

City of Port Colborne Council Meeting Minutes

Date: Tuesday, June 28, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Member(s) Absent: M. Bagu, Councillor
E. Beauregard, Councillor
D. Kalailieff, 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 6:31 p.m.

2. National Anthem

3. Land Acknowledgment

4. Proclamations

4.1 Rail Safety Week, September 19-25, 2022

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

That September 19 to 25, 2022 be proclaimed as Rail Safety Week, in the City of Port Colborne

Carried

5. Adoption of Agenda

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

That the agenda dated June 28, 2022 be confirmed, as amended.

Carried

6. Disclosures of Interest

6.1 Councillor R. Bodner -Sherkston Shores Golf Cart Access, 2022-144

The Councillor has declared a direct pecuniary interest as he has a business inside of Sherkston Shores Resort.

7. Approval of Minutes

7.1 Regular Meeting of Council- June 14, 2022

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

That the minutes of the regular meeting of Council, held on June 14, 2022 be approved as presented.

Carried

8. Staff Reports

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

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

Carried

8.1 Canal Days Marine Heritage Festival – Paid Parking Model, 2022-117

That Corporate Services Department Report 2022-17 be received; and

That the by-law in Appendix “A” of Corporate Services Report 2022-17 be approved.

8.2 Recommendation Report for a Zoning By-law Amendment for a Vacant Lot on Neff Street, 2022-146

That Development and Legislative Services Department Report 2022-146 be received; and;

That Council approve the Zoning By-law Amendment attached as Appendix A, to amend the subject lands from Fourth Density Residential ‘R4-61’ to Downtown Commercial ‘DC-68’.

8.3 2022 – 2023 General Insurance Program, 2022-149

That Corporate Services Department Report 2022-149 be received; and

That Council delegate authority to Staff to negotiate the 2022-2023 general insurance program and for the CAO and Director, Corporate Services/Treasurer to execute the related documents.

9. Correspondence Items

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That items 9.1 and 9.2 be received for information.

Carried

9.1 Niagara Peninsula Conservation Authority - Board of Directors Meeting Highlights - May 20, 2022

9.2 Municipal Engineers Association - The Retention of Professional Engineers at Ontario Municipalities

10. Presentations

11. Delegations

12. Mayor's Report

A copy of the Mayor's Report is attached.

13. Regional Councillor's Report

14. Staff Remarks

15. Councillors' Remarks

15.1 Chlorination of Water (Bruno)

Councillor Bruno expressed appreciation towards staff for addressing a resident's concern in regards to the chlorination of water on Sheba Crescent.

15.2 Niagara Regional Transit (Danch)

In response to Councillor Danch's request to address long waiting periods for the Niagara Regional Transit, the Director of Corporate Services/Treasures advised Council that there is any ongoing conversation with the Niagara Region and possible solutions are being explored.

15.3 Port Cares' Ribbon Cutting Ceremony (Desmarais)

Councillor Desmarais informed Council that she attended a ribbon cutting ceremony on June 22 hosted by Port Cares, that unveiled their new outdoor space and entrance/addition.

15.4 Homelessness Presentation (Desmarais)

Councillor Desmarais informed Council that she attended an event hosted by the Niagara Region for a discussion on homelessness in post pandemic Niagara.

15.5 NS&T Railway Historical Plaque (Wells)

Councillor Wells informed Council that the historical plaque erected by the Niagara Division of the Canadian Railroad Historical Association that pays tribute to the history and importance of railroads in Port Colborne was unveiled on June 27, 2022.

16. Consideration of Items Requiring Separate Discussion

16.1 Affordable Housing Strategy – Project Update, 2022-103

Tim Welch and Ryan Taylor, consultants from Tim Welch Consulting Inc. provided a presentation and responded to questions received from Council.

Moved by Councillor A. Desmarais
Seconded by Councillor G. Bruno

That Chief Administrative Officer Report 2022-103 be received for information.

Carried

16.2 CIP Comprehensive Review – Project Update, 2022-102

Luciano P. Piccioni, President of RCI Consulting provided a presentation and responded to questions received from Council.

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

That Chief Administrative Officer Report 2022-102 be received.

Carried

16.3 Linear Asset - Capital Asset Management Plan, 2022-147

Richard Pinder, Engineer from GM BluePlan Engineering Limited, provided a presentation and responded to questions received from Council.

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

That Corporate Services Department Report 2022-147 be received; and

That the Linear Asset – Capital Asset Management Plan in Appendix B of Corporate Services Report 2022-147 be approved.

Carried

16.4 44th Annual Canal Days Festival Request for Road Closures, Parking Restrictions, and Patio Extensions, 2022-139

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

That Corporate Services Department Report 2022-139 be received;

That the recommendations of Corporate Services Report 2022-139 be approved, and that Council approve all road closures and parking restrictions encompassed in this report;

That Canal Days be deemed as a municipally significant event for the purpose of applying for a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario (AGCO);

That Council has no objection to the proposed temporary extension of the liquor licensed areas from The Lock Wood Oven Pizza, The Port Colborne Legion, and the Canadian Corps Association;

That Staff be directed to confirm that all businesses that have patio extensions on municipal property file a certificate of insurance (COI) with no less than \$5,000,000 general and liquor liability naming the Corporation of the City of Port Colborne as additional insured, and listing the St. Lawrence Seaway Management Corporation, Her Majesty the Queen in Right of Canada, Transport Canada, as an additional insured in accordance with the City's Festivals & Events Insurance Requirements; and

That Council exempt the participants of the Canal Days Marine Heritage Festival from the Noise By-Law #4588/119/04 and not be required to apply for the variance in accordance with Section 4(3) Schedule 2(2).

Carried

16.5 City Signage Strategy, 2022-141

Moved by Councillor G. Bruno

Seconded by Councillor A. Desmarais

That Chief Administrative Officer Report 2022-141 be received;

That the Signage Strategy for year one, including park and welcome signage, be approved; and

That Marketing & Communications staff provide an annual update to Council on the Signage Strategy.

Carried

16.6 Sherkston Shores Golf Cart Access, 2022-144

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).

Moved by Councillor G. Bruno
Seconded by Councillor A. Desmarais

That Chief Administrative Officer Report 2022-144 be received.

Amendment:

Moved by Councillor G. Bruno
Seconded by Councillor A. Desmarais

That the Chief Administrative Officer be directed to speak to Sherkston Shore Management to clearly define access for the residents and have that commitment for access in writing; and

That a report be brought back to Council.

Carried

- a. **Written Delegation material from Carol Domenicucci-Resident**
- b. **Written Delegation material from Darren Boltz-Resident**
- c. **Verbal Delegation from Ingrid Copland and Jay Cardwell-Residents**
- d. **Written Delegation material from McCreadie family-Residents**

16.7 2021 Development Charge Summary, 2022-129

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

That Corporate Services Department Report 2022-129 be received for information.

Carried

16.8 Draft Boulevard and Snow Removal By-law, 2022-70

Moved by Councillor A. Desmarais
Seconded by Councillor G. Bruno

That Community Safety and Enforcement Department Report 2022-70 be received;

That the draft Boulevard and Snow Removal By-law attached as Appendix A to Community Safety and Enforcement Report 2022-70, be approved; and

That By-law 6902/50/21, being a By-law a By-law to Establish a System for Administrative Penalties for Non-Parking Offences within The City of Port Colborne, be amended, to remove and replace Schedule 'F' as attached as Appendix B to Community Safety and Enforcement Report 2022-70, be approved.

Carried

17. Motions

17.1 Motion to request a Temporary Moratorium on all Aggregate Extraction license applications

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

Whereas the City is comprised of 12,196 hectares of land with approximately 14% or 1,778 hectares identified as Mineral Aggregate and total farmland in the Niagara Region has decreased by 2.1% or 4,660 acres since 2011 and in Port Colborne farmland area in this same period has decreased by 10.7%; and

Whereas the City acknowledges the need to protect the access to strategic mineral aggregate resources and plan for future growth, the City is equally concerned about the potential loss of Prime Agricultural Land from its inventory of good, productive agricultural lands; and

Whereas Ontario currently has over 5,000 licensed pits and quarries located throughout the province that are able to meet the expected near term needs of Ontario's construction industry and growth; and

Whereas applications continue to be submitted without a definitive justification or rationalization for the need of additional supply; and

Whereas aggregate pits and quarries can be destructive and threatening to natural environments such as wood lots, habitats of endangered species and resources such as aquifers as is the case in Port Colborne; and

Whereas pits and quarries can have negative impacts on host communities in terms of noise, air pollution, greenhouse gas emissions and truck traffic.

1. Now therefore be it resolved that the City of Port Colborne hereby respectfully request the Ontario government impose an immediate

temporary moratorium on all new aggregate mining applications pending the formation of an independent panel and broad consultation process including First Nations, affected communities, independent experts and scientists to chart a new path forward for aggregate mining in Ontario which:

- Proposes criteria and processes for determining the need for new and expansion of aggregate licenses;
- Recommends updated policies and restrictions for aggregate mining below the water table to be consistent with the Provincial Policy Statement and reflect current groundwater sciences;
- Develops new guidelines for reprocessing in order to ensure sustainable strategic aggregate supplies;
- Recommends a fair levy for aggregate mining that includes compensation for the full environmental and infrastructure maintenance costs to the local community of extraction and distribution of aggregate;
- Provides greater consideration to the input by local municipalities to lessen the impacts from aggregate operations and associated truck traffic through their communities;
- Proposes revisions to application procedures which fully honour First Nations' treaty rights;

2. Be it further resolved that a copy of this resolution be sent to the Honourable Doug Ford Premier of Ontario, the leaders of all Provincial Parties, Minister of Natural Resources and Forestry, the Honourable Ted Arnott MPP, AMO, Region of Niagara, Local Regional Area Municipalities and the Niagara Peninsula Conservation Authority.

Amendment:

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

Now therefore be it resolved that the City of Port Colborne hereby respectfully request the Ontario government impose an immediate temporary moratorium on all new aggregate mining application received as of July 1, 2022.

Lost

- a. **Delegation Material from Mr. Doug Tripp, Reform Gravel Mining Coalition**

- b. Verbal Delegation in favour from Cindy Mitchell President, Niagara Water Protection Alliance**

18. Notice of Motions

19. Minutes of Boards & Committees

19.1 Port Colborne Historical & Marine Museum Board Minutes, May 17, 2022

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That the minutes of the Port Colborne Historical and Marine Museum Board meeting held on May 17, 2022, be approved as presented.

Carried

20. By-laws

Moved by Councillor R. Bodner

Seconded by Councillor H. Wells

That items 20.1, 20.2 and 20.4 be enacted and passed.

Carried

20.1 By-Law to Establish a Permitting System for the Parking of Vehicles on Designated Highways and Parking Lots

20.2 By-Law to amend Zoning By-law 6575/30/18 respecting the lands legally known as Part of Lot 2 on Block A on Plan 762 , municipally known as a vacant lot on Neff Street

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

20.3 By-Law to Regulate the Maintenance and Protection of the Boulevards and for Requirement of Maintenance of Boulevards Snow and Ice Clearance from Sidewalks and Roofs of Buildings

Moved by Councillor F. Danch

Seconded by Councillor A. Desmarais

That the By-law to regulate the maintenance and protection of the boulevards and for requirement of maintenance of boulevards snow and

ice clearance from sidewalks and roofs of building be passed and enacted.

Carried

21. Confidential Items

Moved by Councillor G. Bruno

Seconded by Councillor A. Desmarais

That Council do now proceed into closed session in order to address items 21.1 to 21.3.

Carried

21.1 Minutes of the closed session of the June 13, 2022 Council Meeting

21.2 Corporate Services Department Report 2022-122, Labour Relations or Employee Negotiations

21.3 Corporate Services Department Report 2022-136, Personal Matters about an Identifiable Individual, including municipal or local board employees and Labour relations or employee negotiations

22. Procedural Motions

23. Information items

24. Adjournment

Council moved into Closed Session at approximately 10:45 p.m.

Council reconvened into Open Session at approximately 11:30 p.m.

Mayor Steele adjourned the meeting at approximately 11:30 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk