

**City of Port Colborne
Regular Council Meeting 36-20
Minutes**

Date: December 14, 2020

Time: 7:10 p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor (via Zoom)
E. Beauregard, Councillor (via Zoom)
G. Bruno, Councillor (via Zoom)
R. Bodner, Councillor (via Zoom)
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor (via Zoom)
W. Steele, Mayor (presiding officer)
H. Wells, Councillor (via Zoom)

Staff Present: D. Aquilina, Director of Planning and Development (via Zoom)
B. Boles, Director of Corporate Services/Treasurer (via Zoom)
T. Cartwright, Fire Chief (via Zoom)
A. Grigg, Director of Community and Development (via Zoom)
S. Lawson, Deputy Chief (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
G. Long, Manager of Strategic Initiatives (via Zoom)
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk (minutes)
S. Shypowskyj, Acting Director of Engineering and Operations (via Zoom)

Also in attendance was one member from WeeStreem.

1. Call to Order:

Mayor Steele called the meeting to order.

Mayor Steele delivered his Mayor's Report, a copy of which is attached.

Regional Councillor Butters informed Council of the Region's recent Budget Review Committee meeting, where under the Agencies, Boards and Commissions, the Niagara Regional Housing and the Niagara Peninsula Conservation Authority came in at 2% guidance for their budgets, and the Police came in at 4.3% guidance. She reported that at the upcoming Regional Council meeting, there will be a CAO

Recruitment Committee formed. The Regional Councillor further informed Council and the public that for waste collection over the holidays, the only change will be for residents whose collection day lands on a Friday, as it will be switched to the subsequent Saturday. Regional Councillor Butters added that when garbage is to be collected in Port Colborne, households are permitted 2 extra bags or bins of garbage. She indicated that Christmas tree collection is from January 11 to January 15 on the regular garbage collection day. The Regional Councillor concluded her report by wishing everyone a Merry Christmas and a safe holiday.

2. Introduction of Addendum Items:

Additions:

By-law No. 6851/101/20, Being a By-law to Authorize Entering into an Agreement with Nyon Oil Inc. Re: Fire Safety & Risk Management

3. Confirmation of Agenda:

No. 279 Moved by Councillor R. Bodner
Seconded by Councillor M. Bagu

That the agenda dated December 14, 2020 be confirmed, as amended.

CARRIED

4. Disclosures of Interest:

Councillor Beauregard has declared a conflict of interest on item 1 (Planning and Development Department, Planning Division, Report No. 2020-157, Subject: Meadow Heights Subdivision Agreement Amendment – Phase 2, Stage 1), item 3 (Planning and Development Department, Planning Division, Report No. 2020-184, Subject: Recommendation Report for the Removal of Holding Symbol, Nyon Oil Inc.), item 4 (Chief Administrative Officer, Project Management Office, Report No. 2020-188, Subject: Affordable Housing Project and Partnership with Port Cares) as well as By-law Nos. 6848/98/20 (Being a By-law to Authorize Entering into an Amendment to Subdivision Agreement between The Corporation of the City of Port Colborne and 1399908 Ontario Inc.), 6849/99/20 (Being a By-law to Amend Zoning By-law 6575/30/18 respecting Land legally Described as Part of Lots 16, 17, 18 and 19, and Part of the Road Allowance between Lots 16 and 17, Part of the Road Allowance between Lots 18 and 19, in the City of Port Colborne, Regional Municipality of Niagara. The property is municipally known as the Nyon Oil lands generally south of the CN Rail Lane, west of Highway 140 and east of Canal Road in the City of Port Colborne) and 6851/101/20 (Being a By-law to Authorize Entering into an Agreement with Nyon Oil Inc. Re: Fire Safety & Risk Management) as he is employed by Sullivan Mahoney and the firm has provided legal advice with respect to these items. Councillor Beauregard refrained from discussing and voting on items 1, 3, 4 and By-law Nos. 6848/98/20, 6849/99/20 and 6851/101/20.

5. Adoption of Minutes:

No. 280

Moved by Councillor F. Danch
Seconded by Councillor E. Beauregard

- (a) That the minutes of the regular meeting of Council 34-20, held on November 23, 2020, be approved as presented.

CARRIED

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 2, 3, 4, 5, 7, 11, 13, 14, and 15.

7. Approval of Items Not Requiring Separate Discussion:

No. 281

Moved by Councillor A. Desmarais
Seconded by Councillor D. Kalailieff

That Items 1 to 15 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:

6. Corporate Services Department, Finance Division, Report No. 2020-182, Subject: Cancellation, Reduction or Refund of Realty Tax

Council Resolved:

That the applications received pursuant to Section 357/358 of the *Municipal Act, 2001*, as amended, numbered 2020-100, 2020-200, and 2020-300 be approved to cancel or reduce taxes in the total amount of \$11,327.51.

8. Niagara Region Re: Support for Niagara's Businesses through the Second Wave of the COVID-19 Pandemic

Council Resolved:

That the resolution received from Niagara Region Re: Support for Niagara's Local Businesses through the Second Wave of the COVID-19 Pandemic, be received for information.

9. Town of Lincoln Re: Public Health Measures Re: Ontario COVID-19 Response Framework

Council Resolved:

That the resolution received from the Town of Lincoln Re: Public Health Measures regarding Ontario COVID-19 Response Framework, be received for information.

10. Niagara Region Re: Miller's Creek Marina/Resort Development

Council Resolved:

That the resolution received from Niagara Region Re: Miller's Creek/Resort Development, be received for information.

12. Township of Amaranth, City of Belleville, City of Brantford, Municipality of Meaford and Prince Edward County Re: Bill 218 Supporting Recovery and Municipal Elections Act, proposed changes to the Municipal Elections Act

Council Resolved:

That the resolutions received from Various Municipalities Re: Bill 218 Supporting Recovery and Municipal Elections Act, proposed changes to the Municipal Elections Act, be received for information.

CARRIED

8. Delegations/Presentations:

- (a) Lisa Wagter, Program Manager, Christian Horizons Group, Port Colborne Re: Invoice received for False Alarms at 408 Barrick Road, request invoice to be waved

Lisa Wagter, Program Manager, Christian Horizons Group, Port Colborne reiterated her request to Council with respect to waiving the Invoice received for False Alarms at 408 Barrick Road.

No. 282 Moved by Councillor F. Danch
Seconded by Councillor H. Wells

That the \$100.00 administrative fee outlined on the City's Invoice No. IVC003051 issued to Christian Horizons 4278, be waived.

CARRIED

No. 283 Moved by Councillor E. Beauregard
Seconded by Councillor D. Kalailieff

That the Fire Chief be directed to bring forward a report to Council outlining all invoices issued to Christian Horizons Group, Port Colborne.

CARRIED

- (b) Grace Church, 895 Empire Road, Sherkston Re: Request to use The Sherkston Community Centre

No. 284 Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

That Grace Church be permitted to temporarily use Sherkston Community Centre for Sunday morning worship services.

CARRIED

9. Councillors' Items:

Staff Responses to Previous Councillors' Enquiries

(a) Fire Safety Message (Cartwright)

The Fire Chief expressed gratitude towards the Mayor for including a fire safety message in the Mayor's Report. He additionally extended gratitude toward all of staff for assisting the Fire and Emergency Services Department during this past year. The Fire Chief concluded his message by asking the community to be mindful of fire safety during the holidays and wished everyone a Merry Christmas.

(b) Comments on Report No. 2020-124 (Aquilina)

The Director of Planning and Development informed Council that Report No. 2020-124, Subject: Recommendation Report for Official Plan & Zoning By-law Amendment Mineral Aggregate Resources & Mineral Aggregate Operation Zone was pulled from the December 14, 2020 Council Meeting agenda in order for staff to review and address comments received from Council and the public. He further reported that this report will be brought forward at the January 25, 2021 Council meeting.

(c) Update on Light Installation (Grigg)

The Director of Community and Economic Development informed Council that the decorative lights for the Main Street and Downtown areas have been

delivered and are currently being installed. She further reported that the installation process should be completed by the end of the week.

(d) Sand Accumulation at Eagle Marsh Drain (Shypowskyj)

The Acting Director of Engineering and Operations informed Council that the majority of sand that has accumulated at the Eagle Marsh Drain has been brought in by a few significant storms that have occurred over the past couple of years. He explained that the storms have changed the shoreline causing the City's operational duties to react and change. The Acting Director of Engineering and Operations reported that in the interim, staff will continue to clear the outfalls in discussions with the Ministry in order to determine the best path forward. Lastly, he informed Council that the Drainage Superintendent is working towards completing an Engineer's Report for the Eagle Marsh Drain including the outfall and that it can be expected for completion by the spring of 2022 with construction to follow.

Councillors' Issues/Enquiries

(a) Illegal Dumping along Friendship Trail (Beauregard)

In response to Councillor Beauregard's inquiry regarding the reoccurring issue of illegal dumping along the Friendship Trail, specifically along Durham Street, the Director of Community and Economic Development informed Council that staff have witnessed an increase of illegal dumping since the change of the Region's collection schedule. She further reported that staff has been in contact with the Region, whose staff have been conducting inspections. The Director indicated that the Downtown core has experienced an increase in dumping as well. She offered the suggestion of pursuing this issue from an enforcement perspective by installing portable cameras. Councillor Wells stated to Council that cameras are not as useful as the intended purpose since there is no facial recognition and therefore, there is no way of identifying the individual doing the crime. Councillor Wells suggested the purchasing of cameras may not be helpful.

(b) Streetlight Flashing at Charlotte and West Streets (Danch)

In response to Councillor Danch's request to have a flashing streetlight at the corner of Charlotte Street and West Street be repaired, the Acting Director of Engineering and Operations informed the Councillor that a work order will be submitted in order to have the issue corrected.

(c) Path at H.H. Knoll Lakeview Park (Danch)

Councillor Danch expressed appreciation towards Community and Economic Development staff for paving the path along H.H. Knoll Lakeview Park.

(d) Lights in Downtown and Main Street Areas (Danch)

In response to Councillor Danch's inquiry regarding how many lights have been installed in the Main Street and Downtown areas, the Director of Community and Economic Development informed Council that there is a total of 40 lights.

(e) Short-term Rentals Update (Bodner)

Councillor Bodner informed Council that he has received inquiries with respect to how the City is proceeding with the matter of short-term rentals. Councillor Bodner reported that the City has assigned a staff member to investigate licenses and permits. Councillor Bodner further reported that this staff member would like the public to complete the Business Licensing Survey which can be found on the City's website at <https://portcolborne.ca/en/city-hall/applications-licences-and-permits.aspx> and provide comments on short term rentals in the City. The City Clerk informed Council that the web link will be shared on the City's social media accounts and there will also be an advertisement in the newspaper. The City Clerk indicated that if any member of the public wants to complete the survey but doesn't have access to a computer or the internet, then they can call City Hall to arrange for a copy to be sent to them.

(f) Downtown BIA Annual General Meeting (Kalailieff)

Councillor Kalailieff informed Council that the Downtown BIA recently held its Annual General Meeting and that Betty Konc, the Chair of the Downtown BIA, handed in her resignation. Councillor Kalailieff reported that the Downtown BIA is now recruiting for a new Chair and wished the former Chair all the best.

(g) Thank you to Staff (Kalailieff)

Councillor Kalailieff expressed appreciation towards all of City staff for their hard work this past year and wished everyone a safe and Merry Christmas. She further commended the City's COVID steering group for ensuring all precautionary measures are in place for the New Year.

(h) Sidewalk Repair List (Desmarais)

In response to Councillor Desmarais' inquiry regarding whether Council will receive a copy of the sidewalk repair list, the Acting Director of Engineering and Operations informed Council that the maintenance contracts haven't typically been shared in the past, but they can be. The Acting Director of Engineering and Operations further indicated that the maintenance contracts ordinarily include smaller repairs that get prioritized throughout the year based on the severity of the issue and therefore, it is a living document.

(i) Thank you to Staff (Desmarais)

Councillor Desmarais expressed gratitude towards staff, especially the Emergency Operations Centre and management teams, for keeping everyone safe during the pandemic. She concluded by wishing all a Merry Christmas and a Happy New Year.

(j) Ditch at end of Barrick Road (Bruno)

Councillor Bruno expressed appreciation towards the City staff involved in clearing out the ditch at the end of Barrick Road. Councillor Bruno indicated that the ditch hadn't been cleared out in 40 years and reiterated his gratitude towards the Drainage Superintendent and Operations for completing this work.

(k) Transition into Outlook (Bruno)

Councillor Bruno commended Information Technology staff for coordinating the seamless transition into the Outlook e-mail system.

(l) New Website Rollout (Bruno)

Councillor Bruno expressed appreciation towards the City Clerk and the Supervisor - Customer Service & Strategic Projects for all the hard work put into the rollout of the City's new website.

(m) Merry Christmas and Happy New Year (Bruno)

Councillor Bruno wished staff, Council and citizens a Merry Christmas and a Happy New Year.

10. Consideration of Items Requiring Separate Discussion:**1. Planning and Development Department, Planning Division, Report No. 2020-157, Subject: Meadow Heights Subdivision Agreement Amendment – Phase 2, Stage 1****No. 285**

Moved by Councillor F. Danch
Seconded by Councillor A. Desmarais

That Council approve the amendments made to the Meadow Heights Subdivision Agreement between the City and 1399908 Ontario Inc. attached as Appendix A to Planning & Development Department, Planning Division Report No. 2020-157; and

That the Mayor and Clerk be authorized to sign the amended Meadow Heights Subdivision Agreement to be registered on title to the lands.

CARRIED

2. Planning and Development Department, Planning Division, Report No. 2020-183, Subject: Community Improvement Plan Grant Policy

No. 286 Moved by Councillor H. Wells
Seconded by Councillor F. Danch

That 138 Main Street be approved for a \$20,000 matching grant under the Façade Improvement Program; and

That the Director of Planning and Development continue to review and approve CIP incentive applications up to an amount of \$10,000 through delegated authority.

CARRIED

3. Planning and Development Report, Planning Division, Report No. 2020-184, Subject: Recommendation Report for the Removal of Holding Symbol, Nyon Oil Inc.

No. 287 Moved by Councillor D. Kalailieff
Seconded by Councillor H. Wells

That Council approve the draft Zoning By-law amendment, attached as Appendix A to Planning and Development Department, Planning Division, Report No. 2020-184, to remove the “H” Holding Provision from lands as depicted on Schedule “A” to the Draft By-law.

CARRIED

4. Chief Administrative Officer, Project Management Office, Report No. 2020-188, Subject: Affordable Housing Project and Partnership with Port Cares

No. 288 Moved by Councillor R. Bodner
Seconded by Councillor A. Desmarais

That Council declares Chestnut Park, and the land between Chestnut Park and Lockview Park as surplus;

That Council hereby approves in principle the affordable housing project proposed by Port Cares;

That Council agrees to transfer the Chestnut Park property to Port Cares for \$1 pending the completion of a mutually satisfactory agreement;

That the Director of Community and Economic Development prepare a Lockview Park revitalization plan; and

That the Director of Planning and Development be directed to proceed with a rezoning application, a survey, and a development agreement.

CARRIED

5. Department of Chief Administrative Officer, Report No. 2020-191, Subject: COVID-19 Update #8

No. 289

Moved by Councillor M. Bagu

Seconded by Councillor E. Beauregard

That Chief Administrative Officer Report No. 2020-191, Subject: COVID-19 Update #8, be received for information; and

That By-law Enforcement staff be directed to implement a more rigorous enforcement plan for violations of the Province's COVID Orders that provides for charges to be laid against individuals and businesses that have repeated violations of these orders.

Moved in amendment by Councillor R. Bodner

Seconded by Councillor G. Bruno

That the main motion be amended by striking out the second paragraph and adding the following thereto:

"That By-law Enforcement staff be directed to implement a more rigorous enforcement plan for violations of the Province's COVID Orders that provides for charges to be laid against individuals and businesses that have repeated or severe violations of these orders."

CARRIED

The vote was then called on the main motion, as amended, as follows:

That Chief Administrative Officer Report No. 2020-191, Subject: COVID-19 Update #8, be received for information; and

That By-law Enforcement staff be directed to implement a more rigorous enforcement plan for violations of the Province's COVID Orders that provides for charges to be laid against individuals and businesses that have repeated or severe violations of these orders.

CARRIED

7. Community and Economic Development Department, Parks and Recreation Division, Report No. 2020-189, Subject: Canadian Experiences Fund Grant Update – Project No. 2020-30

No. 290

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

That Project No. 2020-30 Supply and Installation of Solar Lighting at H.H. Knoll Lakeview Park be awarded to R&B Electric Solutions Inc. of Welland, Ontario, for the total tender price of \$121,000.00, plus applicable taxes.

That a by-law to authorize entering into the contract agreement be approved.

CARRIED

11. City of Hamilton Re: Amending the AGCO Licensing and Application Process for Cannabis Retail Stores to Consider Radial Separation from Other Cannabis Locations

No. 291

Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

That the resolution received from the City of Hamilton Re: Amending the AGCO Licensing and Application Process for Cannabis Retail Stores to Consider Radial Separation from Other Cannabis Locations, be received for information.

Moved in amendment by Councillor H. Wells
Seconded by Councillor R. Bodner

That the main motion be amended by striking out the words "received for information" and adding the word "supported".

CARRIED

The vote was then called on the main motion, as amended, as follows:

That the resolution received from the City of Hamilton Re: Amending the AGCO Licensing and Application Process for Cannabis Retail Stores to Consider Radial Separation from Other Cannabis Locations, be supported.

CARRIED

13. Township of Howick Re: Amendments to the Tile Drain Loan Program (Resolution No. 276/20)

No. 292 Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

That the resolution received from the Township of Howick Re: Amendments to the Tile Drain Loan Program, be received for information.

Moved in amendment by Councillor H. Wells
Seconded by Councillor R. Bodner

That the main motion be amended by striking out the words "received for information" and adding the word "supported".

CARRIED

The vote was then called on the main motion, as amended, as follows:

That the resolution received from the Township of Howick Re: Amendments to the Tile Drain Loan Program, be supported.

CARRIED

14. Township of Howick Re: Amending the Tile Drainage Installation Act (Resolution No. 288/20)

No. 293 Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

That the resolution received from the Township of Howick Re: Amending the Tile Drainage Installation Act, be received for information.

Moved in amendment by Councillor H. Wells
Seconded by Councillor R. Bodner

That the main motion be amended by striking out the words "received for information" and adding the word "supported".

CARRIED

The vote was then called on the main motion, as amended, as follows:

That the resolution received from the Township of Howick
Re: Amending the Tile Drainage Installation Act, be supported.

CARRIED

15. Municipality of Southwest Middlesex Re: Drainage Matters on Canadian National Railway Lands

No. 294

Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

That the resolution received from the Municipality of Southwest Middlesex Re: Drainage Matters on Canadian National Railway Lands, be received for information.

Moved in amendment by Councillor H. Wells
Seconded by Councillor R. Bodner

That the main motion be amended by striking out the words "received for information" and adding the word "supported".

CARRIED

The vote was then called on the main motion, as amended, as follows:

That the resolution received from the Municipality of Southwest Middlesex Re: Drainage Matters on Canadian National Railway Lands, be supported.

CARRIED

Notice of Motion

Councillor Bodner provided notice of his intention to introduce a motion at the January 11, 2021 Council meeting with respect to reconsidering Engineering and Operations Department, Engineering Division, Report No. 2020-146, Subject: Michener Municipal Drain Meeting to Consider.

11. Proclamations:

None.

12. Minutes of Boards, Commissions & Committees:

No. 295 Moved by Councillor G. Bruno
Seconded by Councillor F. Danch

- (a) Minutes of the Port Colborne Historical and Marine Museum Board meeting of October 20, 2020.

CARRIED

13. Consideration of By-laws:

No. 296 Moved by Councillor A. Desmarais
Seconded by Councillor D. Kalailieff

That the following by-laws be enacted and passed:

6848/98/20	Being a By-law to Authorize Entering into an Amendment to Subdivision Agreement between The Corporation of the City of Port Colborne and 1399908 Ontario Inc.
6849/99/20	Being a By-law to Amend Zoning By-law 6575/30/18 respecting Land legally Described as Part of Lots 16, 17, 18 and 19, and Part of the Road Allowance between Lots 16 and 17, Part of the Road Allowance between Lots 18 and 19, in the City of Port Colborne, Regional Municipality of Niagara. The property is municipally known as the Nyon Oil lands generally south of the CN Rail Lane, west of Highway 140 and east of Canal Road in the City of Port Colborne
6851/101/20	Being a By-law to Authorize Entering into an Agreement with Nyon Oil Inc. Re: Fire Safety & Risk Management

CARRIED

No. 297

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

That the following by-laws be enacted and passed:

6850/100/20	Being a By-law to Authorize Entering Into a Contract Agreement with R&B Electric Solutions Inc. Re: Project No. 2020-30, Supply and Installation of Solar Lighting at H.H. Knoll Lakeview Park
6852/102/20	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 Special and Regular Meetings of December 14, 2020

CARRIED

14. Council in Closed Session:

Motion to go into Closed Session – 9:25 p.m.:

No. 298

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

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

- (a) Minutes of the closed session portion of the November 23, 2020 Council Meeting.
- (b) Planning and Development Department Report No. 2020-185, concerning an Appeal of Committee of Adjustment Decision A15-19-PC, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(e), litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- (c) Chief Administrative Officer, Project Management Office, Report No. 2020-190, concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board (surplus lands).

CARRIED

Motion to Rise With Report:

No. 299 Moved by Councillor Bagu
Seconded by Councillor Wells

That Council do now rise from closed session with report at
approximately 10:50 p.m.

CARRIED

15. Disclosures of Interest Arising From Closed Session:

Mayor Steele noted that Councillor Beauregard declared a pecuniary interest regarding item (b) and (c) and the Councillor left the closed meeting during discussion of these items.

16. Report/Motions Arising From Closed Session:

(b) Planning and Development Department Report No. 2020-185, concerning an Appeal of Committee of Adjustment Decision A15-19-PC, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(e), litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

(c) Chief Administrative Officer, Project Management Office Report No. 2020-190, concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board (surplus lands)

The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

17. Adjournment:

Mayor Steele adjourned the meeting at approximately 10:51 p.m.

William C. Steele
Mayor

Amber LaPointe
City Clerk