

City of Port Colborne
Council Meeting Minutes

Date: Tuesday, August 9, 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
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Member(s) Absent: D. Kalailieff, Councillor

Staff Present: B. Boles, Director of Corporate Services/Treasurer
S. Lawson, Fire Chief
S. Tufail, Acting Deputy Clerk
N. Rubli, Acting City Clerk
S. Shypowskyj, Director of Public Works
Gary Long, Acting CAO

1. Call to Order

Mayor Steele called the meeting to order at 6:34 p.m.

2. National Anthem

3. Land Acknowledgment

4. Proclamations

5. Adoption of Agenda

Item 8.5, City Property – Surplus Declaration – PIN 64164-0453 was withdrawn at the request of staff.

Item 8.7, Recommendation Report for Zoning By-law Amendment D14-05-22, 409 Davis Street amended to correct a clerical error.

Moved by Councillor E. Beauregard

Seconded by Councillor F. Danch

That the agenda dated August 09, 2022 be confirmed, as amended.

Carried

6. Disclosures of Interest

6.1 Councillor R. Bodner - MAT By-law and Agreement, 2022-148

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

6.2 Councillor E. Beauregard - MAT By-law and Agreement, 2022-148

The Councillor has an indirect pecuniary interest as he is employed by Upper Canada Consultants, of which, Sherkston Shores affiliate corporations are clients of.

6.3 Councillor E. Beauregard - Recommendation Report for a Temporary Draft Plan Extension to the Rosedale Estates Subdivision , 2022-176

The Councillor has declared an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the agents for the owner.

6.4 Councillor E. Beauregard - Chris Laverick- Request to receive exemption from By-law# 6949/95/21 and relief from Recharge to Tax Account

The Councillor has declared an indirect pecuniary interest as he is employed by Upper Canada Consultants and the delegate is a client of his employer.

6.5 Councillor E. Beauregard - By-law to establish a Municipal Accommodation Tax

The Councillor has an indirect pecuniary interest as he is employed by

Upper Canada Consultants, of which, Sherkston Shores affiliate corporations are clients of.

6.6 Councillor R. Bodner - By-law to establish a Municipal Accommodation Tax

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- July 12, 2022

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

That the minutes of the regular meeting of Council, held on July 12, 2022, be approved as presented.

Carried

8. Staff Reports

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

That item 8.1 be approved, and the recommendations contained therein be adopted.

Carried

8.1 MAT By-law and Agreement, 2022-148

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.)

Councillor E. Beauregard declared a conflict on this item. (The Councillor has an indirect pecuniary interest as he is employed by Upper Canada Consultants, of which, Sherkston Shores affiliate corporations are clients of.)

That Office of the Chief Administrative Officer Report 2022-148 be received;

That the Municipal Accommodation Tax (MAT) at a rate of four per cent (4%), as described in Report 2022-48 dated March 22, 2022, be approved;

That the By-law to establish a MAT, as set out in Appendix A, be approved and effective September 1, 2022; and

That Council delegate authority to the Mayor and Acting City Clerk to enter into the agreement in Appendix B with Niagara's South Coast Tourism Association to share 50 per cent (50%) of the total amount of MAT revenue collected in a fiscal year.

8.2 City Property – Surplus Declaration – PIN 64164-0453, 2022-172

This item was withdrawn at the request of staff.

9. Correspondence Items

Moved by Councillor A. Desmarais

Seconded by Councillor G. Bruno

That items 9.1 to 9.8 be received for information

Carried

9.1 Town of Fort Erie - Ontario Building Code to Provide Municipalities with Greater Flexibility

9.2 Town of Pelham - Support Town of Fort Erie Resolution Re Cross Border Travel and ArriveCAN

9.3 Regional Municipality of Niagara Police Services Board - City of Port Colborne Resolution - Catch and Release Justice

9.4 NPCA Board Meeting Highlights, June 17, 2022

9.5 Town of Brantford - Potential Threat to Residential Home Ownership

9.6 City of Brantford - Seeking Prosperity and Partnership with Indigenous Nations and a Timely Resolution of Haldimand Tract Land Dispute

9.7 Ontario Sheep Farmers - Livestock Guardian Dogs and Herding Dogs By-law Requests

9.8 Ontario Energy Board Notice - Customers of Enbridge Gas Inc.

10. Presentations

10.1 Amy Lemay-Coordinator of the Niagara Agriculture Municipal Learning Network

Amy Lemay-Coordinator of the Niagara Agriculture Municipal Learning Network, provided a presentation on building strong partnerships and growing Municipal capacity to promote and support agriculture in the Niagara Region and responded to questions received from Council.

Moved by Councillor M. Bagu

Seconded by Councillor E. Beauregard

That the presentation from Amy Lemay, Coordinator of the Niagara Agriculture Municipal Learning Network be received for information.

Carried

11. Delegations

11.1 Chris Laverick- Request to receive exemption from By-law# 6949/95/21 and relief from Recharge to Tax Account

Councillor E. Beauregard declared a conflict on this item. (The Councillor has declared an indirect pecuniary interest as he is employed by Upper Canada Consultants and the delegate is a client of his employer.)

Chris Laverick reiterated his request to Council with respect to receiving an exemption exemption from By-law# 6949/95/21 and relief from Recharge to Tax Account and responded to questions received from Council. .

Moved by Councillor F. Danch

Seconded by Councillor R. Bodner

That the delegation from Mr. Chris Laverick, owner of 2970 Highway No. 3 be received;

Carried

Amendment:

Moved by Councillor A. Desmarais

Seconded by Councillor F. Danch

That the \$1,397.03 be recovered from the property owner and the remaining balance of \$632.68 be waived.

12. Mayor's Report

A copy of the Mayor's Report is attached.

13. Regional Councillor's Report

14. Staff Remarks

14.1 White Wolf Incident (Lawson)

The Fire Chief informed Council that the investigation into the housing of the wolf is being conducted by multiple enforcement agencies. Councillor Desmarais stated that she would forward questions received from the public and requested that they be included as part of the investigation.

14.2 Canal Days (Boles)

The Director of Corporate Services/Treasurer expressed appreciation towards the Event and Volunteer Coordinator, Luke Rowe and Council for their assistance with Canal Days.

14.3 Nickel Beach Update (Boles)

The Director of Corporate Services/Treasurer informed Council that the washroom project at Nickel beach is expected to be completed in Fall 2022. He further stated there will be limit in place for vehicles from other areas visiting the beach for the rest of this season to ensure parking and a safe environment.

In response to Councillor Danch's inquiry regarding the closure of Nickel beach due to bacteria, the Director of Corporate Services/Treasurer advised that there was no closure and the residents are able to access the area for other amenities.

In response to Councillor Bagu's inquiry regarding the maintenance of the beach shore, the Director of Corporate Services/Treasurer advised that an approval or direction from the Ministry of Natural Resources is required for any maintenance to take place on the beach.

14.4 Hydro One Transformer Station Update (Shypowskyj)

The Director of Public Works advised Council that the project to advance the refurbishment of the Transmission Station by Hydro One is on track and the proposed completion date is November 2022.

15. Councillors' Remarks

15.1 Sherkston Shores Access (Wells)

Councillor Wells informed that the Chief Administrative Officer, the Manager of Strategic Initiatives and Councillor Wells met with the management group of Sherkston Shores on July 25, 2022. Councillor Wells further stated that another meeting is scheduled for August 25, 2022 to discuss restoring requested access by the residents of the Hamlet.

15.2 Canal Days (Desmarais)

Councillor Desmarais expressed appreciation towards staff for their efforts in leading a successful Canal Days event.

15.3 Cleaning and Upkeep of Trails (Desmarais)

Councillor Desmarais expressed appreciation towards staff for all their efforts in maintaining the trails as she has received compliments from the public.

15.4 Bridge Maintenance (Desmarais)

In response to Councillor Desmarais' concern regarding surface maintenance of the bridges throughout the City, the Acting Chief Administrative Officer confirmed that these concerns will be discussed during the meeting with Seaway officials on August 10, 2022.

15.5 Canal Days (Bruno)

Councillor Bruno expressed gratitude towards Labatt for their support and sponsorship during Canal Days.

15.6 Congratulations to Steve Shypowskyj (Bruno)

Councillor Bruno congratulated the Director of Public Works on his position.

15.7 Municipal Access Agreements (Bruno)

Councillor Bruno expressed appreciation towards staff for addressing customer's request and completing municipal access permit in a short period of time.

15.8 Cross-walk at H.H. Knoll Lakeview Park (Bagu)

Councillor Bagu expressed appreciation towards staff for adding a cross-walk for pedestrians to access food trucks at H.H. Knoll Lakeview Park.

15.9 Parking Notification (Bagu)

Councillor Bagu advised Council that he urged a number of residents to contact staff to obtain a Participate Pass for parking during Canal days as some of the residents did not receive notification.

15.10 Shopping Cart on Main Street (Danch)

In response to Councillor Danch's request to remove a shopping cart located on Main street, the Director of Public Works confirmed that he will investigate.

15.11 Parking on Main Street (Danch)

Councillor Danch requested that parking issue on Main Street be investigated.

16. Consideration of Items Requiring Separate Discussion

16.1 Building Permit Fee Recommendation Report, 2022-167

Moved by Councillor R. Bodner

Seconded by Councillor F. Danch

That Development and Legislative Services Department Report 2022-167 be received; and

That Council approve the new Building Permit Fees identified in Appendix A of Appendix A - Building Fee Review Report; and

That the updated Schedule T of the User Fees and Charges By-law be included in a future amendment to By-law 6949/95/21

Carried

16.2 Department of Museum and Culture Registrar Report, 2022-166

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That Department of Museum and Culture Report 2022-166 be received; and

That the recommendations to increase the part time position of Registrar to a full-time position moving forward be approved.

Amendment:

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

That the Department of Museum and Culture Registrar Report 2022-166 be referred to the Corporate Services Department for a staffing review and a report be brought back to Council before or at the 2023 budget deliberations.

Carried

16.3 Application for Approval to Expropriate - 1ft reserve - Christmas, Bell, and Johnston Streets, 2022-177

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

That Chief Administrative Office – Economic Development Report- 2022-177 be received; and

That Council direct staff to engage the City Solicitor to prepare an application for approval to expropriate the one-foot reserve at the end of Christmas, Bell and Johnston Streets legally described as PIN 64164-0451.

Amendment:

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

That Chief Administrative Office – Economic Development Report- 2022-177 be received; and

That Council direct staff to engage the City Solicitor to prepare an application for approval to expropriate the one-foot reserve at the end of Christmas, Bell and Johnston Streets legally described as PIN 64164-0451; and

That staff be directed to put a formal agreement in place prior to the finalization of the expropriation.

Carried

16.4 Hubbard Drive – Application for Approval to Expropriate, 2022-171

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

That Office of the Chief Administrative Office-Economic Development and Tourism Division Report 2022-171 be received; and

That Council supports the recommendations contained in Report 2022-171 to proceed with an application for approval to expropriate Hubbard Drive, legally described in PIN 64150-0014 and being Pt Lt 26 Con 2 Humberstone, Pt 4 of 59R-1034 and that staff engage the City Solicitor to initiate the process.

Amendment:

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

That Office of the Chief Administrative Office-Economic Development and Tourism Division Report 2022-171 be referred to staff in order to investigate alternative options, better access and less liability on the City and bring a report forward to Council with further details.

Carried

a. Virtual delegation from Melissa Bigford, resident

16.5 Recommendation Report for Zoning By-law Amendment D14-05-22, 409 Davis Street, 2022-179

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

That Development and Legislative Services Department Report 2022-179 be received; and

That Council approves the Zoning By-law Amendment attached as Appendix A, to amend the subject lands from Second Density Residential 'R2' Zone to Fourth Density Residential 'R4-68' Zone.

Carried

16.6 Recommendation Report for a Temporary Draft Plan Extension to the Rosedale Estates Subdivision , 2022-176

Councillor E. Beauregard declared a conflict on this item. (The Councillor has declared an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the agents for the owner.)

Moved by Councillor M. Bagu

Seconded by Councillor A. Desmarais

That Development and Legislative Services Department- Planning Services Report 2022-176 be received; and

That Council approve, the temporary extension of the Rosedale Estates Draft Plan of Subdivision for a period of four (4) months; and

That Council approve the By-law authorizing the temporary extension of the Rosedale Estates Draft Plan of Subdivision for a period of four (4) months.

Carried

17. Motions

18. Notice of Motions

19. Consent Minutes of Boards & Committees

Moved by Councillor R. Bodner

Seconded by Councillor F. Danch

That items 19.1 to 19.5 be approved, as presented.

Carried

19.1 Port Colborne Historical & Marine Museum Minutes, June 21, 2022

19.2 Port Colborne Economic Development Advisory Committee Minutes, March 17, 2021

19.3 Seniors Citizen Advisory Council Minutes, May 17, 2022

19.4 Port Colborne Public Library Board Meeting, June 1, 2022

19.5 Grant Policy Committee Minutes, February 7, 2022

20. Recommendations Arising from Boards and Committees

21. By-laws

Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

That items 21.2, 21.3 and 21.5 be enacted and passed.

Carried

21.2 By-law to authorize an Agreement between The Corporation of the City of Port Colborne and Niagara's South Coast Tourism Association

21.3 By-law to amend Zoning By-law 6575/30/18 respecting the lands legally known as Part of Lot 9 on Plan 849, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 409 Davis Street

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

21.1 By-law to establish a Municipal Accommodation Tax

Councillor E. Beauregard declared a conflict on this item. (; ; ;
The Councillor has an indirect pecuniary interest as he is employed by
Upper Canada Consultants, of which, Sherkston Shores affiliate
corporations are clients of.)

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.)

Councillor Beauregard declared an indirect pecuniary interest as he is
employed by Upper Canada Consultants, of which, Sherkston Shores
affiliate corporations are clients of.

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

That item 21.1 be enacted and passed.

Carried

21.4 By-law to amend by-law 6808/58/20 to set a lapsing date of draft plan approval for Rosedale Subdivision

Councillor Beauregard has declared an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the agents for the owner.

Moved by Councillor M. Bagu

Seconded by Councillor G. Bruno

That item 21.4 be enacted and passed.

Carried

22. Confidential Items

Moved by Councillor A. Desmarais

Seconded by Councillor G. Bruno

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 July 12, 2022 Council Meeting

22.2 Chief Administrative Office Report 2022-165, a proposed or pending acquisition or disposition of land by the municipality or local board

22.3 Chief Administrative Office Report 2022-169, a proposed or pending acquisition or disposition of land by the municipality or local board

23. Procedural Motions

24. Information items

25. Adjournment

Council moved into Closed Session at approximately 8:55 p.m.

Council reconvened into Open Session at approximately 9:24 p.m.

Mayor Steele adjourned the meeting at approximately 9:25 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk