

City of Port Colborne

Council Meeting Minutes

Date: Tuesday, May 28, 2024
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
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor
W. Steele, Mayor (presiding officer)

Staff Present: C. Schofield, Acting City Clerk
B. Boles, Director of Corporate Services/Treasurer
M. Alcock, Acting Fire Chief
S. Luey, Chief Administrative Officer
S. Shypowskyj, Director of Public Works
D. Vasu, Acting Deputy Clerk
J. Colasurdo, Manager of Infrastructure
B. Cotton, Economic Development Officer
G. Long, Manager of Strategic Initiatives

1. Call to Order

Mayor Steele called the meeting to order at 6:32 p.m.

2. National Anthem

3. Land Acknowledgement

Councillor Hoyle recited the Land Acknowledgement.

4. Proclamations

5. Adoption of Agenda

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

That the agenda dated May 28, 2024, be confirmed, as amended.

Carried

6. Disclosures of Interest

6.1 Councillor E. Beauregard - Proposed Stop Up and Close - Portion of Road Network off of Barrick and Elm, 2024-121

I, Eric Beauregard, declare an indirect pecuniary interest as my employer is an agent of ePrime Construction Management.

6.2 Councillor E. Beauregard - Meadow Heights Subdivision Amending Agreement – Phase 3, Stages 1-4, 2024-119

I, Eric Beauregard, declare an indirect pecuniary interest as my employer is the agent for the owner.

6.3 Councillor E. Beauregard - By-law to Authorize Entering into an Amendment to the Subdivision Agreement Between The Corporation of the City of Port Colborne and 1399908 Ontario Inc.

I, Eric Beauregard, declare an indirect pecuniary interest as I am employed by an agent of the owner of lands known as Meadow Heights.

6.4 Councillor G. Bruno - Confidential Office of the Chief Administrative Officer Memo, pursuant to the Municipal Act, 2001, Subsection 239(2)(c)

Councillor G. Bruno declared a pecuniary conflict of interest on Item 21.2, as his company provides consulting services to parties named in the Confidential Memorandum.

7. Statutory Public Meeting

7.1 Proposed Stop Up and Close - Portion of Road Network off of Barrick and Elm, 2024-121

Councillor E. Beauregard declared a conflict on this item. (I, Eric Beauregard, declare an indirect pecuniary interest as my employer is an agent of ePrime Construction Management.)

Moved by Councillor F. Danch
Seconded by Councillor G. Bruno

That Chief Administrative Office Report 2024-121 be received; and

That the Economic Development Officer be directed to bring forward a Stop Up and Close By-law for a portion of Barrick Street and Elm Street registered as a public highway and legally described as Part of Lot 29, Concession 2 Humberstone, being Part 1, Plan 30R-16228; Port Colborne, shown in Appendix A, to a future meeting of Council for consideration.

Carried

8. Mayor's Report

A copy of the Mayor's Report is attached.

9. Approval of Minutes

Moved by Councillor D. Elliott

Seconded by Councillor F. Danch

That items 9.1 and 9.2 be approved as presented.

Carried

9.1 Regular Meeting of Council - May 14, 2024

9.2 Meeting to Consider - May 21, 2024

10. Staff Reports

Moved by Councillor T. Hoyle

Seconded by Councillor R. Bodner

That item 10.2 be approved, and the recommendations contained therein be adopted.

Carried

10.2 Community Centre Operations Update – Sherkston and Bethel, 2024-115

That Corporate Services Department Report 2024-115 be received; and

That Council approve the Mayor, Acting Clerk and Manager, Recreation to enter into license agreements with Bethel Community Group (Appendix A) and Sherkston Community Group (Appendix B); and

That Council approve an in-year increase in the annual grant funding to Bethel Community Centre and Sherkston Community Centre in the

amount of \$5,200 each to accommodate grounds maintenance as outlined in the attached license agreements.

10.1 Fouling of Roads Draft By-law, 2024-48

This item was withdrawn from the agenda at the request of staff.

That Community Safety and Enforcement Department Report 2024-48 be received;

That the draft Fouling of Roads By-law attached as Appendix A to Community Safety and Enforcement Report 2024-48, be approved; and

That By-law 6902/50/21, being a By-law to Establish a System for Administrative Penalties for Non-Parking Offences within The City of Port Colborne, be amended, to add The Fouling of Roads Penalties as attached as Appendix B to Community Safety and Enforcement Report 2024-48, be approved.

11. Correspondence Items

Moved by Councillor T. Hoyle

Seconded by Councillor R. Bodner

That item 11.1 be received.

Carried

11.1 City of Belleville - Healthcare Resolution in Support of Family Doctors

12. Presentations

12.1 YMCA Port Colborne Branch Annual Update from Christian Wulff, Chief Executive Officer, and Ben McDermott, General Manager

Christian Wulff, Chief Executive Officer; Ben McDermott, General Manager; and Amanda Bell, YMCA Port Colborne Board of Directors, provided the annual YMCA Port Colborne Branch Update.

13. Delegations

13.1 Request for Exemption from Vacant Building Registry and Waiver of Water Fee for 281 Chippawa Road from Bruno Carrera, 1000239784 Ontario Inc. - Virtual Delegation

Bruno Carrera, 100239784 Ontario Inc., requested an exemption from the vacant building registry and the waiver of their water fee for 281 Chippawa Road.

13.2 Request for Exemption from Vacant Building Registry for 174 Mitchell Street from Ajay Kahlon, 2866403 Ontario Inc. - Virtual Delegation

Ajay Kahlon, 2866403 Ontario Inc., requested an exemption from the vacant building registry for 174 Mitchell Street.

14. Motions

14.1 Motion to Exempt 2866403 Ontario Inc. from Vacant Building Registry Fee for 174 Mitchell Street

Moved by Councillor E. Beauregard
Seconded by Councillor G. Bruno

That 2866403 Ontario Inc. be exempt from paying the Vacant Building Registry fee for 174 Mitchell Street until such time as the site plan agreement is executed, to the satisfaction of City staff.

Carried

15. Regional Councillor's Report

16. Staff Remarks

16.1 June 11, 2024, Council Meeting Cancelled (Luey)

The Chief Administrative Officer provided a reminder to Council and the public that Council will not meet on the second Tuesday in June. The next public Council meeting will be on Tuesday June 25th.

16.2 West Street Road Reopened (Luey)

The Chief Administrative Officer provided a reminder to Council and the public that Council will not meet on the second Tuesday in June. The next public Council meeting will be on Tuesday June 25th.

16.3 Recognition of Staff (Luey/Alcock)

The Chief Administrative Officer thanked the Acting Deputy Clerk for going above and beyond and intervening in a life-saving way with a person who was in medical distress. The Fire Chief presented the Acting Deputy Clerk with a Challenge Coin as a token of thanks.

16.4 Fire Department Public Education Updates (Alcock)

The Fire Chief informed Council that Staff have been teaching youth valuable fire and life safety messaging through initiatives such as station tours and library community helper story time. The Fire Chief thanked the Niagara West Emergency Management Group and the library for partnering on public education messaging and programming for Emergency Preparedness Week during the first week of May.

16.5 Community Safety Net Partnership Update (Alcock)

The Fire Chief advised businesses that individuals representing Community Safety Net are part of a partnership with the City and are soliciting funds for a public education book that would be given to Grade 3 students.

16.6 Volunteer Recruitment and Retention Updates (Alcock)

The Fire Chief advised Council that volunteer candidates in the Joint Recruit Training Program with the Township of Wainfleet have completed two live fire trainings and their Certification testing is scheduled for the end of June. Successful candidates start responding with the other firefighters on July 1st, 2024. The Fire Chief stated that, excluding these recruits, there are 21 active volunteers which is low to maintain the level of service established in by-law. The Fire Chief stated that another round of recruitment will be required and that September is the earliest feasible time to begin recruitment selection for a similar program that will begin on January 1st. The Fire Chief also advised Council that due to various labour management issues, 11 career fire fighters are no longer returning as volunteers. The Fire Chief stated that these recruitment and retention challenges have required the department to utilize overtime to ensure sufficient responders during call outs. As of April 30th, 2024, these overtime costs were approximately \$36,000 over budget.

Councillor Hoyle asked the Fire Chief how many volunteer officers are currently left. The Fire Chief stated that there is currently one volunteer officer.

16.7 Joint Fire Services Review Committee Update (Alcock)

The Fire Chief reminded the public of the first Joint Fire Services Review Committee meeting taking place on Thursday May 30th at 10:00 am.

16.8 Fire Department Grants Update (Alcock)

The Fire Chief informed Council that there are two provincial grant opportunities for which the department can apply: One provides funding for cancer prevention equipment and renovations. The other provides funding for training centre development, which could be used to complete the training tower that was approved in the 2024 Capital Budget.

16.9 Energy Conservation and Demand Management Plan Update (Shypowskyj)

The Director of Public Works informed Council that a report on the Energy Conservation and Demand Management Plan will be presented on June 25th and will include ongoing energy monitoring and targeting of utility usage, strategic plan alignment, specific goals, and recommendations.

16.10 Empire Road Traffic Calming and Study Update (Shypowskyj)

The Director of Public Works informed Council that Staff will install traffic calming measures on Empire Road including painting lines and the word "Slow" on the pavement in multiple locations. For the August long weekend, Staff will install speed radar signs to compare results from previous years. The Director of Public Works also stated that the Ministry of Transportation will conduct a study in 2024 on the Hwy 3 and Empire Road intersection as requested by Council.

Councillor Aquilina asked the Director of Public Works how the department is preparing for higher traffic and speed volume as beach resorts open as well as how residents may report speeding violations. The Director of Public Works stated that Staff are implementing traffic calming measure such as line paintings and speed radar checks and will then assess what further solutions may be required. The Niagara Regional Police are also aware of the speeding issues. Mayor Steele advised residents to call the NRP 24-hour number, not 911, or report speeding on the NRP website, and indicate the time of day the speeding occurred.

16.11 Sewer Relining Update (Shypowskyj)

The Director of Public Works informed the public that contractors are in the City to conduct infrastructure inspections within the right-of-way and sewer pipe lining. This is part of the City's push to eliminate influent infiltration within the wastewater system.

16.12 Asset Management Report on June 25, 2024, Agenda (Boles)

The Director of Corporate Services/Treasurer informed Council that a draft of the 200-page Asset Management Report reviewing every City asset's

condition and expected replacement timeline will be emailed to Councillors in about a week and a half and will become public once finalized on the normal timeframe.

16.13 2024 Association of Municipalities of Ontario Conference (Long)

The Manager of Strategic Initiatives reminded Council that the Association of Municipalities of Ontario Conference is taking place in mid-August in Ottawa. Councillor Elliott, the CAO, and the Manager of Strategic Initiatives are attending and welcome other Councillors. Staff are submitting about eight delegation requests to have audiences with provincial ministers and Parliamentary Assistants. Other Niagara municipalities have approached Port Colborne to form joint delegations and the City will capitalize on these opportunities.

16.14 May 25, 2024, Clean Community Day (Hanson)

The Manager of By-law Services informed Council that the Clean Community Day was a success, serving 90 customers and setting a new record by removing 6.9 metric tons of garbage. The Manager of By-law Services thanked Rustic Retreat Glamping Dome for providing bins. There has been no decision made on whether there will be another event this year. Councillor Beauregard also thanked By-law for a well-run event.

16.15 June 4, 2024, Public Meeting (Schulz)

The Senior Planner advised Council that there is a public meeting on June 4th regarding the Maplevue subdivision application. At that same meeting, the City will also bring forward proposed amendments to the Official Plan and the Zoning By-law for short-term rental policies.

17. Councillors' Remarks

17.1 June 4, 2024, Public Meeting Agenda (Bodner)

Councillor Bodner asked the Senior Planner whether the Maplevue subdivision application or the Short-term rental licensing by-law would be discussed first at the June 4th Public Meeting. The Senior Planner responded that the order is up to the Clerk's Department and is not known. The Senior Planner also clarified that the public meeting is to consider Official Plan and Zoning By-law amendments to enable the City to move forward with the licensing by-law. Councillor Bodner asked if residents can ask questions about the actual by-law at the public meeting. The Senior Planner said those comments are welcome but may not have much impact at this stage. Councillor Bodner asked if residents should register

with the Clerk to speak. The Senior Planner responded that comments can be taken from the floor but pre-registration with the Clerk is preferred. Councillor Bodner requested that the Draft By-law be put on the website. The Senior Planner said Staff can work to get that up there.

17.2 Feedback on Market Public Works Station (Danch)

Councillor Danch stated that the Public Work's street sweeper at the market was well done and well received by his grandchildren. Councillor Danch thanked the Public Works and Fire Department for their time to make these stations possible.

17.3 Grass Concerns in Ward 3 (Danch)

Councillor Danch requested that By-law check on overgrown grass on properties around 700 Elm St and on the corner of King and Neff. The Manager of By-law Services said By-law is actively pursuing both issues and changes will be seen shortly.

17.4 Portal Village Resident Notification (Elliott)

Councillor Elliott asked the Senior Planner how notice of the Public Meeting is given to residents at Portal Village, such as whether individuals themselves are notified. The Senior Planner responded that notices are given to any property within 120 metres. For rental buildings, there is a note on the notice that the landlord must notify residents. The Senior Planner stated that there is currently no way to ensure landlords provide notice to their residents.

17.5 Former Sunoco Station Update (Elliott)

Councillor Elliott asked Staff if there are any plans for the former Sunoco station property. The CAO responded that Staff have no idea what the plans are for that property and that Staff is ensuring that Suncor maintains acceptable property standards.

17.6 June 4, 2024, Public Meeting Agenda (Bruno)

Councillor Bruno asked whether the order of the June 4th Public Meeting could be decided openly at the meeting so Councillors could inform residents. The Clerk responded that the agenda would be released on in two days and the order would be decided in consultation with the Senior Planner.

17.7 Community Safety Zones (Bruno)

Councillor Bruno shared with the Director of Public Works that a resident had an interesting idea to paint centre and shoulder lines in Community Safety Zones different colours so drivers know they are in them if they miss the sign. The Director of Public Works responded that there are provincial standards for line paintings to maintain consistency and added that it is something Public Works can mention with the province and regional entities. Councillor Bruno also asked the Director of Public Works if there is a petition or other process to establish a camera Community Safety Zone to deal with the traffic on Empire Road. Mayor Steele stated that there are criteria set out which are mostly school zones and playgrounds. The Director of Public Works suggested Council as a whole could identify a spot to be a Community Safety Zone and then have Staff prepare a report for Council to approve.

17.8 Street Parking Along Canal (Bagu)

Councillor Bagu asked if there are parking restrictions on the parking spots facing the East Side on West St in front of the new condo building. The Manager of By-law Services responded that those parking spots are leased by the Seaway and that there are currently no by-law regulations in that area. The Director of Public Works responded that the parking spots are currently with the Seaway but that the Economic Development team is working to secure them for the City. The Economic Development Officer confirmed that the City has been in discussions with the Seaway for about a year to place them under City jurisdiction. Mayor Steele added that he is pressing his contacts at the Seaway to get the transfer finalized by mid-June. Once that happens, by-law regulations can be implemented. Councillor Bagu said he will trust By-law's recommendation.

17.9 Sign Enforcement (Bagu)

Councillor Bagu asked what can be done about the "We Buy Houses" signs that show up on street corners in contravention of by-laws. The Director of Public Works said Public Works has already taken down almost thirty of those signs and contacted the number of the sign to inform them they are not to install those signs in those areas.

17.10 Niagara Transit Commission Seeking Feedback (Beauregard)

Councillor Beauregard informed Council and the Public that the Niagara Transit Commission is seeking public input on their facilities strategic asset and service network master plan. There are public engagement popups, open houses, and a public survey. Councillor Beauregard listed

dates of various engagement opportunities in early June and requested that the Clerk and Communications teams publicize them.

17.11 Seniors Booth at Farmer's Market in June (Aquilina)

Councillor Aquilina stated that the Seniors Advisory Committee was supposed to have a space at the market for June, which is Seniors Month, but it did not work out. Councillor Aquilina added that June is also Public and Recreation Month and asked the CAO if both Parks and the Seniors Advisory Committee could be present at the market every Friday in June instead of splitting the weeks between them. The CAO responded that he will talk to Staff and is confident he can make it happen as the City is prioritizing public engagement at the Market.

18. Consideration of Items Requiring Separate Discussion

18.1 Meadow Heights Subdivision Amending Agreement – Phase 3, Stages 1-4, 2024-119

Councillor E. Beauregard declared a conflict on this item. (I, Eric Beauregard, declare an indirect pecuniary interest as my employer is the agent for the owner.)

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

That Office of the Chief Administrative Officer Department – Planning Division Report 2024-119 be received;

That Council approve the By-law to authorize entering into the subdivision agreement with 1399908 Ontario Inc. for the Meadow Heights Subdivision be approved; and

That the Mayor and Clerk be authorized to sign the amending agreement and have the agreement registered on the title of the lands.

Carried

18.2 Status Update of East Side Employment Lands Design, 2024-105

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

That Public Works Department Report 2024-105 be received; and

That Council give the Director of Public Works and Director of Corporate Services delegated authority to release the remaining funds, being \$950,000, as required from the Ministry of Economic Development, Job Creation, and Trade's (MEDJCT) Southwestern Ontario Development Fund (SWODF) for engineering services for East Side Employment Lands (ESEL); and

That Council give the Director of Public Works and Director of Corporate Services delegated authority to enter into a front ending agreement with a private developer for engineering services related to the extension of infrastructure to the East Side Employment Lands for the estimated amount of \$750,000; and

That Council give the Director of Public Works and Director of Corporate Services delegated authority to enter into a front-ending agreement with the Niagara Region for engineering costs related to portions of the ESEL tunnel crossing project for the estimated amount of \$500,000

Carried

18.3 Pleasant Beach Road Retaining Wall Update, 2024-104

Moved by Councillor M. Aquilina

Seconded by Councillor R. Bodner

That Public Works Department Report 2024-104 be received.

Carried

18.4 Lock 8 Gateway Park – Master Plan Concept Design, 2024-111

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That Public Works Department Report 2024-111 be received; and

That Council direct staff to remove the existing pavilion from Lock 8 Gateway Park for the estimated cost of \$15,000 to be funded from the Public Works operating budget.

Carried

18.5 Declaration of Portion of the Rail Right away north of Clarence Street as Surplus and disposition, 2024-99

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

That Chief Administrative Officer Report 2024-99 be received; and

That Council declare Part of the lands legally described as part of the lands Humberstone Con 1 PT Lots 28 TO 33 PT RD Allow Plan 844 LOT 1 PT BLK A And B Plan 845 LOT 2 PT Lot 1 N Sugarloaf ST Plan 850 LOT 18 S Clarence PT Lots 18 To 21 N Clarence PT Lots 20 To 23 S Park ST Plan 858 PT Lane Plan 780 Lots 89 120 127 148 Plan 987 To 989 PT Park Lots 5 6 W Catherine ST And RP 59R16319 PART 4 as depicted on Appendix 1 attached hereto as surplus; and

That Council delegate authority to the Chief Administrative Officer to dispose of this surplus parcel in a fair and equitable manner to adjoining property owners abutting the City property; and

That the Agreements of Purchase and Sale and by-law be brought to Council at a future Council meeting.

Carried

18.6 Accessibility Update, 2024-118

Moved by Councillor M. Aquilina
Seconded by Councillor T. Hoyle

That Corporate Services Department Report 2024-118 be received.

Carried

19. Notice of Motions

20. Minutes of Boards & Committees

20.1 Port Colborne Museum, Heritage, and Culture Board Meeting Minutes - April 16, 2024

Moved by Councillor E. Beauregard
Seconded by Councillor M. Bagu

That the minutes from the Port Colborne Museum, Heritage, and Culture Board meeting on April 16, 2024, be received.

Carried

21. Confidential Items

That Council proceed into closed session in order to address items 21.1 to 20.4.

21.1 Confidential Office of the Chief Administrative Officer Memo, pursuant to the Municipal Act, 2001, Subsection 239(2)(c)

21.2 Confidential Office of the Chief Administrative Officer Memo, pursuant to the Municipal Act, 2001, Subsection 239(2)(c)

21.3 Confidential Office of the Chief Administrative Officer Report 2024-114, pursuant to the Municipal Act, 2001, Subsection 239(2)(c)

21.4 Confidential Corporate Services Department Report 2024-123, pursuant to the Municipal Act, 2001, Subsection 239(2)(b) and 239(2)(d)

22. Procedural Motions

23. Information items

24. By-laws

That item 24.4 be enacted and passed, as presented.

Carried

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

24.1 By-law to Prohibit the Obstruction, Encumbering, Injuring or Fouling of City Roads

This item was withdrawn from the agenda at the request of staff.

24.2 City of Port Colborne Administrative Penalty (Non-Parking) By-law – Designated By-law Provisions - Fouling of Roads By-law

This item was withdrawn from the agenda at the request of staff.

24.3 By-law to Authorize Entering into an Amendment to the Subdivision Agreement Between The Corporation of the City of Port Colborne and 1399908 Ontario Inc.

Councillor E. Beauregard declared a conflict on this item. (I, Eric Beauregard, declare an indirect pecuniary interest as I am employed by an agent of the owner of lands known as Meadow Heights.)

That the By-law to Authorize Entering into an Amendment to the Subdivision Agreement Between The Corporation of the City of Port Colborne and 1399908 Ontario Inc. be enacted and passed, as presented.

25. Adjournment

Mayor Steele adjourned the meeting at approximately 10:28 p.m.

William C. Steele, Mayor

Carol Schofield, Acting City Clerk