



Subject: Meeting to Consider the Northland Estates Drain

To: Council

From: Public Works Department

Report Number: 2024-163

Meeting Date: September 18, 2024

Recommendation:

That Public Works Department Report 2024-163 be received; and

That the Mayor and Acting Clerk be directed to execute a by-law to provisionally adopt the Northland Estates Municipal Drain Engineer's Report, dated August 14, 2024, prepared by Brandon Widner, P. Eng. Of Spriet Associates Engineers & Architects, under Section 4, Chapter D. 17 of the *Drainage Act R.S.O. 1990*; and

That Councillor _____, Councillor _____ and Councillor _____ as an alternate for the City of Port Colborne be appointed to sit on the Court of Revision.

Purpose:

At the August 27, 2024, Council Meeting, Council approved Report 2024-161, which allowed staff to proceed to the Meeting to Consider for the Northland Estates Municipal Drain. The purpose of this report is to provide Council with the requisite procedure to move the Engineer's Report forward to the Court of Revision.

Background:

Council Report 2024-161 provided the history and background of the Northland Estates Municipal Drain. In the report, staff informed Council that the final version of the Engineer's Report for the Northland Estates Drain was received from Spriet Associates Engineers & Architects and was filed with the City Clerk on August 26, 2024. Council then directed staff to proceed to the Meeting to Consider.

The *Drainage Act, R.S.O. 1990* (the Act), requires a copy of the Northland Estates Municipal Drain Engineer's Report to be sent to all assessed landowners within 30 days of receipt. To meet this requirement, a notification was mailed on August 29, 2024, which provided instructions on how to review the Engineer's Report on the City's website, at City Hall or the City Library. If there were any issues encountered, the Drainage Superintendent could be contacted for a hard copy of the report.

Discussion:

At this meeting, Council and the assessed property owners, will be provided with a presentation by the Engineer of record, Brandon Widner, P. Eng., of Spriet Associates Architects & Engineers, outlining the details of the Northland Estates Municipal Drain Report.

The property owners who were notified under Sections 41(1) and 41(2) that choose to attend the Meeting to Consider are to be provided an opportunity to ask questions of the Engineer or express any concerns over the Engineer's Report related to design or any gross errors in the report. Should the Meeting to Consider reveal any errors in the Engineer's Report, Council may refer the report back to the Engineer for reconsideration. However, under no circumstances is Council to refer the report back to the Engineer regarding assessments. Concerns related to assessments are a function of the Court of Revision.

Additionally, at this meeting, as per Section 42 of the Act, anyone wishing to remove or add their name to a petition for further drainage, may do so at this time.

At this meeting, the City's representatives on the Court of Revision are to be appointed. As per Section 97(3) of the Act, Council is required to appoint three members, with one of the members acting as chair of the Court of Revision. An alternate is also required during the selection.

An agenda to guide the selected Council members through the Court of Revision along with key notes will be provided prior to the Court of Revision which is tentatively scheduled for Wednesday October 23, 2024.

Financial Implications:

All upfront administration and financing costs have already been borne by the City of Port Colborne. All construction costs will additionally be borne by the City of Port Colborne. Once the report is adopted and the construction is completed, the financing and cost of the project will then be expensed to the petitioner as they are the only ones assessed for the construction of the works.

Eligible drainage works costs will be recorded to a drainage account established for the drainage set out in this report. That account will be charged interest at the City's Bank Prime Rate + 2% to temporarily finance the drainage works.

The total estimated cost of the project is \$189,900. Included in the report are the maintenance schedules for maintenance. Attention is brought to the maintenance schedules to assist individuals of what their percentage will be on future maintenance activities. The breakdown of the total estimate for all works is as follows:

Roll 030-038-25400 - \$189,900

Public Engagement:

The engineer has held meetings with the affected landowners within the assessed area. A meeting was held at the Engineering & Operations building as well as on site. Additional phone calls and emails have also taken place with the landowner who has petitioned for the drainage works.

Strategic Plan Alignment:

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

- Increased Housing Options
 - Sustainable and Resilient Infrastructure
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Conclusion:

That Council approve this report and the provisional by-law for the Northland Estates Municipal Drainage works to proceed to the next step of the Drainage Act, the Court of Revision.

Appendices:

- a. Engineer's Report for Northland Estates Drain
- b. Engineer's Plan and Profile for the Northland Estates Drain

Respectfully submitted,

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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.