

City of Port Colborne
Council Meeting Minutes

Date: Monday, November 8, 2021
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Member(s) Absent: E. Beauregard, Councillor
A. Desmarais, Councillor
D. Kalailieff, Councillor

Staff Present: A. LaPointe, Acting Director of Planning and Development/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk (minutes)
B. Boles, Director of Corporate Services/Treasurer
C. Kalimootoo, Director of Public Works
S. Lawson, Fire Chief

1. Call to Order

Mayor Steele called the meeting to order.

2. National Anthem

3. Land Acknowledgment

4. Proclamations

**4.1 International Day for the Elimination of Violence Against Women -
November 25, 2021**

Moved by Councillor M. Bagu
Seconded by Councillor H. Wells

That November 25, 2021 be proclaimed as “the International Day for the Elimination of Violence Against Women” in the City of Port Colborne.

Carried

5. Adoption of Agenda

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

That the agenda dated November 8, 2021 be confirmed, as circulated.

Carried

6. Disclosures of Interest

7. Approval of Minutes

Moved by Councillor R. Bodner
Seconded by Councillor G. Bruno

- a. That the minutes of the Regular Meeting of Council held on October 25, 2021, be approved as circulated.
- b. That the minutes of the Committee of the Whole-Budget meeting held on October 28, 2021, be approved as circulated.

Carried

7.1 Regular Meeting of Council - October 25, 2021

7.2 Committee of the Whole-Budget - October 28, 2021

8. Recommendations Arising from Committees

8.1 2022 Levy Budget, 2021-275

Moved by Councillor G. Bruno
Seconded by Councillor R. Bodner

That the Corporate Services Department, Financial Services Division,
Report 2021-275 Subject 2022 Levy Budget **BE RECEIVED**;

That By-law 6733/97/19 be amended to have 100 percent of residential and non-residential development charges put in place by May 1, 2022;

That the Acting Director of Planning and Development/City Clerk be directed to facilitate a review of the Development Charges after May 1, 2022 for the year 2023; and

That the 2022 Levy Budget as outlined in Report 2021-275, **BE APPROVED**, as amended.

Amendment:

Moved by Councillor G. Bruno
Seconded by Councillor R. Bodner

That the Corporate Services Department, Financial Services Division, Report 2021-275 Subject 2022 Levy Budget **BE RECEIVED**;

That the 2022 Levy Budget as outlined in Report 2021-275, **BE APPROVED**.

Carried

a. Memorandum from Amber LaPointe, Acting Director of Planning and Development/City Clerk - Development Charges Process

8.2 2022 Proposed User Fees and Charges, 2021-277

Moved by Councillor H. Wells
Seconded by Councillor M. Bagu

That Corporate Services Department Report 2021-277 be received;

That the 2022 Proposed User Fees and Charges schedules attached as Appendices A to U of Corporate Services Report 2021-277 be approved;

That Item 3 in the draft by-law attached as Appendix V of Corporate Services Report 2021-277 be amended by adding "This waiver shall be applied only once per event"; and

That the draft by-law attached as Appendix V of Corporate Services Report 2021-277, as amended, be brought forward to Council for consideration.

Carried

9. Staff Reports

Moved by Councillor M. Bagu

Seconded by Councillor H. Wells

That items 9.1 to 9.4 be approved, and the recommendations contained therein be adopted.

Carried

9.1 Transfer Payment Agreement – Ministry of Municipal Affairs and Housing, 2021-290

That Corporate Services Department Report 2021-290 be received;

That Council approve the Ontario Transfer Payment Agreement with the Ministry of Municipal Affairs and Housing for the Municipal Modernization Program Intake 2 and the City's Information Technology modernization project, attached as Appendix A to Corporate Services Department Report 2021-290; and

That a By-law to enter into the Ontario Transfer Payment Agreement with the Ministry of Municipal Affairs and Housing, be brought forward.

9.2 2022 Borrowing By-law, 2021-281

That Corporate Services Department Report 2021-281 be received; and

That the draft by-law attached as Appendix A to Corporate Services Department Report 2021-281 be adopted to authorize temporary borrowing in 2022, as required, up to \$4,000,000 for operating cash flow to meet the City's day-to-day expenditures, pending receipt of tax levies, user fees and revenues anticipated during the year.

9.3 2022 Interim Tax Billing, 2021-280

That Corporate Services Department Report 2021-280 be received; and

That the draft by-law attached as Appendix A to Corporate Services Department Report 2021-280 be adopted to authorize the 2022 interim levy of taxes for all property tax classes, from the last revised assessment roll, before the adoption of the estimates for the year and final levy rates are established.

9.4 Cancellation, Reduction or Refund of Realty Tax, 2021-282

That Corporate Services Department Report 2021-282 be received; and

That the applications pursuant to Section 357/358 of the *Municipal Act*, 2001, as amended, numbered 2021-100, 2021-200, 2021-300 and 2021-400 be approved to cancel or reduce taxes in the total amount of \$11,110.97.

10. Correspondence Items

Moved by Councillor M. Bagu
Seconded by Councillor H. Wells

That items 10.1 to 10.3 be received for information.

Carried

10.1 Niagara Region - Niagara Region Incentives Policy

10.2 Niagara Region - Regional Incentives Information and Alternatives

10.3 City of Vaughan - Endorsement of National Teen Driver Safety Week and Request Ministry of Transportation to Review Measures Impacting Newly Licensed Drivers

11. Presentations

11.1 Donna Herrington, The Herrington Group Ltd and Andrea Mamo, Member of the Joint Accessibility Advisory Committee (JAAC) - The JAAC Presentation to Municipal Councils 2021

Donna Herrington, The Herrington Group Ltd, and Andrea Mamo, Member of the Joint Accessibility Advisory Committee (JAAC) provided an update on the JAAC's activity and responded to questions received from Council.

12. Delegations

13. Mayor's Report

A copy of the Mayor's report is attached.

14. Regional Councillor's Report

Regional Councillor Butters provided an update to City Council.

15. Staff Remarks

15.1 Water/Wastewater Rates Budget Meeting (Boles)

The Director of Corporate Services/Treasurer informed Council that the upcoming Water/Wastewater Rates Budget Meeting has been rescheduled to Monday December 6, 2021.

16. Councillors' Remarks

16.1 Short-Term Rentals Update (Bodner)

In response to Councillor Bodner's request for an update on the matter of short-term rentals, the Acting Director of Planning and Development/City Clerk informed Council that staff will be bringing forward a report with recommendations to Council early in 2022.

16.2 Enforcement of Short-Term Rentals (Bodner)

In response to Councillor Bodner's inquiry regarding what the current process is for enforcing noise issues that occur at short-term rentals, the Fire Chief informed Council that By-law staff currently use the Non-Parking Administrative Monetary Penalty (AMPs) system to issue tickets and also recommended that the Niagara Regional Police be notified when any noise issues occur.

16.3 Polo Club in Niagara (Bodner)

Councillor Bodner shared information with Council and the public about the Plain Bay Polo Centre in Wainfleet and the Greater Niagara Polo Club.

16.4 Remembrance Day at Centennial Park (Bodner)

Councillor Bodner informed Council and the public that there will be a Remembrance Day ceremony at Centennial Park on November 11, 2021 and encouraged residents to join.

16.5 Parking Issues on Hillcrest Road (Danch)

Councillor Danch reported that multiple residents on Hillcrest Road have expressed concerns regarding the amount of cars parking on the road and visibility issues. The Fire Chief informed Council that he would investigate this matter.

17. Consideration of Items Requiring Separate Discussion

17.1 Road Ends Study, 2021-291

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That Public Works Services Department Report 2021-291 be received;

That Sierra Planning and Management be directed to conduct a Public Open House meeting by mid December to solicit public feedback on the Draft Road Ends Study Report; and

That Sierra Planning and Management be directed to report back to Council in first half of Q1, 2022 with relevant comments incorporated into the Draft Road Ends Report, for Council's consideration.

Carried

17.2 235-241 Welland Street – RFP and Design Guidelines, 2021-288

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That Chief Administrative Office Report 2021-288 be received;

That the Request for Proposal (RFP) and Draft Guidelines for the sale and development of 235-241 Welland Street attached as Appendix A and B to Chief Administrative Office Report 2021-288 be approved; and

That the Manager of Strategic Initiatives be directed to issue an RFP for the sale and development of 235-241 Welland Street.

Carried

17.3 Patio Stall Season Extension Request, 2021-292

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Chief Administrative Office Report 2021-292 be received; and

That a Patio Stall extension through to December 31, 2021 be approved, pending the comprehensive review and consultation of the City's Encroachment Policy.

Carried

17.4 Property Acquisition - 35 King Street, 2021-287

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Chief Administrative Office Report 2021-287 be received;

That a by-law to authorize entering into an Agreement of Purchase and Sale with the Niagara Region at an agreed upon price of \$200,000 for 35 King Street be brought forward; and

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

Carried

17.5 Sale of City Property – Nickel Street, 2021-283

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

That Council approve entering into an Agreement of Purchase and Sale including Schedule B with Ajay Kahlon regarding a City owned property on Nickel Street, legally described as North South Plan 19, Lot 26, NP 857;

That a by-law to authorize entering into an Agreement of Purchase and Sale with Ajay Kahlon regarding the sale of a City owned property on Nickel Street, legally described as North South Plan 19, Lot 26, NP 857, be brought forward; and

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

Carried

17.6 Disaster Mitigation and Adaptation Funding for Clarke Area Sanitary Sewer Remediation Project, 2021-278

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

That Public Works Department Report 2021-278 be received; and

That the Manager of Water and Wastewater be directed to apply for Disaster Mitigation and Adaptation funding for the Clarke Area Sanitary Sewer Remediation Project.

Carried

17.7 Town of Niagara-on-the-Lake - School Board Professional Development Day Request - Monday, October 24, 2022

Moved by Councillor M. Bagu
Seconded by Councillor H. Wells

That correspondence received from the Town of Niagara-on-the-Lake regarding the School Board Professional Development Day Request for Monday, October 24, 2022, be supported.

Carried

18. Motions

19. Notice of Motions

20. Minutes of Boards & Committees

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

That items 20.1 to 20.3 be approved, as presented.

Carried

20.1 Port Colborne Historical & Marine Museum Board Minutes - September 21, 2021

20.2 Environmental Advisory Committee Minutes - August 11, 2021

20.3 Downtown Port Colborne BIA Minutes - January 13, February 10, March 15, April 19, May 17, June 21, July 26, August 9, and August 30, 2021

21. By-laws

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

That items 21.1 to 21.8 be enacted and passed.

Carried

21.1 By-law to Establish Ward Boundaries

21.2 By-law to Establish Fees and Charges for Various Services and to Repeal By-law 6741/105/19

- 21.3 By-law to Authorize Entering into an Agreement of Purchase of Sale with Niagara Region Respecting 35 King Street**
- 21.4 By-law to Authorize Entering Into an Agreement of Purchase and Sale with Ajay Kahlon Respecting Nickel Street North South Plan 19 Lot 26 NP 857**
- 21.5 By-law to Authorize Entering into an Agreement with Her Majesty the Queen in the right of Ontario as represented by the Minister of Municipal Affairs and Housing regarding Ontario Transfer Payment Agreement**
- 21.6 By-law to Authorize the Temporary Borrowing of \$4,000,000.00 for 2022**
- 21.7 By-law to Provide for an Interim Tax Levy for the Year 2022**
- 21.8 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne**

22. Confidential Items

Moved by Councillor M. Bagu
Seconded by Councillor H. Wells

That item 22.1 be received for information.

Carried

22.1 Chief Administrative Office Report 2021-289, Nyon Energy Lands and the Nyon Tank Farm Property

23. Procedural Motions

24. Information items

25. Adjournment

Mayor Steele adjourned the meeting at approximately 8:45 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk