

City of Port Colborne Council Meeting Minutes

Date: Tuesday, May 10, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: 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

Member(s) Absent: M. Bagu, Councillor

Staff Present: S. Luey, Chief Administrative Officer
B. Boles, Director of Corporate Services/Treasurer
C. Kalimootoo, Director of Public Works
S. Lawson, Fire Chief
S. Tufail, Acting Deputy Clerk (minutes)
N. Rubli, Acting City Clerk

1. Call to Order

Mayor Steele called the meeting to order at 6:30 p.m.

2. National Anthem

3. Land Acknowledgment

4. Proclamations

4.1 International Day Against Homophobia and Transphobia, May 17, 2022

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

That May 17th be proclaimed as the "International Day Against Homophobia and Transphobia" in the City of Port Colborne.

Carried

4.2 World Oceans Day 2022 and The Advancement of Ocean Conservation in Canada, June 8, 2022

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

That June 8th, 2022 be proclaimed as "World Oceans Day" in the City of Port Colborne.

Carried

4.3 Operation Smile - Longest Day of SMILES® - June 19, 2022

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

That June 19th, 2022 be proclaimed as the "Longest Day of SMILES" in the City of Port Colborne.

Carried

5. Adoption of Agenda

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

That the agenda dated May 10, 2022 be confirmed, as amended.

Carried

6. Disclosures of Interest

6.1 Councillor R. Bodner - Item 13 - Regional Councillor Butters Report - Agreement with Sherkston Shores for access to the Park for Hamlet Residents

The Councillor has declared a direct pecuniary interest as he has a business inside of Sherkston Shores Resort and was present during the 2018 Agreement negotiations.

6.2 Councillor E. Beauregard - Item 13 - Regional Councillor Butters Report - Agreement with Sherkston Shores for access to the Park for Hamlet Residents

The Councillor has an indirect pecuniary interest as he is employed by Upper Canada Consultants who represent Sherkston Shores Resort.

7. Approval of Minutes

7.1 Regular Meeting of Council-April 26, 2022

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

That the minutes of the regular meeting of Council, held on April 26, 2022, be approved as presented.

Carried

8. Staff Reports

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

That items 8.1 to 8.3 be approved, and the recommendations contained therein be adopted.

Carried

8.1 Community Living 60th Anniversary Event, 2022-87

That Corporate Services Department Report 2022-87 be received; and

That Council approves the closure of Market Square for Community Living to host their 60th Anniversary event on Saturday, June 4, 2022, from 10:00 a.m. to 6:00 p.m.; and

That Council approves the waiver of the \$83.20 fee for the use of King George Park and access to hydro on Saturday, June 4, 2022.

8.2 Billing of the Fred and John Pietz Drain Maintenance, 2022-90

That Public Works Department Report 2022-90 be received; and

That the billing for the Fred and John Pietz Municipal Drains be invoiced in accordance with the *Drainage Act*, as outlined in Appendix A, B and C of Public Works Department Report 2022-90; and

That the By-law to Amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of Drainage Works Known as the Fred and John Pietz Municipal Drain be approved.

8.3 Billing of the Wignell Municipal Drain Maintenance, 2022-84

That Public Works Department Report 2022-84 be received; and

That the billing for the Wignell Municipal Drain be invoiced in accordance with the *Drainage Act*, as outlined in Appendix A of Public Works Department Report 2022-84; and

That the By-Law to Amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of Drainage Works Known as the Wignell Municipal Drain be approved.

9. Correspondence Items

Moved by Councillor A. Desmarais

Seconded by Councillor F. Danch

That items 9.1 to 9.8 be received for information.

Carried

9.1 Niagara Region - Proposed Niagara Official Plan

9.2 Niagara Region - Development Applications Monitoring Report - 2021 Year End

9.3 Niagara Region - 2021-Census Series: Population and Dwelling Counts

9.4 Niagara Region - 2021 Reserve Water and Wastewater Treatment Capacities

9.5 Town of Fort Erie - Climate Action Change

9.6 Niagara Peninsula Conservation Authority Board Meeting Highlights - April 22, 2022

9.7 Ministry of Environment, Conservation and Parks - Regulations and Policy under the Conservation Authorities Act

9.8 Ministry of Northern Development, Mines, Natural Resources and Forestry - Decision Notice - Proposed Regulation under the Aggregate Resources Act

10. Presentations

10.1 Clean Community, Community Safety And Enforcement and By-Law Enforcement Services-City of Port Colborne Municipal Presentation

The Fire Chief provided a presentation with respect to Clean Community and Community Safety as well as responded to questions received from Council.

Moved by Councillor E. Beauregard

Seconded by Councillor D. Kalailieff

That the Clean Community presentation be received.

Carried

10.2 Service Line Warranty Program and the City of Port Colborne-Service Line Warranties of Canada

Elise Dostal, Senior Manager, Service Line Warranties of Canada, provided a presentation in respect to the Service Line Warranty program and responded to questions received from Council.

Moved by Councillor R. Bodner

Seconded by Councillor H. Wells

That the Service Line Warranty Program presentation be received.

Carried

11. Delegations

11.1 Greg Poisson, Owner of Canalside Restaurant-Request for Relief from Pop-up Patio Guidelines

Mr. Poisson delegated before Council to request an exemption to the Pop-up Patio Guidelines to erect a patio for Canalside Restaurant on the grass land in front of the restaurant on the east side of West Street.

Moved by Councillor D. Kalailieff

Seconded by Councillor A. Desmarais

That the delegation from Mr. Greg Poisson, Owner of Canalside Restaurant be received;

That a one-year exemption be granted to the Pop-up Patio Guidelines for Canalside Restaurant, with the exception of Canal Days; and

That Staff be delegated the authority to administer the exemption requirements to the Pop-up Patio Guidelines for Canalside Restaurant.

Carried

11.2 Delegation material from Port Colborne Downtown B.I.A.-Support for Delegation

12. Mayor's Report

A copy of the Mayor's report is attached.

13. Regional Councillor's Report

Councillor R. Bodner declared a conflict on this item. (The Councillor has declared a direct pecuniary interest as he has a business inside of Sherkston Shores Resort and was present during the 2018 Agreement negotiations.)

Councillor E. Beauregard declared a conflict on this item. (The Councillor has an indirect pecuniary interest as he is employed by Upper Canada Consultants who represent Sherkston Shores Resort.)

Regional Councillor Butters provided an update to City Council.

Regional Councillor Butters raised a concern regarding changes to an access agreement with Sherkston Shores for the Hamlet residents to the park.

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

That Staff be directed to obtain legal advice and interpretation of the 2018 Agreement and provide a legal position with regards to that;

That Staff contact former and current municipal representatives that were involved in establishing that agreement to provide input and historical perspectives on the Agreement for the intent; and

That City Staff approach Skerkston Shores Resort and request that entrance to the Park be allowed as it was in the past until the matter is resolved.

Carried

14. Staff Remarks

14.1 Service Requests (Luey)

The Chief Administrative Officer informed Council that additional summer staff will be available to respond to any service requests.

15. Councillors' Remarks

15.1 Speeding on Wellington Street (Desmarais)

In response to Councillor Desmarais' request to address the speeding issue on Wellington street, the Mayor confirmed that the request would be relayed to the Niagara Regional Police, Acting Staff Sergeant for Port Colborne.

15.2 Improvements of Marina Drive (Bruno)

Councillor Bruno expressed appreciation towards staff for the overall clean-up and various other improvements of Marina Drive.

15.3 Traffic Island maintenance on Killaly Street (Bruno)

In response to Councillor Bruno's concern regarding the maintenance of the Traffic Island in front of the Operations Centre on Killaly Street, the Director of Public Works advised that there is ongoing discussion with the Niagara Region on this matter.

15.4 Public Presence during Council Meetings (Bruno)

In response to Councillor Bruno's inquiry in respect to public presence at the Council meeting, the Chief Administrative Officer advised Council that the City Clerk will address this matter at the next Council meeting.

16. Consideration of Items Requiring Separate Discussion

16.1 2021 Year in Review – Public Works Department, 2022-93

Staff from Public Works Department provided a presentation and responded to questions from Council.

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That Public Works Department Report 2022-93 be received.

Carried

16.2 Expropriation of Parts of Bridge, Lock Street and Park Avenue in Central Park Subdivision, 2022-92

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

That Chief Administrative Office Report 2022-92 be received; and

That the expropriation of parts of Bridge Street, Lock Street and Park Avenue in the Central Park subdivision, registered as Central Park Plan of Subdivision 836, for the Village of Humberstone described as Parts 1, 2, 3 and 4 on Reference Plan 59R-17185 be approved; and

That the Acting City Clerk and Mayor be directed to sign the Certificate of Approval pursuant to the *Expropriations Act*, and all other documents necessary to affect the expropriation of the lands subject to the satisfaction of the City Solicitor.

Carried

16.3 Fishing Tournaments & Grant Framework, 2022-80

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That Corporate Services Department Report 2022-80 be received; and

That Council approve the associated Fishing Tournament Grant Framework attached to Report 2022-80 as Appendix “A”; and

That Council delegate authority to Staff to allocate the approved budgeted grant funding up to a maximum of \$25,000, waive user fees and provide approval for use of H.H. Knoll Lakeview Park subject to the conditions set out in the Fishing Tournament Grant Framework.

Carried

16.4 Funding for Inflow and Infiltration Projects, 2022-88

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That Public Works Department Report 2022-88 be received; and
That Council approve \$561,900 of funding for the 2021 inflow and infiltration projects from the wastewater reserves.

Carried

16.5 Niagara Region - Report PW 15-2022 Moving Transit Forward - Initial Transition Activities and Next Steps

Moved by Councillor E. Beauregard
Seconded by Councillor D. Kalailieff

That Council appoint Councillor Desmarais to represent the City of Port Colborne on the transitional Niagara Transit Commission Board.

Carried

16.6 Niagara Region - Inspection of Regional Water Infrastructure

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

That the correspondence from the Niagara Region regarding Inspection of Regional Water Infrastructure be received.

Carried

16.7 Niagara Region - Inspection Programs and Condition of Niagara Region Trunk Sanitary Sewer Infrastructure

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

That the correspondence from the Niagara Region regarding Inspection Programs and Condition of Niagara Region Trunk Sanitary Infrastructure be received.

Carried

17. Motions

18. Notice of Motions

19. Minutes of Boards & Committees

Moved by Councillor E. Beauregard
Seconded by Councillor D. Kalailieff

That item 19.1 be approved, as presented.

Carried

19.1 Port Colborne Museum Board Minutes, March 15, 2022

20. By-laws

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

That items 20.1 up to and including 20.5 be enacted and passed.

Carried

20.1 By-law - H.H. Knoll Park Vendor Lease Agreement - Heavenly Dreams Ice Cream

20.2 By-law - H.H. Knoll Park Vendor Lease Agreement - The Rib Crib

20.3 By-law to Amend the Assessment Schedule to Levy the Costs Incurred in maintaining Fred and John Pietz Municipal Drain

20.4 By-law to Amend the Assessment Schedule to Levy the Costs Incurred in Wignell Municipal Drain

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

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

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

Carried

21.1 Minutes of the closed session portion of the April 26, 2022 Council Meeting

21.2 Chief Administrative Office Report 2022-38, A Proposed or Pending Acquisition or Disposition of Land By The Municipality or Local Board

21.3 Chief Administrative Office Report 2022-85, A Proposed or Pending Acquisition or Disposition of Land By The Municipality or Local Board

22. Procedural Motions

23. Information items

24. Adjournment

Council moved into Closed Session at approximately 9:30 p.m.

Council reconvened into Open Session at approximately 10:18 p.m.

Mayor Steele adjourned the meeting at approximately 10:19 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk