

## **City of Port Colborne**

### **Council Meeting Minutes**

**Date:** Tuesday, March 8, 2022  
**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  
A. Desmarais, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor

**Member(s) Absent:** D. Kalailieff, Councillor

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

#### **1. Call to Order**

Mayor Steele called the meeting to order.

#### **2. National Anthem**

#### **3. Land Acknowledgment**

#### **4. Proclamations**

#### **5. Adoption of Agenda**

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

That the agenda dated March 8, 2022 be confirmed, as amended.

Carried

**6. Disclosures of Interest**

**7. Approval of Minutes**

**7.1 Regular Meeting of Council - February 22, 2022**

Moved by Councillor E. Beauregard  
Seconded by Councillor A. Desmarais

That the minutes of the regular meeting of Council, held on February 22, 2022, be approved as presented.

Carried

**8. Staff Reports**

Moved by Councillor H. Wells  
Seconded by Councillor F. Danch

That items 8.1 to 8.4 be approved, and the recommendations contained therein be adopted.

Carried

**8.1 Voting Systems and Alternative Voting Methods - 2022 Municipal Election, 2022-58**

That Development and Legislative Services Department Report 2022-58 be received;

That Council approve the use of vote tabulators and the use of vote by mail on demand as an alternative voting method in the 2022 municipal election; and

That a by-law be brought forward for Council approval.

**8.2 Property Tax Collection History for the Year Ending 2021 and Next Steps, 2022-53**

That Corporate Services Department Report 2022-53 be received; and

That the Director of Corporate Services/Treasurer be directed to proceed with normal tax collection processes, including moving forward and beginning the process that could lead to a tax sale for properties that have not paid for three years in accordance with the steps outlined in page 4 of this report.

**8.3 Cancellation, Reduction or Refund of Realty Tax, 2022-46**

That Corporate Services Department Report 2022-46 be received; and

That the application pursuant to Section 357/358 of the *Municipal Act, 2001*, as amended, numbered 2021-600 be approved to cancel or reduce taxes in the total of \$1,853.08.

**8.4 2021 Statement of Council Remuneration and Expenses, 2022-47**

That Corporate Services Department Report 2022-47 be received for information.

**9. Correspondence Items**

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

That items 9.1 to 9.7 be received for information.

Carried

**9.1 Letters of Support to Dissolve the Ontario Land Tribunal - City of Thorold, Town of West Lincoln, Town of Aurora, Halton Hills, Town of Gravenhurst, Plympton-Wyoming, Mallorytown, Town of Markham, Town of Sarnia, and Reg. Mun. of York**

**9.2 Niagara Region - Motion - Violence and Harassment of Politicians and Public Servants**

**9.3 Niagara Region - Evaluation of 2019 and 2020 Niagara Prosperity Initiative Projects**

**9.4 Town of Lincoln - Partners for Climate Change Protection (PCP) Program**

- 9.5 **Town of Bracebridge - Hospital Capital Funding**
- 9.6 **Prince Edward County - Renovictions and Other Bad Faith Evictions**
- 9.7 **2022 Farmland Forum Flyer - The Future of Farmland Diversification**
- 10. **Presentations**
- 11. **Delegations**
- 12. **Mayor's Report**

A copy of the Mayor's Report is attached.
- 13. **Regional Councillor's Report**

Regional Councillor Butters provided an update to City Council.
- 14. **Staff Remarks**
- 15. **Councillors' Remarks**
  - 15.1 **Coyote Hunting (Wells)**

Councillor Wells informed Council that he had received concerns from residents regarding coyote hunting and encouraged residents to be careful.
  - 15.2 **Salt Dome (Danch)**

In response to Councillor Danch's request for an update on the repair of the salt dome, the Acting Director of Public Works informed Council that the repairs would be completed next week.
  - 15.3 **Vale Health and Wellness Centre Dressing Room #4 (Danch)**

In response to Councillor Danch's report of a shower nozzle not working in dressing room #4 at the Vale Health and Wellness Centre, the Acting Director of Public Works informed Council that he would investigate.
- 16. **Consideration of Items Requiring Separate Discussion**
  - 16.1 **Physician Recruitment Activities Update, 2022-17**

Jill Croteau, Physician Recruitment & Retention Coordinator, Niagara Region Public Health, provided a presentation on Physician Recruitment within the Region and for the City of Port Colborne and responded to questions received from Council.

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

That Chief Administrative Office Report 2022-17 be received for information.

Carried

## **16.2 Pop-Up Patio Review and Recommendations, 2022-54**

Moved by Councillor H. Wells  
Seconded by Councillor G. Bruno

That Chief Administrative Office Report 2022-54 be received; and

That the recommendations outlined in Appendix A to Chief Administrative Office Report 2022-54 be approved and adopted as a City policy; and

That Council approve discontinuing Encroachment Application COVID-19 and that patio fees for 2022 be waived.

Carried

## **16.3 Sponsorship and Partnership Program, 2022-51**

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

That Corporate Services Department Report 2022-51 be received;

That the PORTicipate Package sponsorship and partnership rates outlined in Appendix A to Corporate Services Department Report 2022-51 be approved;

That the amendments made to Schedule E of the User Fees and Charges By-law 6949/95/21 as outlined in Appendix A to Corporate Services Department Report 2022-51 be approved; and

That the updated Schedule E of the User Fees and Charges By-law be included in a future amendment to By-law 6949/95/21.

Carried

**16.4 Procedural By-law Update, 2022-57**

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Development and Legislative Services Department Report 2022-57 be received;

That the Draft Procedural By-law attached as Appendix A of Development and Legislative Services Department Report 2022-57 be approved; and

That a by-law be brought forward for the Mayor and City Clerk to sign.

Carried

**16.5 2022 Beach Plan, 2022-56**

Moved by Councillor G. Bruno

Seconded by Councillor E. Beauregard

That Corporate Services Department Report 2022-56 be received for information.

Carried

**16.6 Niagara Region - Invitation - Regional Council Indigenous Education Training Session**

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That the Council Members of the City of Port Colborne **BE PERMITTED** to attend and participate electronically in the Special Regional Council meeting being held on March 31, 2022, at 6:00 p.m. to receive indigenous education and training in closed session in accordance with Subsection 239(3.1) of the Municipal Act, 2001;

That the Council of the City of Port Colborne **CONFIRM** that this session is for training and education purposes only and no direction will be issued to staff and no decisions or motions will be made that advance the business or decision-making of the Council of the City of Port Colborne;

That the Council of the City of Port Colborne **WAIVE** the Rules of Procedure to adopt Niagara Region Procedural By-law 120-2010, as

amended, for the purpose and duration of the Special Regional Council meeting being held on March 31, 2022;

That the Council of the City of Port Colborne **AUTHORIZE** the delegation of the duties of the Clerk to the Regional Clerk for the purpose and duration of the Special Regional Council meeting in accordance with subsection 228(4) of the Municipal Act, 2001;

That Regional Chair Jim Bradley **BE APPOINTED** as the presiding officer for the purpose and duration of the Special Regional Council meeting; and

That the Clerk **BE DIRECTED** to provide a copy of this resolution to the Regional Clerk so that it may be included as part of the Minutes of the Special Regional Council meeting.

Carried

**16.7 Town of Pelham - Support City of St. Catharines Re Acts of Violence, Harassment and Intimidation Against elected Officials and Government Employees**

Moved by Councillor F. Danch

Seconded by Councillor A. Desmarais

That correspondence from the Town of Pelham regarding Acts of Violence, Harassment and Intimidation against elected Officials and Government Employees, be supported.

Carried

**17. Motions**

**17.1 Memorandum from Councillor Desmarais - Motion to Dissolve Ontario Land Tribunal**

Moved by Councillor A. Desmarais

Seconded by Councillor R. Bodner

Whereas Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy; and

Whereas an Official Plan is developed through months of public consultation to ensure, “that future planning and development will meet the specific needs of our community”; and

Whereas our Official Plan includes zoning provisions that encourage development of the “missing middle” or “gentle density” to meet the need for attainable housing in our community; and

Whereas our Official Plan is ultimately approved by the province; and

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the City of Port Colborne Official Plan; and

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the City of Port Colborne Official Plan; and

Whereas municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board or “OMB”), an unelected, appointed body that is not accountable to the residents of Port Colborne; and

Whereas the OLT has the authority to make a final decision on planning matters based on a “best planning outcome” and not whether the proposed development is in compliance with municipal Official Plans and Provincial Planning Policy; and

Whereas all decisions—save planning decisions—made by Municipal Council are only subject to appeal by judicial review and such appeals are limited to questions of law and or process; and

Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans; and

Whereas towns and cities across this Province are repeatedly forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time consuming and ultimately futile OLT hearings; and

Whereas lengthy, costly OLT hearings act as a barrier to the development of attainable housing;

1. Now Therefore Be It Hereby Resolved That the City of Port Colborne requests the Government of Ontario to dissolve the OLT immediately



thereby eliminating one of the most significant sources of red tape delaying the development of more attainable housing in Ontario; and

2. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors' Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and
3. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

**Amendment:**

Moved by Councillor G. Bruno  
Seconded by Councillor H. Wells

**That the Memorandum from Councillor Desmarais regarding a Motion to Dissolve the Ontario Land Tribunal be referred to the Acting Director of Development and Legislative Services in order to investigate and bring a report forward to Council with further details on April 12, 2022.**

Carried

**18. Notice of Motions**

**18.1 Standing with People of Ukraine (Mayor Steele)**

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

That the rules respecting notice of motion, as outlined under Section 15 of the Procedural By-law, be waived in order to dispense with notice.

Carried

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

WHEREAS Ukraine is facing an unprecedented and unjustified attack on their people, their sovereignty, and their territory; and

WHEREAS the actions by Russia are in violation of international law and the UN Charter, and is an attack on democracy and freedom – one that will have catastrophic consequences, putting countless civilian lives at risk; and

WHEREAS The City of Port Colborne stands with the people of Ukraine, Ukrainian communities across Niagara and those around the world in strongly condemning this brazen and unprovoked attack; and

WHEREAS the City stands for pursuing a course of peace and understanding, that relegates war to the past;

THEREFORE BE IT RESOLVED that the City of Port Colborne show support for the strict sanctions the federal government has imposed on Russia and join the call for immediate cessation of all military activity and instead pursue a diplomatic resolution; and

BE IT FURTHER RESOLVED that the City call on the Federal government to welcome those fleeing the conflict with Ukraine into our country with open arms.

Carried

**19. Minutes of Boards & Committees**

Moved by Councillor E. Beauregard

Seconded by Councillor A. Desmarais

That item 19.1 be approved, as presented.

Carried

**19.1 Port Colborne Historical & Marine Museum Minutes, January 18, 2022**

**20. By-laws**

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

That items 20.1 to 20.5 be enacted and passed.

Carried

**20.1 By-law to Authorize Alternative Methods of Voting for the 2022 Municipal Election**

- 20.2 By-law to Govern the Proceedings of Council and Committee Meetings, and to Repeal By-law 6250/76/15 and Amendments Thereto**
- 20.3 By-law to Provide for a Section 4 and Section 78 Engineer's Report for a Drainage Works in the City of Port Colborne in the Regional Municipality of Niagara Known as the Michener Municipal Drain (Third Reading)**
- 20.4 By-law to Appoint an Acting Chief Building Official and Building Inspector**
- 20.5 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne**
- 21. Confidential Items**
- 22. Procedural Motions**
- 23. Information items**
- 24. Adjournment**

Mayor Steele adjourned the meeting at approximately 7:48 p.m.

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William C. Steele, Mayor

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Nicole Rubli, Acting City Clerk