborne.ca
905-835-2900 ext. 106

Diana Vasu
Deputy City Clerk
diana.vasu@portcolborne.ca
905-835-2900 ext.115

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

2024 Council Meeting Schedule

January

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March

S	M	T	W	T	F	S
						1 2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May

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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June

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						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July

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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August

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18	19	20	21	22	23	24
25	26	27	28	29	30	31

September

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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October

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27	28	29	30	31		

November

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24	25	26	27	28	29	30

December

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22	23	24	25	26	27	28
29	30	31				

2024 Committee/Board Meeting Dates

January						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February						
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March						
S	M	T	W	T	F	S
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April						
S	M	T	W	T	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
S	M	T	W	T	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
S	M	T	W	T	F	S
				1	2	3
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November						
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December						
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Senior Citizens Advisory Committee

Social Determinants of Health Advisory Committee

Downtown BIA Board of Management

Holiday

Active Transportation Advisory Committee

Economic Development Advisory Committee

Grant Allocation Advisory Committee

Legend

Museum, Heritage and Culture Board

Main Street BIA Board of Management

Property Standards/NMAC

Public Library Board

Environmental Advisory Committee

Committee of Adjustment

City Hall Closure

Mayor's Youth Advisory Committee



Subject: Billing of the Skelton Municipal Drain

To: Council

From: Public Works Department

Report Number: 2023-240

Meeting Date: December 12, 2023

Recommendation:

That Public Works Department Report 2023-240 be received; and

That the billing of the Skelton Municipal Drain be invoiced in accordance with the *Drainage Act*, as outlined in Appendix A of Public Works Department Report 2023-240; and

That the By-law to Amend the Assessment Schedule to Levy the Actual Costs Incurred in Constructing a Drainage Works Known as the Skelton Municipal Drain, be approved.

Purpose:

This report has been prepared to inform Council of the completion of construction works for the Skelton Municipal Drain and that the application to the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) grant for farm parcels has been completed. Staff is also seeking authorization to complete the billing for the said works of the Skelton Municipal Drain in advance of receipt of the OMAFRA grant.

Background:

On May 27, 2013, Spriet Associates Engineers & Architects was appointed to complete a new engineer's report for the Brown's Tap located in the City of Welland and Skelton Municipal Drain in the City of Port Colborne. At that time, the Drainage Superintendent recognized that the Welland River as an outlet through the Brown's Tap Drain was a deeper and more stable outlet than the Welland Canal.

The Brown's Tap Municipal Drain report was completed and dated April 3, 2018. The City of Welland held two 'Meetings to Consider' and ultimately the Council of the Corporation of the City of Welland did not approve the Engineer's Report.

When the Brown's Tap drain failed, Port Colborne continued with a report to address only the Skelton Drain which drains lands in Port Colborne, Wainfleet and Welland.

Spriet Engineers & Architects completed a survey and held two public meetings. The report was completed and dated October 29, 2019. This report was presented to the Council of the City of Port Colborne at the 'Meeting to Consider' held on December 9, 2019. There were no appeals received for either the Court of Revision or the Tribunal.

The drain itself not only provides drainage for all three municipalities but also extends from Port Colborne into Wainfleet. For this reason, the work on the drain was completed by Port Colborne municipal staff in the City of Port Colborne and by Wainfleet municipal staff in the Township of Wainfleet. Construction began on August 14, 2020. The project went smoothly for both Port Colborne and Wainfleet and was deemed complete by the Engineer on January 4, 2021.

Discussion:

The original estimate of this project as outlined in the Engineer's Report was \$240,000.

The total project cost amounted to \$214,501.56. As a result of staff carrying of the maintenance work, this project recognised a reduction in cost by 10.62%. The net cost of the project to be billed to the watershed is \$163,341.26. The net cost is inclusive of two components. The first is an OMAFRA (Ontario Ministry of Agriculture, Food and Rural Affairs) grant for farm parcels, a total of \$29,370.30 has been applied for. The second are allowances provided by the Engineer for payment to the parcel owners for affected land for right of way and damages, a total of \$21,790. The amount of \$21,790 is raised as a part of the overall project and is apportioned to all the properties assessed through the project.

The net cost of the project is as follows:

Municipality	Residential properties/MTO properties	Tax Base	Total
City of Port Colborne	\$ 36,401.40	\$ 42,371.54	\$ 78,772.94
City of Welland	\$ 535.00	\$ 64.13	\$ 599.13
Township of Wainfleet	\$ 41,674.12	\$ 42,295.07	\$ 83,969.19
Total to be collected			\$ 163,341.26
Net Cost	Residential/Other	Tax Base	Total
OMAFRA Grant			\$ 29,370.30

Allowances			\$ 21,790.00
Total			\$ 214,501.56

Internal Consultations:

Consultation was held with the finance department to relay the duties required to complete the invoicing of this work.

Financial Implications:

When the municipality completes work on a municipal drain, the costs are held at the City's expense until the time of billing, at which point those funds can be collected from the owners of property within the watershed. Should these amounts not be collected from the assessed parties, the costs will need to be paid by the general tax base.

Public Engagement:

All public consultation requirements provided for in the *Drainage Act* were met as prescribed throughout the completion of this report and construction of the drain.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
 - Welcoming, Livable, Healthy Community
 - Sustainable and Resilient Infrastructure
-

Conclusion:

Staff would like to proceed with the passing of the by-law as defined in Section 61(1), a Levy by-law, of the *Drainage Act R.S.O. 1990* to complete the billing of the drainage work. If these funds are not collected from ratepayers, the City would need to absorb these costs. The total assessment for the Skelton Drain is \$214,501.56, approval of this report will allow staff to proceed with the billing of these works and collect the amount of \$120,969.72. This amount is derived from the Port Colborne residential properties/MTO properties and the total amounts from the Township of Wainfleet and City of Welland. The remaining balance of \$42,371.54 is the City's portion of the assessment and will be

paid through the City's approved drainage reserve.

Appendices:

- a. Skelton Drain Levy By-law

Respectfully submitted,

Alana Vander Veen
Drainage Superintendent
905-835 2900 ext. 291
alana.vanderveen@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-Law No. _____

Being a By-law to Amend the Assessment Schedule to
Levy the Actual Costs Incurred in Constructing a Drainage Works
Known as the Skelton Municipal Drain

Whereas Section 61 Chapter D.17 of the *Drainage Act* R.S.O. 1990 authorizes a municipality, upon the completion of the drainage works, to levy the final cost thereof to the lands and roads liable, as stated in the engineer's report; and

Whereas By-law 6744/108/19, Being a By-law to Provide for Drainage Works in the City of Port Colborne in the Regional Municipality of Niagara, known as the Skelton Municipal Drain, was enacted the 10th day of February, 2020, and provided for the construction of the Skelton Municipal Drain based on the estimates contained in the drainage report dated October 29, 2019, as submitted by Brandon Widner P. Eng, from the firm of Spriet Associates Engineers & Architects; and

Whereas the Drainage Works was completed as per the Engineer's Report, as amended, and the total actual costs incurred were \$214,501.56 compared to an original estimated cost of \$240,000. Actual costs for constructing the drain were 10.62% under the Engineer's estimate.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That the Treasurer invoice the City of Welland in accordance with Schedule 'A', attached hereto, being the amounts to be charged for completing the construction of the drainage works known as the Skelton Drain for the portions of work within the City of Welland, with the invoice being due within 30 days of the invoice date.
2. That the Treasurer invoice the Township of Wainfleet in accordance with Schedule 'A', attached hereto, being the amounts to be charged for completing the construction of the drainage works known as the Skelton Drain for the portions assessed within the City of Welland, with the invoice being due within 30 days of the invoice date.
3. That the Treasurer levy the remaining amount in accordance with Schedule 'A', attached hereto, against the lands and roads in the City of Port Colborne, being the amounts to be charged for completing the construction of the drainage works known as the Skelton Drain.
4. That the owners of the property's within the City of Port Colborne have the option of submitting full payment of the net cost or make yearly payments over a period of 5 years at 5% interest per annum. The full payments not received by February 29, 2024 shall be added to the final tax bill beginning in the year 2024 and ending in the year 2028.
5. That in the event of nonpayment, the City of Port Colborne's penalty and interest charges on outstanding accounts receivable, By-law 6841/91/20 shall be followed.
6. That By-law 6744/108/19 is hereby amended by replacing the assessment schedule with Schedule 'A' appended hereto.
7. This by-law shall come into force and take effect on the day of its final passing.

Enacted and passed this 12th day of December, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

Schedule A to By-law No. _____

SCHEDULE OF FINAL ASSESSMENT

SKELTON DRAIN

City of Port Colborne

Job No. 219039

15-Jul-21
Final Assess. 24-Nov-23

Total Estimated Cost	\$ 240,000.00	Total Actual Cost	\$ 214,501.53
Special Non Pro-rateable Assessments	\$ <u>86,220.00</u>	Special Non Pro-rateable Assessments	\$ <u>81,231.58</u>
Total Estimated Pro-rateable Assessment	\$ 153,780.00	Total Actual Pro-rateable Assessment	\$ 133,269.95

* = Non-agricultural

ROLL NUMBER (OWNER)	TOTAL ESTIMATED ASSESSMENT	TOTAL ACTUAL ASSESSMENT	GRANT	ALLOW.	TOTAL AMOUNT PAYABLE	Optional Yearly Payment 5% / 5 YRS 0.230929174	Billing Amount	Estimated Amount
City of Port Colborne								
39-151	\$ 2,949.00	\$ 2,555.68	\$ 851.89	\$ 2,480.00	\$ -776.21			\$2,949.00
39-168	205.00	177.66	59.22		118.44	\$27.35	\$27.35	\$205.00
* 39-169	75.00	65.00			65.00	\$15.01	\$15.01	\$75.00
39-170	7,071.00	6,127.92	2,042.64	3,730.00	355.28	\$82.04	\$82.04	\$7,071.00
* 39-170-01	108.00	93.60			93.60	\$21.61	\$21.61	\$108.00
* 39-171	627.00	543.38			543.38	\$125.48	\$125.48	\$627.00
* 39-174	93.00	80.60			80.60	\$18.61	\$18.61	\$93.00
39-175	15,024.00	13,020.21	4,340.07	1,920.00	6,760.14	\$1,561.11	\$1,561.11	\$15,024.00
39-177	1,430.00	1,239.28	413.09		826.19	\$190.79	\$190.79	\$1,430.00
39-181-01	3,270.00	2,833.87	944.62	1,330.00	559.25	\$129.15	\$129.15	\$3,270.00
38-287-01	70.00	60.66	20.22		40.44	\$9.34	\$9.34	\$70.00
38-287-02	65.00	56.33	18.78		37.55	\$8.67	\$8.67	\$65.00
39-178	12,045.00	10,438.53	3,479.51	3,920.00	3,039.02	\$701.80	\$701.80	\$12,045.00
* 39-180	123.00	106.60			106.60	\$24.62	\$24.62	\$123.00
39-181	384.00	332.78	110.93		221.85	\$51.23	\$51.23	\$384.00
38-287	269.00	233.12	77.71		155.41	\$35.89	\$35.89	\$269.00
* Con. 3/4 Unopened	3,073.00	2,663.15			2,663.15			\$3,073.00
* Highway No.58	5,704.00	4,943.24			4,943.24		\$4,943.24	\$5,704.00
* Special Assessment	17,940.00	19,231.62			19,231.62		\$19,231.62	\$17,940.00
* Nugent Road	4,857.00	4,209.21			4,209.21			\$4,857.00
* Special Assessment	25,520.00	23,521.82			23,521.82			\$25,520.00
* Lot 32/33 Unopened	569.00	493.11			493.11			\$569.00
* Townline Road (50%)	769.00	666.44			666.44			\$769.00
* Special Assessment	11,590.00	10,817.82			10,817.82			\$11,590.00
City of Welland								
2-075	\$ 926.00	\$ 802.50	\$ 267.50	\$	\$ 535.00	\$123.55	\$123.55	\$926.00
Townline Road (50%)	74.00	64.13			64.13		\$64.13	\$74.00
Township of Wainfleet								
* 7-029-01	149.00	129.13			129.13	\$29.82	\$29.82	\$149.00
* 7-029-02	809.00	701.10			701.10	\$161.90	\$161.90	\$809.00
7-029-04	4,584.00	3,972.62	1,324.21		2,648.41	\$611.60	\$611.60	\$4,584.00
* 7-030	1,458.00	1,263.54			1,263.54	\$291.79	\$291.79	\$1,458.00
* 7-031	89.00	77.13			77.13	\$17.81	\$17.81	\$89.00
7-032	10,933.00	9,474.84	3,158.28	3,890.00	2,426.56	\$560.36	\$560.36	\$10,933.00
* 7-001-01	130.00	112.66			112.66	\$26.02	\$26.02	\$130.00
7-029	1,096.00	949.82	316.61		633.21	\$146.23	\$146.23	\$1,096.00
7-033	27,178.00	23,553.20	7,851.07	2,660.00	13,042.13	\$3,011.81	\$3,011.81	\$27,178.00
* Non- Grantable	9,740.00	8,440.95			8,440.95	\$1,949.26	\$1,949.26	\$9,740.00
* 7-033-10	5,875.00	5,091.44			5,091.44	\$1,175.76	\$1,175.76	\$5,875.00
* 7-034-01	582.00	504.38			504.38	\$116.48	\$116.48	\$582.00
* 7-034-04	318.00	275.59			275.59	\$63.64	\$63.64	\$318.00
7-035	14,172.00	12,281.84	4,093.95	1,860.00	6,327.89	\$1,461.29	\$1,461.29	\$14,172.00
* Townline Road (50%)	846.00	733.17			733.17		\$733.17	\$846.00
* Special Assessment	11,590.00	10,817.82			10,817.82		\$10,817.82	\$11,590.00
* Youngs Road	16,041.00	13,901.57			13,901.57		\$13,901.57	\$16,041.00
* Special Assessment	19,580.00	16,842.51			16,842.51		\$16,842.51	\$19,580.00
TOTALS	\$ 240,000.00	\$ 214,501.56	29,370.30	\$ 21,790.00	\$ 163,341.26			

Legislative Services

November 28, 2023

Niagara Region
Local Area Municipalities

Dear Clerk,

Re: Encourage Contribution Supporting Hospice Niagara

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of July 24, 2023 passed the following resolution:

Whereas Hospice Niagara provides much needed specialized care with compassion and dignity for people, caregivers and family members at home and in hospice residence with a team of palliative care specialists across Niagara Region free of charge, and

Whereas Hospice Niagara provides in-home medical, emotional and social supports right from the time of diagnosis to help improve quality of life and well-being for everyone, including family and friends, and

Whereas critical services like those offered by Hospice Niagara improve quality of life for individuals living with a life-limiting illness as well as their caregivers, family and friends, and

Whereas these services are needed now more than ever since home care is the model for our health care today, and a preferred place for those dealing with illness who prefer to be at home or in a home like setting offered by Hospice Niagara, and

Whereas increasing capacity in hospice palliative care throughout the Region of Niagara moves the region towards a truly modern, connected health care system that nurtures close partnerships with long-term care hospitals, homes & hospice, and

Whereas the Town of Fort Erie like many municipalities has seen the value added by Hospice Niagara to our community and has contributed \$4.83 per resident to Hospice Niagara's current approved Niagara projects to help meet their/our vision of growing exceptional compassionate care for our Niagara residents, and

.../2

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

Whereas Hospice Niagara continues ongoing fundraising efforts to build new beds and support programs, and

Whereas these new projects benefit all Niagara municipalities, and

Whereas currently not all Niagara Municipalities have contributed \$4.83 per resident to the approved Hospice Niagara projects;

Therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie encourages all area Municipalities who have not yet contributed the \$4.83 per resident to do so, and join the many other Niagara Municipalities including Fort Erie who are already supported Hospice Niagara by making the same commitment to Hospice Niagara's currently approved projects recognizing that West Niagara has a project in the Queue, and further

That: A copy of this resolution be circulated to the Region of Niagara and all local area municipalities.

Trusting this information will be of assistance to you.

Sincerely,



Peter Todd,
Manager, Legislative Services / Town Clerk
ptodd@forterie.ca

PT:dlk

c.c. Carol Nagy, Executive Director, Hospice Niagara cnagy@hospiceniagara.ca

**Municipality of Tweed Council Meeting
Council Meeting**



Resolution No.

Title:

Date:

665.
Councillor J. Flieler

Tuesday, November 14, 2023

Moved by

J. Flieler

Seconded by

P. Valiquette

WHEREAS Municipalities are facing ever increasing demands for services along with demands for repairs, maintenance, and replacement of existing infrastructure to the detriment of the tax paying public they serve as the cost of living continues to rise throughout the country;

AND WHEREAS the Federal and Provincial governments in the past contributed through partnerships to fund projects that have been out of the financial reach of small municipalities;

AND WHEREAS these 1/3 funding agreements have been instrumental in allowing municipalities to adequately plan and execute projects to protect the aging infrastructure already in place;

AND WHEREAS the Municipality of Tweed has successfully completed more than 19 capital projects using these funding scenarios over the years;

AND WHEREAS it is incumbent upon our Federal and Provincial governments to assist municipalities with limited access to funding except through municipal taxes to re-establish this very important funding stream;

NOW THEREFORE BE IT RESOLVED THAT Council lobby the relevant Federal and Provincial representatives to bring these concerns to the forefront;

AND FURTHER, that Council consider making a Delegation at the 2024 ROMA Conference;

AND FURTHER, that copies be sent to MP Kramp-Neuman, MPP Bresee, the Hastings County Warden, the Association of Municipalities of Ontario, and all Ontario municipalities.

Carried



ADR
CHAMBERS

Integrity Commissioner Office
for the City of Port Colborne

EDWARD T. MCDERMOTT
Integrity Commissioner
City of Port Colborne
integrity@adr.ca

December 1, 2023

SENT BY EMAIL TO:

Ms. Saima Tufail
Interim Clerk
Saima.tufail@portcolborne.ca

Re: IC- 27320-1023 (Tokola/Bagu)

Dear Ms. Tufail:

I am enclosing a copy of my decision in connection with the above noted Complaint in which I have determined that it has not been established that there was any contravention of the Code by Councillor Bagu.

The Complaint has accordingly been dismissed and this matter is now concluded.

Yours very truly,

Edward T. McDermott
Integrity Commissioner, City of Port Colborne



ADR
CHAMBERS

Integrity Commissioner Office
for the City of Port Colborne

EDWARD T. MCDERMOTT

Integrity Commissioner

City of Port Colborne

integrity@adr.ca

November 29, 2023

SENT BY EMAIL TO:

Lorie Tokola
Councillor Mark Bagu

Complaint IC-27320-1023 Lorie Tokola v. Councillor Mark Bagu

Dear Ms. Tokola and Councillor Bagu:

This matter involves a Complaint dated October 17, 2023 by the Complainant (Ms. Tokola) alleging Councillor Bagu acted in contravention of “the City’s Code of Conduct and s 1.1.3 of the Municipal Conflict of Interest Act (“MCIA”).”

The nub of the Complaint apparently arose during discussion before Council (on September 26, 2023) of a proposed amendment to the City’s Discharge of Firearms By-Law which would have permitted increased shooting hours for members of the Port Colborne District Conservation Club (the “Club”) as particularized in the Club’s trap and skeet shooting schedule for that Club.

The trap and skeet shooting element of the Club’s portfolio is only a part of the Club’s endeavours, but it is an important element in terms of its presentation and revenue generating components.

During the debate before Council on this matter the Councillor indicated he had, (some 20 years in the past), been a member of the Club and was “very partial” to the Club even though he was no longer a member. He then immediately went on to indicate he could not support the

proposed amendment to increase the shooting hours because he didn't believe the Municipality had the power to regulate the Club's shooting schedule.

On review of the Complaint, there is nothing to indicate or even assert the Councillor had a pecuniary (or financial) interest in the matter before Council. The MCIA only deals with matters where a Councillor has a direct or indirect pecuniary interest in the matter before Council. The Complaint does not assert or provide any evidence or grounds that Councillor Bagu had any such interest.

It should also be noted that s 1.1.3 of the MCIA referred to in the Complaint does not create an offence under the statute but rather recites a general statement of aspirational principles which are endorsed by the Province of Ontario. The section itself provides as follows:

"1.1. Principles

The Province of Ontario endorses the following principles in relation to the duties of members of councils and of local boards under this Act. . .

3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny."

Interestingly the next statement in the statute reinforces the benefits to municipalities when Council Members are active in community associations. Section 1.1.4 provides:

- "4. There is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise. 2017, c. 10, Sch. 3, S. 1"

In any event there is nothing alleged or set forth in the Complaint which could found the basis for a contravention of any part of the MCIA.

I must accordingly find that all aspects of the Complaint dealing with the MCIA are dismissed.

The remainder of the Complaint does not assert what it is that he purportedly did to contravene the Code itself. The Complainant suggests he should have recused himself because of his past affiliation with the Club, but a review of the tape of the meeting shows that for the reasons stated above he actually announced he would (and did in fact) vote against the amendment to the by-law (which was being supported by the Club and its representatives who attended at the meeting before Council as well as a Report by staff prepared for this application at the direction of Council). The amendment was however passed by a majority of Council.

In response to this Complaint, the Councillor acknowledged that he misspoke when he used the word "biased" (the words used were really "very partial") in relation to the Club as he meant to say he had "much respect for the Club and its commitment to conservation" when he was a member over 20 years ago in the "80's and "90's". He then went on to say (in the same address to Council) that he could not support the recommendation being advanced by the Club as he was "not convinced Council had the legal authority to impose these restrictions" on private property as set forth in the Schedule.

It should also be noted that the Councillor apologized to the Complainant for his lack of clarity in a telephone call after the meeting and again in his Response to this Complaint when he assured her it wouldn't occur again.

In these circumstances it is difficult to discern how it could be said he had a conflict of interest because of his past membership in, and partiality for the Conservation Club itself when he was a member of it many years ago when he in fact publicly announced in the same address to Council that he would and, in fact, did vote against the amendment to the By-Law governing the Club's shooting schedule which was being advanced and supported by the Club.

While attempts were made by me to resolve this matter short of a decision, such a result did not prove achievable and accordingly I am compelled to conclude that it is my view that the substance of the Complaint as presented does not provide sufficient or any grounds for me to inquire further into this matter which is accordingly hereby dismissed.

Yours very truly,



Edward T. McDermott
Integrity Commissioner, City of Port Colborne

To: Brenda Heidebrecht

Subject: MADD Message Yearbook Advertising Information

Date: November 28, 2023 11:05:41 AM

Attachments: MaddMessage_Advertising_Rates.pdf

Dear Brenda,

Further to my voicemail today, please accept this email as our official sponsorship advertising request. Thank you for your time and consideration. Please feel free to email or call the office at 1-866-767-1736. We hope to have the City of Port Colborne join us in support of MADD Canada. We look forward to hearing from you. Have a wonderful day!

<https://can01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.maddmessage.ca%2F&data=05%7C01%7Cbrenda.heidebrecht%40portcolborne.ca%7C9b504abe848b4bfa892a08dbf02bcc65%7C5536de6fac1f444588a14b9cdc40f906%7C0%7C0%7C638367843406201061%7CUnknown%7CTWFPbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQljoiv2luMzliLCJBtIl6lk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=Sk8VAS%2B1rqqd8xHjNW5vxn3P9USkiW1TXYPbCjZH7c%3D&reserved=0>

The MADD Message Yearbook is a publication designed to raise awareness and funds for the many programs MADD Canada provides, including educational seminars in schools for new young drivers.

The publication will be available to the public and to our business and professional advertisers free of charge via mail and in high profile public locations. By placing your advertisement you can take part in the messaging focused on stopping impaired driving in our communities, while publicly promoting your commitment to the cause.

For additional information, to see our rates, and to see a recent e-copy, please visit our website. Without the backing of the business community, this important publication would not be possible. We hope to count on your participation in our upcoming edition.

Yours truly,

Stacey Biekx

T: (866) 767-1736

E: message@maddmessage.ca

Sponsorship Advertising Size/Rate Chart Honour Roll Listing \$169.00 (Non Graphical-3 Lines) Business Card \$299.00 1/8th page \$399.00 Banner \$575.00

1/4 page \$675.00

1/2 page \$875.00

Full page \$1300.00

Inside Covers \$1600.00

Back Covers \$2200.00

Back Covers \$2200.00

Dear Prospective Advertiser,

On behalf of the Board of Directors, Members and Volunteers of MADD Canada, I would like to thank you for your interest in The MADD Message Yearbook.

The generosity of community-minded people like you makes it possible for MADD Canada to pursue its much-needed programs including victim support services, educational programs, youth programs and public awareness programs.

By placing an advertisement, you will be helping us in our mission *to stop impaired driving and to support victims of this violent crime*. The magazine will enable us to spread our life-saving messages even further and bring in additional revenues for our programs.

Every day in Canada, on average 4 people are killed and another 175 people are injured as a result of alcohol and drug-related crashes. You can help make all the difference in our efforts to save lives.

Thank you once again for your interest and support.

Sincerely,



Dawn Regan
Chief Operating Officer
MADD Canada

MADD Canada's mission is to stop impaired driving and to support victims of this violent crime.

MADD Canada is appealing all levels of government for more effective legislation and better enforcement of the law. These measures must include:

1. Lowering the legal blood-alcohol limit
2. Enhancing police enforcement powers
3. Legislating stiffer penalties for repeat offenders

Rates

Back Cover (8.25" x 10.625")*	\$2200
Inside Covers (8.25" x 10.625")*	\$1600
Full Page (8.25" x 10.625")*	\$1300
Half Page (7.5" x 4.75")	\$875
Quarter Page (3.625" x 4.75")	\$675
Banner (7.5" x 1.75")	\$575
Eighth Page (3.625" x 2.25")	\$399
Business Card (2.33" x 1.5")	\$299

applicable taxes extra

*Text content must be 1/4" inside + bleed 1/4" beyond these dimensions.



Approximately 65,000 Canadians are impacted by impaired drivers annually

On average, 4 Canadians are killed and 175 are injured every day as a result of impaired driving

Motor vehicle crashes are the leading cause of death among 15 to 25 year olds, and alcohol is a factor in 45% of those crashes

MADD Canada will show its School Assembly Program to over 1 million students in Grades 7 to 12 every year!

I want to support MADD Canada by placing an ad in The MADD Message Yearbook!

PLEASE SELECT THE DESIRED AD : ALL ADS ARE IN FULL COLOUR ON GLOSS PAPER

☐ BACK COVER ☐ INSIDE COVERS ☐ FULL PAGE ☐ HALF PAGE ☐ QUARTER PAGE ☐ BANNER ☐ EIGHTH PAGE ☐ BUSINESS CARD

PLEASE SELECT THE DESIRED PAYMENT METHOD: ☐ VISA ☐ MASTERCARD ☐ AMEX ☐ INVOICE ME

CREDIT CARD # _____ EXP. DATE: ____/____ CVV: _____

COMPANY: _____ DATE: _____

AUTHORIZED SIGNATURE: _____ PRINT NAME: _____

THANK YOU FOR YOUR SUPPORT! CALL 613-225-8232

FAX: 613-225-5351 EMAIL: message@maddmessage.ca

www.maddmessage.ca



Briefing Note: Update Hospice Palliative Care - Approved Expansions in Niagara Region

Hospice Niagara is currently underway with the provincially-approved expansion of hospice care with the addition of 20 new hospice suites within the region. In Welland, the new hospice centre, Walker House, is currently at 20% of construction completion. Willson House in Fort Erie, is in the final design stage.

Along with this increased capacity in hospice suites, expansion planning has also been submitted to provincial funders for increased capacity in palliative care to serve people in their homes and in Long-Term Care.

On behalf of the Hospice Niagara Board of Directors and our community, we thank City of Port Colborne for \$90,000.00 of capital funding to bring these much needed facilities to everyone in our region.

It is important to consider and continue planning for other opportunities in Niagara to expand hospice care to serve the Region, as ministry planning and funding cycles can take several years. Hospice Niagara is well-positioned and willing to move in this direction, given the current expansion projects are well underway.

Why it's important for ALL Municipalities to Invest Now in Hospice Palliative Care

The hospice capacity in Niagara with these new suites will increase to approximately 6 beds per 100,000 resident, (not including West Niagara). However, the Auditor General in 2014 recommended 7-10 beds per 100,000, which highlights the need for further hospice expansion in Niagara. It is also important to consider Niagara's need and capacity given our demographic trend towards an aging population.

Hospice care is delivered at a fraction of the cost of hospital care. The average cost of a hospice bed is \$500 per day, while a hospital bed costs over \$1,200 per day, saving our health care system millions of dollars each year. While end of life and dying in hospital or their home meets the needs or necessities for many people, hospices provide people and their families with individual care, input into all care decisions and most important, focuses on specialized palliative care and dignity at end-of-life.

Economical Planning

Based on recent construction cost inflation, a typical stand-alone hospice residence build falls within the range of \$600-\$700 per square foot, for specialized building features and increased infection prevention requirements.

If new hospice sites are approved in the future, the Ministry of Health potentially will provide Hospice Niagara with \$2,500,000 toward approved standard elements, with an opportunity for special circumstances grant request for exceptional circumstances. Regional funding contributions, along with all municipal support toward the current approved projects and any new projects demonstrates the importance of these projects in our region and is a strong element to the business case for provincial approval of these types of grants.

Sustainable Growth

Hospice Niagara has existing professional management and infrastructure to sustainably manage the associated administrative and professional staffing demands to expand its operations and accredited hospice services in Niagara. In addition, the organization has the community recognition and support to raise the required \$2.8M annually to operate a 10-bed facility and leverage existing volunteer recruitment, training and retention programs in place to offset operational costs.

Hospice Niagara has demonstrated and proven success to ensure that the capital builds and hospice services that are provided in its current and future model are viable and sustainable to serve Niagara's hospice needs for future generations.

Capital Campaign Contributions

Hospice Niagara's capital campaign has launched, with a target of raising \$18M toward the build costs for the Fort Erie and Welland sites. Hospice Niagara is working to secure contributions from every municipality, exempting communities in West Niagara that are served by McNally House. Hospice expansions that occur in Niagara benefit all residents of Niagara.

Improved Care for Niagara

Niagara's much needed Hospice expansion is important to every community. Provincially approved expansion models in Niagara create a template for other communities in Niagara to plan alongside Hospice Niagara for future hospice resource expansions.

Most importantly, expansion means:

- Increased local access to weekly hospice wellness programs, caregiver and bereavement support;
- Influx of palliative care professionals working within communities;
- The expansion of Francophone programs and services;
- Culturally safe programs, that focus on health equity;
- Onsite expert consultations to help people living in LTC homes throughout Niagara to avoid hospital admissions due to pain crisis and complex end-of-life care and;
- Better planning, transitions and improved quality of life for patients and families, who will have access to vital hospice and community palliative care services.

These and future projects are community and provincial investments that will maintain Hospice Niagara's proven record in providing exceptional care according to best practice standards, while ensuring sustainable expansion through partnerships and integration.

It is important for all Niagara communities to support Hospice Niagara with its existing, approved expansion plans, and equally important for Hospice Niagara to support communities to continue their efforts to expand hospice services to meet growing demands.

We thank all municipalities for their confirmed commitments to the Hospice Niagara expansion and encourage the remaining communities to consider your local contribution request.

403 Ontario Street, Unit 2, St. Catharines, ON L2N 1L5

T: 905-984-8766 | Fax: 905-984-8242

info@hospiceniagara.ca | hospiceniagara.ca | Charitable Registration#: 89971 6294 RR0001





HOSPICE NIAGARA

Close to Home Campaign



Presentation to Council

Presenter: Carol Nagy, Executive Director

EXPANDING ACROSS NIAGARA



**TWO New Centres
of Excellence**

WELLAND WALKER HOUSE

Projected Opening:
Summer 2025



EXPANDING ACROSS NIAGARA



**TWO New Centres
of Excellence**

FORT ERIE WILLSON HOUSE

Projected Opening:
2026

PROGRAMS and SERVICES



living well at HOME

Support for people throughout their illness, improving quality of life and well-being.



living well at HOSPICE

Care, compassion and dignity for people at end of life and their families.



living well with GRIEF

Children, youth and adults explore feelings of grief and loss, in a safe and supportive space.



living well as a CAREGIVER

Family caregivers learn healthy ways to cope and care for themselves, as they care for others.

MUNICIPAL PARTNERS



City of Port Colborne
City of St. Catharines
City of Thorold
City of Welland

Niagara Region
Town of Fort Erie
Town of Pelham

THE IMPACT



**This expansion will ensure
that every year in Niagara:**

900+



3,700+



800+



THE IMPACT



**Our volunteer base
will increase to
700 volunteers giving
approximately
75,000 hours per year.**



ECONOMIC IMPACTS



Niagara will see
60 NEW health care jobs and add over
\$1M annually to the local
business economy.



CONTRIBUTIONS UPDATE



Public Contribution:
\$18M Target

Progress to Target:
79% (\$14.3M)

With MoH & HN
contributions:
91% to Target

THE HOSPICE DIFFERENCE



We all experience **dying, death and bereavement**. It touches each and every person multiple times. **Supporting** people to live well until last breath is a measure of **our humanity**.



Investing
in Hospice
Palliative
Care



Improved
Population
Health



Trusted
Services



Value for
Money

QUESTIONS



**For more information,
please contact: 905.984.8766 x224
campaign@hospiceniagara.ca**



hospiceniagaraclosetohome.ca



The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Authorize Entering into an Agreement with 2635450 Ontario Inc. regarding Olde Humberstone Community Improvement Plan Financial Incentive Programs Property Tax Increment Grant

Whereas at its meeting of December 12th, 2023, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Chief Administrative Officer Report 2023-234, Subject: Olde Humberstone CIP TIG Application "The Spot"; and

Whereas Council is desirous of entering into an agreement with 2635450 Ontario Inc., for the purposes of an Olde Humberstone Community Improvement Plan Financial Incentives Program Property Tax Incentive Grant; and

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 enters into an agreement with 2635450 Ontario Inc., for the purposes of an Olde Humberstone Community Improvement Plan Financial Incentives Program Property Tax Increment Grant, attached hereto as Schedule "A";
2. That the Mayor, the Acting City Clerk be and are hereby authorized to execute any documents that may be required for the purpose of carrying out the intent of this by-law and the Acting City Clerk is dully authorized to affix the Corporate Seal thereto.

Enacted and passed this 12th day of December, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

**Olde Humberstone Community Improvement Plan Financial Incentive Programs
Tax Assistance Increment Grant Agreement**

BETWEEN:

THE CITY OF PORT COLBORNE
(hereinafter referred to as the "City")

and

2635450 ONTARIO INC. [REDACTED]
(hereinafter referred to as the "Owner")

WHEREAS the City has adopted the Olde Humberstone Community Improvement Plan Financial Incentives Program (Olde Humberstone CIP) pursuant to Section 28 of the *Planning Act*;

AND WHEREAS the Owner is the registered Owner of the lands described in Section 1 and Schedule "A" to this agreement (the "subject lands") which are located within the City of Port Colborne;

AND WHEREAS the Owner has made applications (the "application") to the City for the Tax Increment Grant under the Olde Humberstone CIP;

AND WHEREAS the City has approved this application and has agreed to provide tax assistance;

AND WHEREAS a condition of approval of this application for tax assistance and the Owner is required by the City to enter into this Agreement (the "Agreement");

1. INFORMATION ON SUBJECT LANDS

- 1.1 The tax assistance and/or grant shall apply to the subject lands as set out in Schedule "A" attached.

2. TAX ASSISTANCE/GRANT ELIGIBILITY

- 2.1 To be eligible for the tax assistance grant, the development and remediation works on the subject lands (hereinafter referred to as "work"), shall conform to and fulfill:
- (a) the objectives and requirements of the Tax Increment and Rehabilitation program of the Olde Humberstone CIP,
 - (b) any other requirements as specified by the City,

- 2.2 The Owner acknowledges that it has received and read a copy of the City's Olde Humberstone CIP Tax Assistance Program Guide (the "Olde Humberstone CIP Guide") and the Owner covenants with the City that the subject lands shall be rehabilitated and developed in accordance with the City's objectives, policies and requirements set out in the DCIP.

3. TAX ASSISTANCE/GRANT CALCULATION AND PAYMENT

- 3.1 The annual tax assistance will be calculated as the difference between property taxes on the subject lands at the time of approval of this Agreement and property taxes that would have been collected on the subject lands after the project's completion.
- 3.2 Municipal tax assistance will commence at the time of passing of the by-law and three year freeze of taxes for the subject lands and will cease on the earlier of:
- a) sale or conveyance of the subject lands;
 - b) Three (3) years from the date the tax assistance begins.
- 3.3 The annual grant will be calculated as a percentage of the increase in municipal property taxes on the subject lands that result from the development with this percentage as identified in the table below.

Year*	Grant Factor
1	100%
2	100%
3	100%

- 3.4 The tax assistance/grant payments shall be calculated according to the formulas and schedules set out in Schedule B to this agreement.
- 3.5 The actual tax assistance/grant payment amounts will be based on the actual post-project assessed value (AV) as determined by the Municipal Property Assessment Corporation (MPAC) and actual applicable City tax rates.
- 3.6 Where at any time after the original rehabilitation of the subject lands, new construction is added to the subject lands that is not part of the original program application, the tax assistance and/or grant will be calculated only in respect of the original rehabilitation contained in the original application, based on the assessed value and property taxes in the last year before revaluation by the MPAC as a result of the new construction added to the subject lands.
- 3.7 The annual tax assistance shall be calculated by the City based upon, and provided the City is satisfied in its discretion that rehabilitation of the subject lands took place in accordance with the proposed rehabilitation works as specified in the application, accompanying documentation, and this Agreement;
- 3.8 The City shall review all cost estimates and documentation submitted in support of the application in evaluating the estimated costs eligible for tax assistance and/or a grant, which costs, when designated by the City shall constitute the maximum costs eligible for tax assistance and/or a grant. In the event the City is not satisfied with said cost

estimates, the City may substitute their opinion of such amounts for purposes of calculating the eligible costs and maximum total tax assistance and/or maximum total grant.

- 3.9 If the City is not in receipt of sufficient information satisfactory to the City to determine eligible costs and the amount of tax assistance and/or grant, there shall be no tax assistance/grant. The decision of the City regarding the total amount of eligible costs, the calculation of the total estimated tax assistance and grant, and the calculation of the actual tax assistance and grant is final and within the City's sole discretion.
- 3.10 Payment of the tax assistance and/or grant is subject to the City's review and satisfaction with all reports and documentation submitted in support of the application, including but not limited to: documentation of the estimated and actual costs of eligible works. Any and all of these costs may be, where required by the City, subject to verification, third party review or independent audit, at the expense of the Owner.
- 3.11 The Owner shall not be entitled to tax assistance and/or a grant payment unless and until they have met all the conditions of this Agreement to the satisfaction of the City. Except where expressly stated in this Agreement, all conditions in this Agreement are for the benefit of the City and may only be waived by the City. No waiver is effective unless in writing.
- 3.12 The total value of the tax assistance that may be provided to the Owner shall not exceed the total eligible Tax Assistance Program costs that have been approved by the City.
- 3.13 The tax assistance that has been provided to the Owner will become payable (including interest) upon notice in writing from the City that one or more of the terms and conditions set out in the application, this Agreement or the Tax Increment Grant Program have not been met.
- 3.14 The total sum value of the annual grant payments that may be provided to the Owner shall not exceed the total eligible Tax Increment Grant Program costs that have been accepted by the City.
- 3.15 Any and all grant payments that have been provided to the Owner will become payable upon notice in writing from the City that one or more of the conditions set out in the application, this Agreement, or the Tax Increment Grant Program have not been met.
- 3.16 Grants are not payable by the City until such time as additional assessment eligible for a grant has been added to the assessment roll by the MPAC, property taxes have been billed by the City, and property taxes have been paid in full for one year on the property.
- 3.17 Annual grant payments to the Owner will not be issued if there is an outstanding tax payment. If at any time after the term of this Agreement, property taxes are owing on a property for more than one full year, the City will have the option, at its sole discretion, to terminate this Agreement and all future grant payments.
- 3.18 The grant is not payable by the City until such time as all assessment appeals relating to the value of the subject lands before the additional assessment or as to the additional assessment as a result of the development of the subject lands have been filed and decided.

- 3.19 The first grant payment as finally determined by the City shall be paid to the Owner by the City, subject to the provisions of this Agreement, following completion and occupancy of the said redevelopment of the subject lands, and during or after the property taxation year in which the property taxes increase as a result of the completed rehabilitation.
- 3.20 Annual grant payments under Olde Humberstone CIP will not be provided by the City until the Owner has satisfied the City that:
- a) The development work on the subject lands has been completed in accordance with the work as described in the application;
 - b) The Owner has supplied the City with the actual amount of the eligible Tax Increment Grant Program costs incurred by the Owner;
 - c) There are no outstanding work orders and/or orders or requests to comply from any City department or other regulatory authority in respect of the subject lands, and the business of the Owner conducted on the subject lands;
 - d) The Owner and the subject lands are in full compliance with:
 - i) Any Agreement(s) relating to the property in favour of the City, including any Agreement relating to: subdivision, modified subdivision, service, site plan approval, encroachment, joint sewer & water use, easement or other Agreement; and,
 - ii) Bylaws of the City and provincial or federal legislation and regulations.
 - e) There are no unpaid charges where applicable against the subject lands in favour of the City, including but not limited to: development charges, parkland dedication fees, special assessments and local improvement charges; and,
 - f) The Owner has not appealed the post-project assessed value and there exists no other pending appeal which has not been settled completely in respect of the post-project assessed value.

4. PERSONAL STATUS

4.1 The Owner warrants and represents to the City that:

- a) the Owner is a resident of Canada as of the date of this Agreement and that in the event the Owner ceases to be a resident of Canada, the Owner shall immediately notify the City, and it is agreed, the City may deduct from any or all annual grant payments, such sum(s) as may be required by Canada Customs and Revenue Agency in order to meet the City's obligations as a payer and the Owner's obligations under the *Income Tax Act (Canada)* and other applicable laws.
- b) to the best of its knowledge and belief, there are no actions, suits or proceedings pending or threatened against or adversely affecting the Owner in any court or before or by any federal, provincial, city or other governmental department,

commission, board, bureau or agency, Canadian or foreign, which might materially affect the financial condition of the Owner or title to their property or assets; and,

- c) The Owner shall notify the City immediately of any material change in the conditions set out in paragraphs (a)-(d) above.

5. PROVISIONS RELATING TO THE OWNER

- 5.1 The Owner covenants to the City that building(s) and improvements that are the subject of this Agreement will not be demolished, in whole or in part prior to the advance of all of the grant payments.
- 5.2 The Owner shall ensure there are no liens or other claims outstanding in respect of the subject lands, including its rehabilitation, all accounts for work and materials which could give rise to any claim for a construction lien against the subject lands have been paid; and there is no default by the Owner with respect to any of the terms of this Agreement.
- 5.3 The Owner shall ensure that the Owner is in compliance with the *Construction Lien Act*, including its holdback provisions and is not aware of any potential or unresolved Lien claim in respect of the redevelopment.
- 5.4 The Owner covenants to the City that the Owner shall use the subject lands in compliance with this Agreement, all city by-laws pertaining to use, and all applicable environmental laws.
- 5.5 The Owner covenants to the City that the Owner will require, as a term of every lease that tenants of the subject lands comply with all city by-laws pertaining to use, and all applicable environmental laws.
- 5.6 The Owner agrees to comply with all outstanding work orders and/or orders or requests to comply from any and all City departments during the term of this Agreement.
- 5.7 The Owner covenants to the City that the Owner shall not commit or permit any waste to be dumped or any nuisance upon the subject lands or permit any part of the subject lands to be used for any dangerous occupation or business or for any noxious or offensive trade.
- 5.8 The Owner covenants to the City that where the Ownership of part or all of the subject lands ceases for any reason to be in the Owner's name by sale, conveyance, assignment or otherwise, prior to the advance of all of the tax assistance and/or the grant, the Owner will notify the City in writing of said change of ownership at least 30 days prior to said change of ownership.
- 5.9 The Owner acknowledges that nothing in this Agreement is intended to impose or shall impose upon the City any duty or obligation to inspect or examine the land for compliance or non-compliance or to provide an opinion or view respecting any condition of development; and,
 - a) Nothing in this Agreement is intended to be or shall be construed to be a representation by the City regarding compliance of the land with:
 - i) Applicable environmental laws, regulations, policies, standards, permits or

approvals; or,

ii) Other by-laws and policies of the City.

- 5.10 If the City determines in its sole discretion that any of the conditions of this Agreement are not fulfilled, and the City at its sole discretion delays or cancels tax assistance and/or grant payments, and/or requires repayment of tax assistance and/or grant payments already made to the Owner, and/or terminates this Agreement, the Owner agrees that notwithstanding any costs or expenses incurred by the Owner, the Owner shall not have any claim for compensation or reimbursement of these costs and expenses against the City and that the City is not liable to the Owner for losses, damages, interest, or claims which the Owner may bear as a result of the City exercising its rights herein to delay or cancel tax assistance and/or grant payments, require repayment of tax assistance and/or grant payments already made to the Owner, and/or terminate this Agreement.
- 5.11 The Owner shall indemnify and save harmless from time to time and at all times, the City and its officials, officers, employees, and agents from and against all claims, actions, causes of action, interest, demands, costs, charges, damages, expenses and loss made by any person arising directly or indirectly from:
- a) The City entering into this Agreement; and
 - b) Any failure by the Owner to fulfil its obligations under this Agreement. This indemnification shall, in respect of any matter arising prior to the termination of this Agreement, remain in force following termination or expiry of this Agreement.

6. PROVISIONS RELATING TO THE CITY

- 6.1 The City agrees to provide a grant to the Owner with said grant to commence at the end of the tax assistance period and ceasing on the earlier of:
- a) the point in time when the total of all annual grant payments provided equals total eligible Tax Increment Grant Program costs that have been accepted by the City;
 - b) Three (3) years.
- 6.2 On an annual basis, the City, upon being satisfied that the Owner is not in default of any of the terms and conditions set out in the application, this Agreement, the Tax Increment Grant Program, shall pay the annual grant payment.
- 6.3 If the Owner cannot be reached over a protracted period (more than 2 years), the City will have the option, without notice and at its own discretion, of terminating this Agreement and all future grant payments to the Owner.
- 6.4 If in the opinion of the City the property is not maintained in its rehabilitated condition, the City may, at its sole discretion, terminate tax assistance and/or all future grant payments and require repayment of the tax assistance and/or grant payments already provided by the City to the Owner.

- 6.5 The City, its employees and agents are entitled to inspect the subject lands at any time during business hours for the purpose of ascertaining their condition or state of repair or for the purpose of verifying compliance with the Olde Humberstone CIP.
- 6.6 The City retains the right at all times to delay or cancel tax assistance and/or grant payments, and/or require repayment of tax assistance and/or grant payments already made to the Owner, and/or terminate this Agreement where the City deems that there is non-compliance with this Agreement. In particular, without limiting the generality of the foregoing, the tax assistance and the grant is conditional upon periodic reviews satisfactory to the City to there being no adverse change in the rehabilitation works and to there being compliance on the part of the Owner with all other requirements contained in this Agreement.
- 6.7 Communications from the City to the Owner may be addressed to the Owner at the address of the Owner listed in Section 9 of this Agreement.

7. DEFAULT AND REMEDIES

- 7.1 On the occurrence of default under this Agreement the City shall be entitled to its remedies to enforce this Agreement, including, but not limited to:
- a) Delaying or cancelling tax assistance and/or grant payments; and/or,
 - b) Requiring repayment to the City by the Owner of all tax assistance and/or grant payments already made to the Owner; and/or,
 - c) Terminating the Agreement.
- 7.2 Default shall be deemed to occur upon any default of the Owner in complying with the terms set out in this Agreement, including, but not limited to, the following:
- a) Non-compliance with any City by-laws, provincial, and/or federal laws and regulations;
 - b) Failure to pay and keep in good standing all real property taxes;
 - c) Any representation or warranty made by the Owner is incorrect in any material respect;
 - d) Failure to perform or comply with any of the obligations contained in this Agreement or contained in any other Agreement entered into between the Owner and the City;
 - e) The Owner makes an assignment for the benefit of creditors, or assigns in bankruptcy or takes the advantage in respect of their own affairs of any statute for relief in bankruptcy, moratorium, settlement with creditors, or similar relief of bankrupt or insolvent debtors, or if a receiving order is made against the Owner, or if the Owner is adjudged bankrupt or insolvent, or if a liquidator or receiver is appointed by reason of any actual or alleged insolvency, or any default of the Owner under any mortgage or other obligation, or if the subject lands or interest of the Owner in the subject lands becomes liable to be taken or sold by any creditors or under any writ of execution or other like process;

f) This Agreement is forfeited or is terminated by any other provision contained in it.

7.3 The City may at its sole discretion provide the Owner with an opportunity to remedy any default.

8. ADDITIONAL PROVISIONS

8.1 This Agreement shall remain in effect from the date of its execution by the City to the earlier of:

- a) The time when the City informs the Owner in writing that due to the non-fulfilment or non-compliance with a required condition or due to default, this Agreement is terminated;
- b) The time when total amount of the tax assistance and grants paid out to the Owner equals the total accepted eligible costs under the Tax Assistance Program;
- c) Three (3) years.

8.2 Time shall be of the essence with respect to all covenants, Agreements and matters contained in this Agreement.

8.3 Schedule "A" attached to this Agreement forms part of the Agreement.

9 NOTICES

9.1 Where this Agreement requires notices to be delivered by one party or the other, such notice shall be given in writing and delivered either personally, by e-mail, by fax or by prepaid first call mail by the party wishing to give such notice to the other party at the address noted below:

To the Owner at:

2635450 Ontario Inc.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

To the City at:

City of Port Colborne
c/o Saima Tufail
66 Charlotte Street
Port Colborne Ontario, L3K 3C8
Ph: 905-835-2900 ext 106
Fax: 905-835-2939

THIS AGREEMENT shall be binding upon the parties and their heirs, executors, successors and assigns.

IN WITNESS WHEREOF the parties duly execute this Agreement:

SIGNED, SEALED AND DELIVERED
In the presence of

THE CITY OF PORT COLBORNE

Mayor William C. Steele

Saima Tufail; Acting City Clerk

WITNESS

2635450 Ontario Inc. [REDACTED] :
Owner

Schedule "A"

Of an Agreement between the City of Port Colborne and the Owner named in this Agreement.

Name of Registered Property Owner: 2635450 Ontario Inc. [REDACTED]

Address of Subject Lands: 225 Main Street West

Roll NO.: 030030059000000

Mailing Address of Property Owner (where different from address of subject lands):

[REDACTED]
[REDACTED]
[REDACTED]

E-mail: [REDACTED]

Legal Description of Subject Lands

PLAN 762 BLK A PT LOT 4 PT; LOT 2 S MAIN

Schedule "B"

Olde Humberstone CIP Tax Assistance Estimates

(1) Cost of approved eligible tax assistance works	\$999,000
(2) Pre-project assessed value (AV):	\$119,000
(3) Pre-project City property taxes	\$1,721
(4) Post-project assessed value (AV):	CT \$999,000
(5) Post-project City property taxes	\$13,834.41

Municipal Tax Assistance = Post-project City property Taxes – Pre-project City property taxes

Grant = Post-project City property taxes – Pre-project City property taxes

**TAX ASSISTANCE CALCULATION SCHEDULE ESTIMATE
2022**

	Pre- Development	Project Completion	Tax Increment	% of Tax Increment	Annual Grant
Assessment Value	\$119,000	\$999,000	\$881,000	100%	100%
Municipal Taxes	\$1,721	\$13,834.41	\$13,834.41	100%	\$13,834.41
		Duration of Grant			3 years
		Total Payment of Grant \$41,503.22 however subject to any assessment or tax increase during the 3-year period			

The Corporation of the City of Port Colborne

By-Law No. _____

Being a By-law to Amend the Assessment Schedule to
Levy the Actual Costs Incurred in Constructing a Drainage Works
Known as the Skelton Municipal Drain

Whereas Section 61 Chapter D.17 of the *Drainage Act* R.S.O. 1990 authorizes a municipality, upon the completion of the drainage works, to levy the final cost thereof to the lands and roads liable, as stated in the engineer's report; and

Whereas By-law 6744/108/19, Being a By-law to Provide for Drainage Works in the City of Port Colborne in the Regional Municipality of Niagara, known as the Skelton Municipal Drain, was enacted the 10th day of February, 2020, and provided for the construction of the Skelton Municipal Drain based on the estimates contained in the drainage report dated October 29, 2019, as submitted by Brandon Widner P. Eng, from the firm of Spriet Associates Engineers & Architects; and

Whereas the Drainage Works was completed as per the Engineer's Report, as amended, and the total actual costs incurred were \$214,501.56 compared to an original estimated cost of \$240,000. Actual costs for constructing the drain were 10.62% under the Engineer's estimate.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That the Treasurer invoice the City of Welland in accordance with Schedule 'A', attached hereto, being the amounts to be charged for completing the construction of the drainage works known as the Skelton Drain for the portions of work within the City of Welland, with the invoice being due within 30 days of the invoice date.
2. That the Treasurer invoice the Township of Wainfleet in accordance with Schedule 'A', attached hereto, being the amounts to be charged for completing the construction of the drainage works known as the Skelton Drain for the portions assessed within the City of Welland, with the invoice being due within 30 days of the invoice date.
3. That the Treasurer levy the remaining amount in accordance with Schedule 'A', attached hereto, against the lands and roads in the City of Port Colborne, being the amounts to be charged for completing the construction of the drainage works known as the Skelton Drain.
4. That the owners of the property's within the City of Port Colborne have the option of submitting full payment of the net cost or make yearly payments over a period of 5 years at 5% interest per annum. The full payments not received by February 29, 2024 shall be added to the final tax bill beginning in the year 2024 and ending in the year 2028.
5. That in the event of nonpayment, the City of Port Colborne's penalty and interest charges on outstanding accounts receivable, By-law 6841/91/20 shall be followed.
6. That By-law 6744/108/19 is hereby amended by replacing the assessment schedule with Schedule 'A' appended hereto.
7. This by-law shall come into force and take effect on the day of its final passing.

Enacted and passed this 12th day of December, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

Schedule A to By-law No. _____

SCHEDULE OF FINAL ASSESSMENT

SKELTON DRAIN

City of Port Colborne

Job No. 219039

15-Jul-21
Final Assess. 24-Nov-23

Total Estimated Cost	\$ 240,000.00	Total Actual Cost	\$ 214,501.53
Special Non Pro-rateable Assessments	\$ <u>86,220.00</u>	Special Non Pro-rateable Assessments	\$ <u>81,231.58</u>
Total Estimated Pro-rateable Assessment	\$ 153,780.00	Total Actual Pro-rateable Assessment	\$ 133,269.95

* = Non-agricultural

ROLL NUMBER (OWNER)	TOTAL ESTIMATED ASSESSMENT	TOTAL ACTUAL ASSESSMENT	GRANT	ALLOW.	TOTAL AMOUNT PAYABLE	Optional Yearly Payment 5% / 5 YRS 0.230929174	Billing Amount	Estimated Amount
City of Port Colborne								
39-151	\$ 2,949.00	\$ 2,555.68	\$ 851.89	\$ 2,480.00	\$ -776.21			\$2,949.00
39-168	205.00	177.66	59.22		118.44	\$27.35	\$27.35	\$205.00
* 39-169	75.00	65.00			65.00	\$15.01	\$15.01	\$75.00
39-170	7,071.00	6,127.92	2,042.64	3,730.00	355.28	\$82.04	\$82.04	\$7,071.00
* 39-170-01	108.00	93.60			93.60	\$21.61	\$21.61	\$108.00
* 39-171	627.00	543.38			543.38	\$125.48	\$125.48	\$627.00
* 39-174	93.00	80.60			80.60	\$18.61	\$18.61	\$93.00
39-175	15,024.00	13,020.21	4,340.07	1,920.00	6,760.14	\$1,561.11	\$1,561.11	\$15,024.00
39-177	1,430.00	1,239.28	413.09		826.19	\$190.79	\$190.79	\$1,430.00
39-181-01	3,270.00	2,833.87	944.62	1,330.00	559.25	\$129.15	\$129.15	\$3,270.00
38-287-01	70.00	60.66	20.22		40.44	\$9.34	\$9.34	\$70.00
38-287-02	65.00	56.33	18.78		37.55	\$8.67	\$8.67	\$65.00
39-178	12,045.00	10,438.53	3,479.51	3,920.00	3,039.02	\$701.80	\$701.80	\$12,045.00
* 39-180	123.00	106.60			106.60	\$24.62	\$24.62	\$123.00
39-181	384.00	332.78	110.93		221.85	\$51.23	\$51.23	\$384.00
38-287	269.00	233.12	77.71		155.41	\$35.89	\$35.89	\$269.00
* Con. 3/4 Unopened	3,073.00	2,663.15			2,663.15			\$3,073.00
* Highway No.58	5,704.00	4,943.24			4,943.24		\$4,943.24	\$5,704.00
* Special Assessment	17,940.00	19,231.62			19,231.62		\$19,231.62	\$17,940.00
* Nugent Road	4,857.00	4,209.21			4,209.21			\$4,857.00
* Special Assessment	25,520.00	23,521.82			23,521.82			\$25,520.00
* Lot 32/33 Unopened	569.00	493.11			493.11			\$569.00
* Townline Road (50%)	769.00	666.44			666.44			\$769.00
* Special Assessment	11,590.00	10,817.82			10,817.82			\$11,590.00
City of Welland								
2-075	\$ 926.00	\$ 802.50	\$ 267.50	\$	\$ 535.00	\$123.55	\$123.55	\$926.00
Townline Road (50%)	74.00	64.13			64.13		\$64.13	\$74.00
Township of Wainfleet								
* 7-029-01	149.00	129.13			129.13	\$29.82	\$29.82	\$149.00
* 7-029-02	809.00	701.10			701.10	\$161.90	\$161.90	\$809.00
7-029-04	4,584.00	3,972.62	1,324.21		2,648.41	\$611.60	\$611.60	\$4,584.00
* 7-030	1,458.00	1,263.54			1,263.54	\$291.79	\$291.79	\$1,458.00
* 7-031	89.00	77.13			77.13	\$17.81	\$17.81	\$89.00
7-032	10,933.00	9,474.84	3,158.28	3,890.00	2,426.56	\$560.36	\$560.36	\$10,933.00
* 7-001-01	130.00	112.66			112.66	\$26.02	\$26.02	\$130.00
7-029	1,096.00	949.82	316.61		633.21	\$146.23	\$146.23	\$1,096.00
7-033	27,178.00	23,553.20	7,851.07	2,660.00	13,042.13	\$3,011.81	\$3,011.81	\$27,178.00
* Non- Grantable	9,740.00	8,440.95			8,440.95	\$1,949.26	\$1,949.26	\$9,740.00
* 7-033-10	5,875.00	5,091.44			5,091.44	\$1,175.76	\$1,175.76	\$5,875.00
* 7-034-01	582.00	504.38			504.38	\$116.48	\$116.48	\$582.00
* 7-034-04	318.00	275.59			275.59	\$63.64	\$63.64	\$318.00
7-035	14,172.00	12,281.84	4,093.95	1,860.00	6,327.89	\$1,461.29	\$1,461.29	\$14,172.00
* Townline Road (50%)	846.00	733.17			733.17		\$733.17	\$846.00
* Special Assessment	11,590.00	10,817.82			10,817.82		\$10,817.82	\$11,590.00
* Youngs Road	16,041.00	13,901.57			13,901.57		\$13,901.57	\$16,041.00
* Special Assessment	19,580.00	16,842.51			16,842.51		\$16,842.51	\$19,580.00
TOTALS	\$ 240,000.00	\$ 214,501.56	29,370.30	\$ 21,790.00	\$ 163,341.26			

The Corporation of the City of Port Colborne

By-Law No. _____

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 Meeting of December 12, 2023

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 Regular Meeting of December 12, 2023, 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 12th day of December, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk