

City of Port Colborne
Council Meeting Minutes

Date: Tuesday, July 12, 2022
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: S. Luey, Chief Administrative Officer
B. Boles, Director of Corporate Services/Treasurer
C. Kalimootoo, Director of Public Works
S. Lawson, Fire Chief
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**
- 5. Adoption of Agenda**

Moved by Councillor R. Bodner
Seconded by Councillor D. Kalailieff

That the agenda dated July 12, 2022 be confirmed, as amended.

Carried

6. Disclosures of Interest

7. Approval of Minutes

Moved by Councillor F. Danch

Seconded by Councillor M. Bagu

1. That the minutes of the Regular Meeting of Council held on June 28, 2022, be approved as circulated.
2. That the minutes of the Public Meeting held on June 14, 2022, be approved as circulated.

Carried

7.1 Regular Meeting of Council June 28, 2022

7.2 Public Meeting - June 14, 2022

8. Staff Reports

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That items 8.1 to 8.7 be approved, and the recommendations contained therein be adopted.

Carried

8.1 Merkel Road Property – Surplus, 2022-158

That Chief Administrative Office-Economic Development and Tourism Services Report 2022-158 be received; and

That Council declare the Merkel Road property, legally described as CON 1 PT LOT 13 LALLOUET; SKETCH LOT 51 L and shown in Appendix A, as surplus to the City's need.

8.2 Recommendation Report for Proposed Zoning By-law Amendment on the Borden Avenue Road Allowance, File D14-04-22, 2022-153

That Development and Legislative Services Department – Planning Services Report 2022-153 be received; and

That the Zoning By-law Amendment attached as Appendix A be approved, amending the zoning of the subject lands to R1 (First Density Residential) and R1-69, being a special provision of the First Density Residential zone.

8.3 Restricted Acts of Council (Lame Duck Provisions), 2022-152

That Development and Legislative Services Department Report 2022-152 be received; and

That the Bylaw in Appendix A attached to Report 2022-152, being a By-law to temporarily provide the Chief Administrative Officer the ability to conduct certain business in the event Council is restricted pursuant to Section 275 of the *Municipal Act, 2001* be approved.

8.4 2021 Purchasing Summary, 2022-130

That Corporate Services Department Report-Financial Services 2022-130 be received for information.

8.5 Grants Update, 2022-128

That Chief Administrative Office - Economic Development and Tourism Services Report 2022-128 be received for information.

8.6 Canal Days Funding Opportunity, 2022-163

That Corporate Services Department – Recreation Division Report 2022-163 be received; and

That Director of Corporate Services be directed to execute the agreement for the FACTOR Music Festival Reopening Fund grant.

8.7 Vale Community Fund, 2022-156

That Corporate Services Department Report 2012-156 be received; and

That the Mayor and Clerk be directed to execute the Vale Community Fund Agreement attached as Appendix A and related By-law attached as Appendix B.

9. Correspondence Items

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That items 9.1 to 9.4 be received for information.

- 9.1 Niagara Region - Notice of Adoption - Niagara Official Plan**
- 9.2 Municipality of Tweed - Ontario Wildlife Damage Compensation Program**
- 9.3 Township of Hastings - Expanding Amber Alert System**
- 9.4 Enbridge Gas Inc. - 2021 Utility Earnings and Disposition of Deferral & Variance Account Balances - OEB Notice of Application**
- 10. Presentations**
- 11. Delegations**
- 12. Mayor's Report**

A copy of the Mayor's Report is attached.
- 13. Regional Councillor's Report**

Regional Councillor Butters provided an update to City Council.
- 14. Staff Remarks**
 - 14.1 Noise Variance Request 175 King Street-The Belmont (Lawson)**

The Fire Chief provided an update in regards to report 2022-137, Noise Variance Request from June 14, 2022 Council meeting. The Fire Chief advised Council that the By-Law Enforcement department has not received any noise complaints.
 - 14.2 Sherkston Shores (Luey)**

The Chief Administrative Officer provided an update in regards to restoring requested access by the residents of the Hamlet. The CAO further stated that a meeting will take place with the owners of Sherkston Shores in the near future to address public comments and concerns.
- 15. Councillors' Remarks**
 - 15.1 Rejuvenation of the Helicopter Pad (Kalailieff)**

In response to Councillor Kalailieff's request for the rejuvenation of the helicopter pad for use, the Fire Chief advised Council that he will explore all possible options.
 - 15.2 Garbage Pick-up (Danch)**

Councillor Danch expressed appreciation towards Niagara Regional staff for addressing a resident's garbage pick-up request.

15.3 Construction on Erie Street (Danch)

In response to Councillor Danch's request to move the fire hydrant from the west side of Erie Street to a different location, the Director of Public Works confirmed that he will address the issue.

15.4 Correspondence to Council (Bruno)

In response to Councillor Bruno's inquiry regarding protocol surrounding correspondence for Council, the City Clerk advised Council that correspondence is added to the agenda in accordance with the Procedural By-law.

15.5 Mark Fairchild Memorial Bandshell (Bagu)

Councillor Bagu informed Council that he attended the Mark Fairchild Memorial Bandshell in H.H. Knoll Lakeview Park on July 7, 2022. Councillor Bagu further advised that the band will perform again on July 14 and July 21 at 7:30 p.m. and encouraged residents to attend.

15.6 Shrapnel from Fireworks (Desmarais)

In response to Councillor Desmarais' request for an update on safety concerns regarding the Canada Day fireworks, the Fire Chief advised Council that the unexpected fall-out was a result of strong winds and stated that possible solutions are being explored to avoid similar situations.

15.7 Herbicide Spraying (Wells)

In response to Councillor Wells' request to explore other herbicides that are not toxic to aquatic life, the Director of Public Works confirmed that he will investigate.

15.8 Missing Signs at Nickel Beach (Wells)

In response to Councillor Wells' inquiry on when the missing signs at Nickel beach will be replaced, the Director of Corporate Services/Treasurer informed Council that the signs have been ordered and will be erected in the near future.

16. Consideration of Items Requiring Separate Discussion

16.1 Physician Recruitment Activities - 2nd Quarter Update, 2022-142

Jill Croteau, Physician Recruitment & Retention Coordinator, Niagara Region Public Health, provided a presentation on Physician Recruitment within the Region and for the City of Port Colborne and responded to questions received from Council. Ms. Croteau also introduced and welcomed two new doctors to the City of Port Colborne Dr. Raven Mancini and Dr. Jason Vansoelen.

Moved by Councillor M. Bagu
Seconded by Councillor D. Kalailieff

That Chief Administrative Office - Economic Development and Tourism Services Report 2022-142 be received for information.

Carried

16.2 2021 Corporate Services Annual Report, 2022-160

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

That Corporate Services Department Report 2022-160 be received.

Carried

16.3 City Properties – Surplus Declaration, 2022-119

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

That Chief Administrative Office Report- Economic Development and Tourism Services Division 2022-119 be received for information.

That Council declare the City-owned parcels outlined in Appendix A as surplus.

That Council delegate authority to the Chief Administrative Officer (CAO) to dispose of properties outlined in Appendix A and enter into purchase/sale agreements in accordance with the Sale of Surplus Land Policy, subject to legal review by the City's solicitor and financial review by the Director of Corporate Services/Treasurer.

Amendment:

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

That Council refer Chief Administrative Office Economic Development and Tourism Services Division Report 2022-119 to the Chief Administrative Officer for review of the Sale of Surplus Land Policy and bring back recommendations to a Council meeting in September

Carried

16.4 Equipment Purchase Opportunity, 2022-157

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Public Works Department- Road & Park Operations Report 2022-157 be received;

That Council approve the purchase of a Road Grader; and

That Council approve a transfer of \$274,752 from the Tangible Capital Asset Reserve to fund the purchase of a Road Grader.

Carried

16.5 Implementing Pre-consultation Planning Fees, 2022-155

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That Development and Legislative Services Department – Planning Division Report 2022-155 be received; and

That Council direct staff to amend Appendix R of By-law No. 6949/95/21 to include a pre-consultation fee as detailed in report 2022-155.

Carried

16.6 Letter from Ontario Stone, Sand & Gravel Association regarding City Council Meeting on June 28, 2022 with respect to a Moratorium on Future Aggregate Approvals in Ontario

Moved by Councillor R. Bodner

Seconded by Councillor E. Beauregard

That the letter from Ontario Stone, Sand & Gravel Association regarding City Council Meeting on June 28, 2022 with respect to a Moratorium on Future Aggregate Approvals in Ontario be received.

Carried

17. Motions

18. Notice of Motions

19. Consent Minutes of Boards & Committees

Moved by Councillor D. Kalailieff

Seconded by Councillor F. Danch

That item 19.1 be approved, as presented.

Carried

19.1 Downtown BIA Minutes - January 17, February 1, March 1 and April 5, 2022

That the minutes of the Downtown BIA meetings held on January 17, 2022, February 1, 2022, March 1, 2022 and April 5, 2022 be received.

20. Recommendations Arising from Boards and Committees

20.1 Environmental Advisory Committee Minutes-April 13, 2022-Climate Change Item 6

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That the EAC report on Climate Change be forwarded to Council; and

That the EAC recommends to Council that the Port Colborne Strategic Plan be amended to include policies on climate change.

Carried

20.2 Environmental Advisory Committee - April 13, 2022-Aggregate Expansion Application Item 8

Moved by Councillor M. Bagu

Seconded by Councillor H. Wells

That the EAC recommends that Council endorse the comments prepared by the EAC regarding the Aggregate Expansion Application and the comments be forwarded to the Planning Division for consideration

Carried

20.3 Environmental Advisory Committee-February 9, 2022-OPA and ZBA to the Mineral Aggregate Policies and Zone, File D09-01-20 and D14-03-20 Item 8

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That the EAC recommends that Council endorse the comments prepared by EAC regarding the review of the aggregate official plan policies and zoning regulations and that the comments be forwarded to the planning division for consideration.

Carried

21. By-laws

Moved by Councillor E. Beauregard

Seconded by Councillor G. Bruno

That items 21.1 to 21.5 be enacted and passed.

Carried

21.1 By-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of the Borden Avenue Road allowance lying between Knoll Street to the west and Steele Street to the east

21.2 By-law to Delegate Authority During any Restricted Period following Nomination Day

21.3 By-law to Authorize Entering into an Agreement with the Foundation Assisting Canadian Talent on Recordings (“FACTOR”)

21.4 By-law to Authorize Entering into an Agreement with Vale Canada Limited (“Vale”)

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

22. Confidential Items

Moved by Councillor M. Bagu

Seconded by Councillor D. Kalailieff

That Council do now proceed into closed session in order to address items 22.1 to 22.3.

Carried

22.1 Minutes of the closed session of the June 28, 2022 Council Meeting

22.2 Chief Administrative Office Report 2022-106, a proposed or pending acquisition or disposition of land by the municipality or local board

22.3 Corporate Services Department – Human Resources Report 2022-159, personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations

23. Procedural Motions

24. Information items

25. Adjournment

Council moved into Closed Session at approximately 8:49 p.m.

Council reconvened into Open Session at approximately 9:46 p.m.

Mayor Steele adjourned the meeting at approximately 9:47 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk