

City of Port Colborne

Council Meeting Minutes

Date: Monday, January 25, 2021
Time: 6:30 p.m.
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
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Staff Present: D. Aquilina, Director of Planning and Development
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk (minutes)
B. Boles, Director of Corporate Services/Treasurer
C. Kalimootoo, Director of Engineering and Operations

- 1. Call to Order**
- 2. National Anthem**
- 3. Adoption of Agenda**

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

That the agenda dated January 25, 2021 be confirmed, as circulated.

Carried

4. Disclosures of Interest

4.1 Councillor E. Beauregard - Sale of 130 Rodney Street (Report 2021-27)

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

4.2 Councillor E. Beauregard - Sale of 133 Durham Street (Report 2021-28)

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

4.3 Councillor E. Beauregard - Sale of 142 Fraser Street (Report 2021-31)

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

4.4 Councillor E. Beauregard - Sale of 80 Nickel Street (Report 2021-29)

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

4.5 Councillor E. Beauregard - Sale of 90 Fraser Street (Report 2021-32)

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

4.6 Councillor E. Beauregard - Sale of Vacant Lot on Catherine Street (Report 2021-30)

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

4.7 Councillor E. Beauregard - Annual Asphalt Resurfacing Program, Extension (Report 2021-24)

The Councillor is employed by Sullivan Mahoney LLP, the solicitor for Rankin Construction Inc.

4.8 Councillor E. Beauregard - By-law to Authorize Entering into a Contract Agreement with Rankin Construction - Tender 2015-11, Annual Asphalt Resurfacing Contract Extension

The Councillor is employed by Sullivan Mahoney LLP, the solicitor for Rankin Construction Inc.

4.9 Councillor E. Beauregard - By-law to Authorize Entering into an Agreement of Purchase and Sale with Alvin Rampersaud respecting 130 Rodney Street

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

4.10 Councillor E. Beauregard - By-law to Authorize Entering into an Agreement of Purchase and Sale with Glyn Holmes in Trust respecting 133 Durham Street

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

4.11 Councillor E. Beauregard - By-law to Authorize Entering into an Agreement of Purchase and Sale with Davert Tools Inc. respecting 142 Fraser Street

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

4.12 Councillor E. Beauregard - By-law to Authorize Entering Into an Agreement of Purchase and Sale with The Landscape Depot (Niagara Falls) Ltd. respecting a Vacant lot on the West Side on Catherine Street near Princess Street

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

4.13 Councillor E. Beauregard - By-law to Authorize Entering into an Agreement of Purchase and Sale with Ryan Thompson in Trust respecting 80 Nickel Street

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

4.14 Councillor E. Beauregard - By-law to Authorize Entering into an Agreement of Purchase and Sale with Adejoke and Femi Abdul respecting 90 Fraser Street

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

5. Approval of Minutes

5.1 Regular Meeting of Council - January 11, 2021

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That the minutes of the regular meeting of Council, held on January 11, 2021, be approved as presented.

Carried

6. Staff Reports

Moved by Councillor D. Kalailieff

Seconded by Councillor A. Desmarais

That items 6.2, 6.3, 6.4, 6.5, and 6.6 be approved, and the recommendations contained therein be adopted.

Carried

6.2 Sale of 130 Rodney Street (Report 2021-27)

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.)

That the City enters into an Agreement of Purchase and Sale with Alvin Rampersaud for \$45,000;

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

That a by-law to authorize entering into an Agreement of Purchase and Sale with Alvin Rampersaud for \$45,000, be brought forward.

6.3 Sale of 133 Durham Street (Report 2021-28)

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.)

That the City enters into an Agreement of Purchase and Sale with Glyn Holmes in Trust for \$65,000;

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

That a by-law to authorize entering into an Agreement of Purchase and Sale with Glyn Holmes in Trust for \$65,000, be brought forward.

6.4 Sale of 142 Fraser Street (Report 2021-31)

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.)

That the City enters into an Agreement of Purchase and Sale with Davert Tools Inc. for \$50,000;

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

That a by-law to authorize entering into an Agreement of Purchase and Sale with Davert Tools Inc. for \$50,000, be brought forward.

6.5 Sale of 80 Nickel Street (Report 2021-29)

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.)

That the City enters into an Agreement of Purchase and Sale with Ryan Thompson in Trust for \$150,000;

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

That a by-law to authorize entering into an Agreement of Purchase and Sale with Ryan Thompson in Trust for \$150,000, be brought forward.

6.6 Sale of 90 Fraser Street (Report 2021-32)

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.)

That the City enters into an Agreement of Purchase and Sale with Adejoke and Femi Abdul for \$90,000;

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

That a by-law to authorize entering into an Agreement of Purchase and Sale with Adejoke and Femi Adbul for \$90,000, be brought forward.

6.1 Christian Horizons Group – Invoice for False Alarms (Report 2021-21)

Moved by Councillor E. Beauregard

Seconded by Councillor M. Bagu

That Council receive Fire and Emergency Services Report 2021-21, Christian Horizons Group – Invoice for False Alarms; and

That the Fire Chief be directed to continue billing for nuisance alarms in accordance with By-law 6741/105/19.

Carried

7. Correspondence Items

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That item 7.1 be received for information.

Carried

**7.1 Memorandum from Environmental Advisory Committee - EAC
Additional Vale CBRA Recommendations**

8. Proclamations

9. Presentations

**9.1 Lynne Cunningham, Municipal Relations Representative, Municipal
Property Assessment Corporation (MPAC)**

Lynne Cunningham, Municipal Relations Representative, provided a presentation with respect to Municipal Property Assessment Corporation (MPAC) and responded to questions received from Council.

10. Delegations

**10.1 Jaskaran Singh - Request to waive invoice received for Fire Fighting
Services - Water Rescue**

Jaskaran Singh reiterated his request to Council with respect to waiving the Invoice received from the Fire Department as a result of the incident that occurred during a windstorm on November 15, 2020.

Moved by Councillor A. Desmarais
Seconded by Councillor M. Bagu

That consideration of Jaskaran Singh's request to waive the Fire Department Invoice received as a result of the incident that occurred during a windstorm on November 15, 2020, be referred to the Deputy Fire Chief in order to investigate and bring a report forward to Council with further details.

Carried

11. Mayor's Report

A copy of the Mayor's report is attached.

12. Regional Councillor's Report

13. Staff Remarks

13.1 Letters regarding Road Ends (Luey)

The Chief Administrative Officer provided an update on the road ends study and stated the deadline to complete the road ends survey has been extended to February 17, 2021.

13.2 Mineral Aggregate Policy Update (Aquilina)

The Director of Planning and Development informed Council that Niagara Regional staff are currently preparing a report regarding Mineral Aggregate policy and protection of the aquifer to bring forward at the Planning and Economic Development Committee meeting on February 17, 2021.

14. Councillors' Remarks

14.1 Building Division (Bagu)

In response to Councillor Bagu's inquiry, the Chief Administrative Officer provided an update on the current status of the Building Division and the overall plan moving forward.

14.2 City Insurance Claims (Bagu)

Councillor Bagu expressed concern regarding the number of City insurance claims during the past five years. The Director of Corporate Services/Treasurer informed Council that he would investigate this matter.

14.3 Ice Safety (Bagu)

Councillor Bagu asked residents partaking in outdoor ice activities such as skating or ice fishing to be safe.

14.4 2021 Proposed Ditching (Bodner)

In response to Councillor Bodner's inquiry regarding whether roadside ditching is completed through the winter months, the Manager of Projects and Design informed Council that the City uses rented equipment to complete this work in the spring and summer months.

14.5 Garbage Collection on West Street (Kalailieff)

Councillor Kalailieff inquired regarding a business not receiving weekly garbage collection. The Chief Administrative Officer informed Council that he has coordinated with Niagara Region staff to have the business added back into the Niagara Region's business district map of weekly collection.

14.6 Customer Service Update (Bruno)

In response to Councillor Bruno's request, the Director of Corporate Services/Treasurer provided Council with an update on the City's Customer Service trajectory.

14.7 Chief Building Official (Bruno)

In response to Councillor Bruno's inquiry, the Chief Administrative Officer informed Council that he would investigate options for the interim Chief Building Official.

14.8 Light on Miller Road (Wells)

In response to Councillor Wells' inquiry regarding a flashing light on Miller Road, the Manager of Projects and Design informed Council that the light was installed by the Niagara Region, that he would look into whether there are any other similar Region signs in the City and that he would investigate as to what the justification is for the installation of these signs.

14.9 Site Alteration on the corner of Pleasant Beach Road and Highway 3 (Wells)

In response to Councillor Wells' inquiry, the Director of Planning and Development informed Council that the City did not provide any site alternation approval for this location and that By-law staff will investigate this matter.

14.10 Road End at Weaver Road (Wells)

In response to Councillor Wells' inquiry regarding the Weaver Road road allowance that is currently being utilized by residents to repair their break walls, the Director of Engineering and Operations confirmed that staff will ensure the road and road allowance will be cleared once the work is complete.

14.11 Street Sign for Canalbank Road (Danch)

In response to Councillor Danch's request, the Manager of Projects and Design indicated that he will look into installing a street name sign for Canalbank Road at the corner of Main Street West and Canalbank Road.

14.12 72 Nickel Street (Desmarais)

In response to Councillor Desmarais' request, the Chief Administrative Officer informed Council that he will investigate this matter and provide an update to Council in the near future.

14.13 Ontario Community Infrastructure Fund (Beauregard)

In response to Councillor Beauregard's inquiry about the Province's recently announced Ontario Community Infrastructure Fund, the Director of Corporate Services/Treasurer informed Council that he would investigate this funding.

15. Consideration of Items Requiring Separate Discussion

15.1 COVID Update – January 2021 (Report 2021-26)

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That Chief Administrative Office Report 2021-26 be received for information.

Carried

15.2 General Insurance 2021 (Report 2021-25)

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Corporate Services Department Report 2021-25 be received;

That the existing general insurance program be renewed with Frank Cowan Company for an annual premium of \$565,232 plus applicable taxes for a period of 18-months (until June 30, 2022); and

That the general insurance program be marketed prior to the conclusion of the contract term ending June 30, 2022.

Carried

15.3 Annual Asphalt Resurfacing Program, Extension (Report 2021-24)

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the solicitor for Rankin Construction Inc.)

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That Engineering and Operations Department Report 2021-24 be received;

That the current Asphalt Resurfacing Contract #2015 Road Resurfacing with Rankin Construction Inc. be extended for an additional 2 years, at an annual increase of 2% applied to the 2020 unit rates for 2021, and a 2% increase applied to the 2021 unit rates for 2022;

That staff be directed to utilize the bid items as listed within the existing Tender Document in such a manner to complete all works as may be required for each year of 2021 and 2022, all as approved in the annual budget by Council; and

That a contract by-law, whereby the City enters into a Contract Agreement with the contractor be prepared to extend the contract as stated.

Carried

15.4 Sidewalk Construction City Wide, Extension (Report 2021-33)

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

That Engineering and Operations Department Report 2021-22 be received;

That the current Sidewalk Construction City Wide Contract #2020-12 with Signature Contractors Windsor Inc. be extended for one year, at a 0% increase over the 2020 unit rates; and

That staff be directed to utilize the bid items as listed within the existing Tender Document in such a manner as to complete all works as may be required, all as approved in the annual budget by Council; and

That a contract by-law, whereby the City enters a Contract Agreement with the contractor be prepared to extend the contract as stated.

Amendment:

Moved by Councillor G. Bruno

Seconded by Councillor D. Kalailieff

That Engineering and Operations Department Report 2021-22 be received;

That the current Sidewalk Construction City Wide Contract #2020-12 with Signature Contractors Windsor Inc. be extended for one year, at a 0% increase over the 2020 unit rates; and

That staff be directed to utilize the bid items as listed within the existing Tender Document in such a manner as to complete all works as may be required, all as approved in the annual budget by Council;

That a contract by-law, whereby the City enters a Contract Agreement with the contractor be prepared to extend the contract as stated;

That the Director of Engineering and Operations be directed to investigate active transportation on Clarence Street with engagement from the Ward 1 Councillors and key stakeholders; and

That the Director of Engineering and Operations bring a report regarding active transportation on Clarence Street forward at the March 8, 2021 Council meeting.

Carried

15.5 Sale of Vacant Lot on Catherine Street (Report 2021-30)

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.)

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That the City enters into an Agreement of Purchase and Sale with The Landscape Depot (Niagara Falls) Ltd. for \$230,000;

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

That a by-law to authorize entering into an Agreement of Purchase and Sale with The Landscape Depot (Niagara Falls) Ltd. for \$230,000, be brought forward.

Carried

16. Motions

16.1 Memorandum from Councillor Bruno - Motion to Amend Official Plan and Zoning By-law

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

That the Director of Planning & Development be directed to make applications to amend the Official Plan and Zoning By-law for City and private property located at the northwest corner of Welland and Killaly Street East; and

That all costs be absorbed by the City.

Carried

17. Notice of Motions

18. Minutes of Boards & Committees

19. By-laws

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

That items 19.1 up to and including 19.11 be enacted and passed.

Carried

19.1 By-law to Amend Zoning By-law 6575/30/18 Respecting 168 and 176 Elm Street

19.2 By-law to Authorize Entering into a Contract Agreement with Rankin Construction - Tender 2015-11, Annual Asphalt Resurfacing Contract Extension

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the solicitor for Rankin Construction Inc.)

19.3 By-law to Authorize Entering in a Contract Agreement with Signature Contractors Windsor Inc. - Tender 2020-12, Sidewalk Construction City Wide, Extension

19.4 By-law to Authorize Entering into an Agreement of Purchase and Sale with Alvin Rampersaud respecting 130 Rodney Street

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19.10 By-law to Appoint Building Inspectors

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

20. Confidential Items

21. Procedural Motions

22. Information items

23. Adjournment

Mayor Steele adjourned the meeting at approximately 9:34 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk