

## **City of Port Colborne**

### **Council Meeting Minutes**

**Date:** Monday, March 8, 2021  
**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  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor

**Staff Present:** D. Aquilina, Director of Planning and Development  
T. Cartwright, Director of Community Safety & Enforcement  
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 Public Works  
S. Lawson, Fire Chief

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

Mayor Steele called the meeting to order.

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

#### **3. Proclamations**

#### **4. Adoption of Agenda**

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

That the agenda dated March 8, 2021 be confirmed, as amended.

Carried

**5. Disclosures of Interest**

**5.1 Councillor E. Beauregard - Nickel Beach and Centennial – Cedar Bay Beach Seasonal Operation Plans 2021, 2021-49**

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

**5.2 Councillor E. Beauregard - Memo from Bryan Boles, Director of Corporate Services/Treasurer - Supplemental Information to Council Report 2021-49**

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

**5.3 Councillor E. Beauregard - Recommendation Report for Official Plan & Zoning By-law Amendment Applications, File D09-01-20 & D14-03-20 Mineral Aggregate Resources & Operation Zone, 2021-63**

The Councillor is employed by Sullivan Mahoney LLP., one of the solicitors for Rankin Construction, the parent company of Port Colborne Quarries Inc. and has an indirect pecuniary interest as the decision of Council on this item will have a direct impact on Port Colborne Quarries application before Council to rehabilitate some of its pits.

**5.4 Councillor E. Beauregard - Sale of Land to Greg and Carole Newman, 2021-64**

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

**5.5 Councillor E. Beauregard - Planning and Development Department Report 2021-83, Appeal of Committee of Adjustment Decision A07-20-PC**

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

**5.6 Councillor E. Beauregard - By-law to Adopt Amendment No. 7 to the Official Plan for the City of Port Colborne**

The Councillor is employed by Sullivan Mahoney LLP., one of the solicitors for Rankin Construction, the parent company of Port Colborne Quarries Inc. and has an indirect pecuniary interest as the decision of Council on this item will have a direct impact on Port Colborne Quarries application before Council to rehabilitate some of its pits.

**5.7 Councillor E. Beauregard - Being a By-law to Amend Zoning By-law 6575/30/18 Regarding Mineral Aggregate Operation Zone Provisions, Definitions and Uses in the Highly Vulnerable Aquifer**

The Councillor is employed by Sullivan Mahoney LLP., one of the solicitors for Rankin Construction, the parent company of Port Colborne Quarries Inc. and has an indirect pecuniary interest as the decision of Council on this item will have a direct impact on Port Colborne Quarries application before Council to rehabilitate some of its pits.

**5.8 Councillor E. Beauregard - By-law to Authorize Entering Into an Agreement of Purchase and Sale with Greg and Carole Newman Respecting Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565**

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

**5.9 Councillor R. Bodner - Town of Niagara-on-the-Lake - Support for Wine Sector**

The Councillor's Sherkston Supermart store has a LCBO/Beer Store outlet which sells Ontario Wine. The Councillor has declared a direct pecuniary interest as this item speaks of Wineries being able to deliver direct to stores, with margin.

**6. Approval of Minutes**

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

- a. That the minutes of the Public Meeting held on February 16, 2021, be approved as circulated.
- b. That the minutes of the Committee of the Whole-Budget meeting held on February 17, 2021, be approved as circulated.

- c. That the minutes of the regular meeting of Council held on February 22, 2021, be approved as circulated.

Carried

**6.1 Public Meeting - February 16, 2021**

**6.2 Committee of the Whole-Budget - February 17, 2021**

**6.3 Regular Meeting of Council - February 22, 2021**

**7. Staff Reports**

Moved by Councillor M. Bagu

Seconded by Councillor H. Wells

That items 7.2, 7.3, and 7.4 be approved, and the recommendations contained therein be adopted.

Carried

**7.2 Grants for Non-Profits, 2021-79**

That Chief Administrative Office Department Report 2021-79 be received;  
and

That the following grants for non-profits be approved for the first allocation of 2021 grants:

\$5,200 Community Living Port Colborne-Wainfleet

\$1,200 Port Colborne Historical and Marine Museum

\$2,300 Port Colborne Lions Club

\$1,525 Royal Canadian Legion Branch

\$4,000 The Evening Optimist Club of Port Colborne Inc.

\$3,000 Women's Place of South Niagara Inc.

\$3,000 Niagara Health Foundation

**7.3 Recommendation Report for Removal of a Holding Provision at 301 Mitchell Street, File D14-06-21, 2021-82**

That Planning and Development Department Report 2021-82 be received;

That the holding provision for 301 Mitchell Street be removed;

That the By-law attached as Appendix A to Planning and Development Report 2021-82 be brought forward for approval; and

That Planning staff be directed to notify the owner/applicant accordingly.

**7.4 Statement of Remuneration and Expenses for the Year Ended 2020, 2021-73**

That Corporate Services Department Report 2021-73 be received for information.

**7.1 Recommendation Report for Official Plan & Zoning By-law Amendment Applications, File D09-01-20 & D14-03-20 Mineral Aggregate Resources & Operation Zone, 2021-63**

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP., one of the solicitors for Rankin Construction, the parent company of Port Colborne Quarries Inc. and has an indirect pecuniary interest as the decision of Council on this item will have a direct impact on Port Colborne Quarries application before Council to rehabilitate some of its pits.)

This item was withdrawn from the agenda.

**a. Delegation Material from Port Colborne Quarries**

**8. Correspondence Items**

Moved by Councillor M. Bagu

Seconded by Councillor H. Wells

That items 8.1 to 8.5 be received for information.

Carried

**8.1 AMCTO - An Open Letter to Ontario Municipal Councils**

**8.2 City of Vaughan - Response to Unlicensed and Unmonitored Cannabis Grow Operations**

**8.3 Various Municipalities - Response to Amend AGCO Licensing and Application Process for Cannabis Retail Stores**

**8.4 Various Municipalities - Response to Amend the Tile Drainage Installation Act**

## **8.5 Various Municipalities - Response to Drainage Matters on Canadian National Railway Lands**

### **9. Presentations**

### **10. Delegations**

### **11. Mayor's Report**

A copy of the Mayor's Report is attached.

### **12. Regional Councillor's Report**

Regional Councillor Butters provided an update to City Council.

### **13. Staff Remarks**

#### **13.1 Sugarloaf Marina Clarification (Boles)**

The Director of Corporate Services/Treasurer provided clarification to Council with respect to the Sugarloaf Marina Rates report that came forward at the last Council meeting. The Director informed Council that Sugarloaf Marina does cover its own operating costs, but that the current budget does not address the Marina's future capital needs which is why the Marina's increased rates were proposed.

#### **13.2 Safe Restart Funding (Boles)**

The Director of Corporate Services/Treasurer informed Council that the City had recently received a Safe Restart grant from the Province in the amount of \$500,000. The Director further indicated that the grant was provided to assist municipalities in response to the COVID-19 pandemic and a report will be provided to Council to outline what these funds will be used for.

#### **13.3 Audit Update (Boles)**

The Director of Corporate Services/Treasurer informed Council that the audit has begun and that a year-end surplus/deficit report will be brought forward to Council during the first meeting in April 2021.

### **14. Councillors' Remarks**

#### **14.1 New Fire Chief (Mayor)**

The Mayor informed Council and the public that Scott Lawson has been appointed the City's new Fire Chief. The Mayor expressed gratitude towards Tom Cartwright for his 20 years of service as Fire Chief and

welcomed him into his new role as Director of Community Safety & Enforcement.

**14.2 International Women's Day (Desmarais)**

Councillor Desmarais expressed gratitude towards Communications staff for announcing International Women's Day on the City's social media.

**14.3 Thank you to Staff (Kalailieff)**

Councillor Kalailieff expressed appreciation towards staff for all their hard work.

**14.4 Shopping Cart (Danch)**

Councillor Danch requested that staff investigate a shopping cart that has been sitting near the Mellanby Road bridge.

**14.5 Waste and Recyclables Around the City (Danch)**

Councillor Danch informed Council and the public that he will be distributing clear garbage bags for free to anyone who wishes to pick up garbage waste or recyclables that are located around the City.

**14.6 Construction at the End of Pleasant Beach Road (Wells)**

In response to Councillor Wells' inquiry regarding the construction being conducted at the end of Pleasant Beach Road, the Director of Public Works informed Council that staff are aware of the construction and attend the worksite daily to ensure the construction is being conducted pursuant to the permit.

**14.7 Sale of Pleasant Beach Campground (Wells)**

In response to Councillor Wells' inquiry regarding whether Sherkston Shores has expressed any intentions to the City with respect to their purchase of Pleasant Beach Campground, the Chief Administrative Officer informed Council that the City has no knowledge of any changes in the area and that there was no City involvement in the sale of the property.

**14.8 Garbage Pick-up (Bagu)**

In response to Councillor Bagu's request for staff's assurance that a plan is in place for regular garbage pick-ups this upcoming summer, the Chief Administrative Officer confirmed that the schedule of emptying garbage containers in public areas will continue to be discussed and improved upon by staff.

**15. Consideration of Items Requiring Separate Discussion**

**15.1 Nickel Beach and Centennial – Cedar Bay Beach Seasonal Operation Plans 2021, 2021-49**

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 legal advice on this item.)

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

That the Centennial – Cedar Bay Beach Operations Plan attached as Appendix A, and the Nickel Beach Operations Plan attached as Appendix B of Corporate Services Department Report 2021-49 be approved; and

That the Director of Corporate Services be directed to engage staff in the implementation of the seasonal operations outlined in Appendix A and Appendix B of Corporate Services Department Report 2021-49.

**Amendment:**

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

That the Centennial – Cedar Bay Beach Operations Plan attached as Appendix A, and the Nickel Beach Operations Plan attached as Appendix B of Corporate Services Department Report 2021-49 be approved;

That the Director of Corporate Services be directed to engage staff in the implementation of the seasonal operations outlined in Appendix A and Appendix B of Corporate Services Department Report 2021-49; and

**That drive-in access to Centennial-Cedar Bay Beach be restricted to Niagara residents only.**

Carried

**a. Memo from Bryan Boles, Director of Corporate Services/Treasurer - Supplemental Information to Council Report 2021-49**

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 legal advice on this item.)

**15.2 Downtown BIA Pilot Project with Farmers' Market, 2021-67**

Moved by Councillor R. Bodner

Seconded by Councillor G. Bruno

That Chief Administrative Office Report 2021-67 be received;

That Council approves the Downtown BIA managing the farmers' market as a two-year pilot project; and

That Council direct the Economic Development Officer to work with the Downtown BIA on a Memorandum of Understanding (MOU) and an amended by-law.

Carried

**15.3 AGCO Applications in Port Colborne, 2021-85**

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That Chief Administrative Office Department Report 2021-85 be received for information.

Carried

**Amendment:**

Moved by Councillor G. Bruno

Seconded by Councillor H. Wells

That Chief Administrative Office Department Report 2021-85 be received for information.

**That Council notify the AGCO of its opposition to applications to permit alcohol consumption in consumptive areas of convenience stores.**

Lost

#### **15.4 Sale of Land to Greg and Carole Newman, 2021-64**

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 legal advice on this item.)

Moved by Councillor M. Bagu

Seconded by Councillor D. Kalailieff

That Council declares Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565 as surplus to the City's needs.

That the City enters into an Agreement of Purchase and Sale with Greg and Carole Newman for the purchase of Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565 for \$3,880 (plus HST) attached as Appendix A.

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

##### **Amendment:**

Moved by Councillor M. Bagu

Seconded by Councillor D. Kalailieff

That consideration of Planning and Development Department Report 2021-64 Subject: Sale of Land to Greg and Carole Newman, be referred to the Director of Planning and Development in order to contact the adjacent property owner to confirm that they do not wish to purchase the section of property that is currently a portion of their driveway, and bring a report forward to Council with further details.

Carried

#### **15.5 Emily Project – Farm 911 Municipal Addressing, 2021-71**

Moved by Councillor R. Bodner

Seconded by Councillor H. Wells

That Council receive Fire and Emergency Services Report 2021-71, regarding the Emily Project – FARM 911 Municipal Addressing;

That Council endorse the Emily Project – FARM 911 Municipal Addressing and approve the installation of rural farm land signs and farm parcel municipal addressing upon request of the landowner; and

That Council approve one of two funding models:

1. The City fully funds all aspects of the sign installation.
2. The City charges back the cost of the sign and installation to the applicant.

**Amendment:**

Moved by Councillor R. Bodner

Seconded by Councillor G. Bruno

That Council receive Fire and Emergency Services Report 2021-71, regarding the Emily Project – FARM 911 Municipal Addressing;

That Council endorse the Emily Project – FARM 911 Municipal Addressing and approve the installation of rural farm land signs and farm parcel municipal addressing upon request of the landowner; and

**That Council approves the City charging back the sign and installation cost of \$115 to the applicant.**

Carried

**15.6 Clarence Street Sidewalk Construction – Hampton Avenue to Wood Lane, 2021-65**

Moved by Councillor M. Bagu

Seconded by Councillor D. Kalailieff

That Engineering and Operations Department Report 2021-65 be received;

That the Director of Public Works be directed to construct sidewalk on the south side of Clarence Street from the existing sidewalk west of Wood Lane to Hampton Avenue;

That the Director of Public Works be authorized to complete the work under the 2021 concrete sidewalk contract with Signature Contractors at the unit rates set within the contract agreement; and

That the Director of Public Works be authorized and directed to do all things necessary to give effect to this resolution.

Carried

**15.7 Excavator Purchase for Municipal Drains, 2021-72**

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

That Engineering and Operations Department Report 2021-72 be received;

That the Director of Public Works be directed to issue a tender for the purchase of an excavator; and

That the Director of Public Works be directed to award the tender if equal to or less than the current monthly cost.

Carried

**15.8 Economic Development Reserve Account, 2021-81**

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

That Chief Administrative Office Report 2021-81 be received;

That Council approve the creation of a new Economic Development Reserve account to be used for land proceeds, acquisitions, development costs, and other strategic economic development initiatives;

That the net proceeds from Phase One (1) of the City Real Estate initiative be directed to the new Economic Development Reserve; and

That the cost of the comprehensive Community Improvement Plan (CIP) review be funded from this reserve.

Carried

**15.9 External Review of Community Improvement Plans (CIPs), 2021-68**

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

That Chief Administrative Office Report 2021-68 be received;

That Council approves retaining a consultant to complete a comprehensive review of the City's Community Improvement Plans (CIPs); and

That Council approve a project budget limit of \$125,000 plus HST to be funded from the newly proposed Economic Development reserve.

Carried

**15.10 Jungblunzlauer (JBL) - Request Support for Provincial OMAFRA Grant Application**

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That the request received from Jungblunzlauer (JBL), be supported.

Carried

**15.11 Rogers Communications Canada Inc. - Request Support for Improved Broadband Access**

Moved by Councillor E. Beauregard

Seconded by Councillor A. Desmarais

That the request received from Rogers Communications Canada Inc., be supported.

Carried

**15.12 Town of Niagara-on-the-Lake - Support for Wine Sector**

Councillor R. Bodner declared a conflict on this item. (The Councillor's Sherston Supermart store has a LCBO/Beer Store outlet which sells Ontario Wine. The Councillor has declared a direct pecuniary interest as this item speaks of Wineries being able to deliver direct to stores, with margin.)

Moved by Councillor D. Kalailieff

Seconded by Councillor A. Desmarais

That the correspondence received from the Town of Niagara-on-the-Lake regarding Support for Wine Sector, be received for information.

Carried

**16. Motions**

**17. Notice of Motions**

**18. Minutes of Boards & Committees**

**18.1 Port Colborne Public Library Board Meeting Minutes - December 1, 2020 and January 18, 2021**

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

That the minutes of the Port Colborne Library Board Meetings, held on December 1, 2020 and January 18, 2021, be approved as presented.

Carried

**19. By-laws**

Moved by Councillor E. Beauregard  
Seconded by Councillor R. Bodner

That items 19.4, 19.5, and 19.6 be enacted and passed.

Carried

**19.4 By-law to Amend Zoning By-law 6575/30/18 respecting the removal of the Holding Symbol (H) - Municipally Known as 301 Mitchell Street**

**19.5 By-law to Repeal By-laws 4124/119/01 and 6618/73/18 and to Appoint a Fire Chief for the City of Port Colborne**

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

**19.1 By-law to Adopt Amendment No. 7 to the Official Plan for the City of Port Colborne**

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP., one of the solicitors for Rankin Construction, the parent company of Port Colborne Quarries Inc. and has an indirect pecuniary interest as the decision of Council on this item will have a direct impact on Port Colborne Quarries application before Council to rehabilitate some of its pits.)

This item was withdrawn from the agenda.

**19.2 Being a By-law to Amend Zoning By-law 6575/30/18 Regarding Mineral Aggregate Operation Zone Provisions, Definitions and Uses in the Highly Vulnerable Aquifer**

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP., one of the solicitors for Rankin Construction, the parent company of Port Colborne Quarries Inc. and has an indirect pecuniary interest as the decision of Council on this item will have a direct impact on Port Colborne Quarries application before Council to rehabilitate some of its pits.)

This item was withdrawn from the agenda.

**19.3 By-law to Authorize Entering Into an Agreement of Purchase and Sale with Greg and Carole Newman Respecting Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565**

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 legal advice on this item.)

This item has been withdrawn as a result of the corresponding report's referral.

**20. Confidential Items**

The City Clerk reported that direction was provided to staff for item 20.2 during closed session in accordance with the *Municipal Act, 2001*.

Moved by Councillor G. Bruno

Seconded by Councillor A. Desmarais

That Council do now proceed into closed session in order to address items 20.1 and 20.2.

Carried

**20.1 Minutes of the closed session portion of the February 22, 2021 Council Meeting**

**20.2 Planning and Development Department Report 2021-83, Appeal of Committee of Adjustment Decision A07-20-PC**

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 legal advice on this item.)

**21. Procedural Motions**

**22. Information items**

**23. Adjournment**

Council moved into Closed Session at approximately 9:20 p.m.

Council reconvened into Open Session at approximately 10:06 p.m.

Mayor Steele adjourned the meeting at approximately 10:07 p.m.

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William C. Steele, Mayor

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Amber LaPointe, City Clerk