

City of Port Colborne
Council Meeting Minutes

Date: Monday, April 26, 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: T. Cartwright, Director of Community Safety & Enforcement
A. LaPointe, Acting Director of Planning and Development/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

1. Call to Order

Mayor Steele called the meeting to order.

2. National Anthem

3. Proclamations

3.1 Museum Month, May 2021

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

That the month of May 2021 be proclaimed as “Museum Month” in the City of Port Colborne and that all residents and tourists be encouraged to join the local museum this May.

Carried

4. Adoption of Agenda

The Mayor noted that item 7.1 was pulled from the agenda at the request of staff.

Moved by Councillor M. Bagu

Seconded by Councillor D. Kalailieff

That the agenda dated April 26, 2021 be confirmed, as amended.

Carried

5. Disclosures of Interest

5.1 Councillor E. Beauregard - Lodging House Licencing By-law, 2021-116

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 - Chief Administrative Office Report 2021-135, Nyon Energy Lands and the Nyon Tank Farm property

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.

6. Approval of Minutes

Moved by Councillor R. Bodner

Seconded by Councillor H. Wells

- a. That the minutes of the regular meeting of Council held on April 12, 2021, be approved as circulated.
- b. That the minutes of the Public Meeting held on April 19, 2021, be approved as circulated.
- c. That the minutes of the regular meeting of Council held on April 19, 2021, be approved as circulated.

Carried

6.1 Regular Meeting of Council - April 12, 2021

6.2 Public Meeting - April 19, 2021

6.3 Regular Meeting of Council - April 19, 2021

7. Staff Reports

Moved by Councillor M. Bagu

Seconded by Councillor D. Kalailieff

That item 7.2 be approved, and the recommendation contained therein be adopted.

Carried

7.2 COVID Update – April 2021, 2021-131

That Chief Administrative Office Report 2021-131, be received.

7.1 Farmers' Market MOU and Amended By-law, 2021-100

This item was pulled from the agenda at the request of staff.

That Chief Administrative Office Report 2021-100 be received; and

That Council approve a Memorandum of Understanding (MOU) between the City of Port Colborne and the Downtown Business Improvement Area (Downtown BIA) regarding the Port Colborne Farmers' Market Operations; and

That a by-law to enter into a MOU with the Downtown BIA and a by-law amending By-Law No. 6500/67/17 Being a By-law to Establish and Regulate the Port Colborne Farmers' Market, be brought forward.

8. Correspondence Items

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That items 8.1 and 8.2 be received for information.

Carried

8.1 City of Welland - Niagara Region Transit (NRT) Governance Strategy

8.2 Town of Mono - Cannabis Licensing and Enforcement

9. Presentations

9.1 Jonathan Hack, Director at Sierra Planning and Management - Road Allowance Survey and Process Update

Jonathan Hack, Director at Sierra Planning and Management, provided a presentation with respect to the Road Allowance Survey and Process Update and responded to questions received from Council.

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

14. Councillors' Remarks

14.1 Sidewalk Repair - Thank You (Bagu)

Councillor Bagu expressed gratitude towards Public Works staff for arranging for the repair of a sidewalk in Ward 1.

14.2 New Chief Building Official (Bodner)

In response to Councillor Bodner's inquiry, the Chief Administrative Officer confirmed that a new Chief Building Official named Jon Taylor has been hired and that he will be starting on May 3, 2021.

14.3 Signs for Road Ends (Kalailieff)

In response to Councillor Kalailieff's inquiry with respect to when the "No Trespassing" signage is to be installed at the road ends, the Director of Public Works confirmed that staff have begun the process and that residents should see the signs installed in the near future.

14.4 Pole at Killaly Street and Mellanby Avenue (Danch)

In response to Councillor Danch's inquiry regarding a taken down pole near Killaly Street and Mellanby Avenue, the Director of Public Works confirmed that the City's manufacturing company is just waiting for supplies in order to remedy the issue.

14.5 Canal Bank Sign - Thank You (Danch)

Councillor Danch expressed gratitude towards the Director of Public Works for arranging for the Canal Bank sign to be installed.

15. Consideration of Items Requiring Separate Discussion

15.1 By-law 1117/64/81 - Driveway Entrance Construction Provisions, 2021-122

Moved by Councillor H. Wells

Seconded by Councillor E. Beauregard

That Council approve delegating authority to the Director of Public Works to reduce provisions 3.5.2 and 3.1.1 e) of By-law 1117/64/81 to 3.0m and 1.0m, respectively, for the next 12 months;

That the Director of Public Works be directed to analyze best management practices and bring a draft revision of said by-law to Council by the end of December, 2021; and

That Council grant relief from the specific provisions of the by-law affecting Committee of Adjustment applications A03-21-PC, A05-21-PC, A08-21-PC, and B02-21-PC.

Amendment:

Moved by Councillor E. Beauregard

Seconded by Councillor H. Wells

That Council approve delegating authority to the Director of Public Works to reduce provisions 3.5.2 and 3.1.1 e) of By-law 1117/64/81 to 3.0m and 1.0m, respectively, for the next 12 months;

That the Director of Public Works be directed to analyze best management practices and bring a draft revision of said by-law to Council by the end of December, 2021; and

That Council grant relief from the specific provisions of the by-law affecting Committee of Adjustment applications A03-21-PC, A05-21-PC, A08-21-PC, and B02-21-PC.

That Committee of Adjustment application A09-21-PC be granted relief from the specific provisions of the by-law with the condition that the proposed driveway location for Unit 1 be relocated to a rear access driveway off of Mitchell Street.

Carried

- a. **Delegation material from Gareth Mattocks (2712626 Ontario Inc.), applicant**

15.2 Recommendation Report for OPA and ZBA Killaly Street East and Welland Street, File No.: D09-01-21 & D14-05-21, 2021-136

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Planning and Development Department Report 2021-136 be received; and

That the Official Plan Amendment attached as Appendix A to Planning and Development Report 2021-136 be approved; and

That the Zoning By-law Amendment attached as Appendix B to Planning and Development Report 2021-136 be approved; and

That Planning staff be directed to circulate the Notice of Adoption and Passing in accordance with the *Planning Act*.

Amendment:

Moved by Councillor A. Desmarais

Seconded by Councillor H. Wells

That Planning and Development Department Report 2021-136 be deferred to the Regular Council Meeting on May 10, 2021.

Carried

- a. **Delegation material from Melissa and Mary Bigford, residents**

- b. **Delegation material from Larry Fontaine, property owner**

15.3 Storm Sewer Rate Report, 2021-134

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That Public Works Department Report 2021-134 be received;

That the 2021 Storm Sewer Rates as set out in page 3 of Public Works Department Report 2021-134, be approved; and

That Council approve moving forward with Option 3 as set out in Appendix B to Public Works Department Report 2021-134.

Carried

15.4 2021 Beach Operations Update, 2021-132

Moved by Councillor R. Bodner

Seconded by Councillor G. Bruno

That Corporate Services Department Report 2021-132, Subject: 2021 Beach Operations Update, be received for information.

Carried

15.5 Parking and Traffic – Pleasant Beach Road and Areas, 2021-127

Moved by Councillor R. Bodner

Seconded by Councillor H. Wells

That Community Safety and Enforcement Department Report 2021-127 be received; and

That the recommendations in Appendix A of Community Safety and Enforcement Department Report 2021-127 be approved.

Carried

15.6 Lodging House Licencing By-law, 2021-116

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 Chief Administrative Office Report 2021-116 be received;

That Council request the Niagara Region's Licencing Department staff to implement licencing of lodging houses in the Niagara Region; and

That, if Regional staff does not wish to pursue Regional licencing of lodging homes, City staff are directed to initiate the process of licencing at the municipal level.

Carried

15.7 Property Tax Collection History and Next Steps, 2021-75

Moved by Councillor E. Beauregard

Seconded by Councillor G. Bruno

That Corporate Services Department Report 2021-75 be received; and

That the Director of Corporate Services/Treasurer be directed to resume normal tax collection processes, including moving forward and beginning the process that could lead to a tax sale for properties that have not paid for three years in accordance with the steps outlined in page 4 of Corporate Services Department Report 2021-75.

Amendment:

Moved by Councillor E. Beauregard

Seconded by Councillor A. Desmarais

That Corporate Services Department Report 2021-75 be received;

That the Director of Corporate Services/Treasurer be directed to resume normal tax collection processes, including moving forward and beginning the process that could lead to a tax sale for properties that have not paid for three years in accordance with the steps outlined in page 4 of Corporate Services Department Report 2021-75; and

That staff be directed to extend the COVID-19 Penalty and Interest Relief Program for previously approved participants until June 30, 2021.

Carried

15.8 Heritage Report for the Demolition of 664 King Street, 2021-126

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That Planning and Development Department Report 2021-126 be received; and

That the Council of the City of Port Colborne removes the lands legally known as Lot 29 on Plan 1029, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 664 King Street from the Municipal Registry of Heritage Properties.

Carried

15.9 Appointment of Municipal Law Enforcement Officers, 2021-124

Moved by Councillor R. Bodner

Seconded by Councillor F. Danch

That Community Safety & Enforcement Department Report 2021-124 be received;

That Kendra Cousineau, Emma Beaulne, Briar Messing, and Christopher Roome, be appointed as Municipal Law Enforcement Officers for The Corporation of the City of Port Colborne; and

That the Mayor and City Clerk be authorized to execute the appropriate by-law.

Carried

16. Motions

16.1 Memorandum From Councillor Wells - Friendship Trail Road Crossings

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

The Director of Public Works undertake a review of the road junctions and the Friendship Trail for sight line obstructions and consideration of parking areas to ensure sight triangles are unobstructed and consistent with the Comprehensive Zoning By-law 6575/30/18 and bring back to Council in the second quarter a report with recommendations.

Carried

16.2 Memorandum From Councillor Wells - Federal Government Cannabis Consultation

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

THAT WHEREAS the Government of Canada introduced Bill C-45 (the Cannabis Act) to create the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession;

AND WHEREAS unlicensed and unmonitored cannabis grow operations have increasingly become a problem in communities in Ontario as well as across the Country;

AND WHEREAS these operations are allowed to establish with little or no consultation with the local community and municipalities are often only made aware of their existence after conflicts arise with neighboring land owners;

AND WHEREAS there is no direct communication or dedicated effort to provide a communication channel between Municipal government staff or Police Agencies for dealing with Health Canada Registrations and Licenses;

AND WHEREAS the City of Port Colborne has not been consulted by Health Canada prior to the issuance of licenses for properties not in compliance with municipal zoning by-laws;

AND WHEREAS loopholes in existing Federal legislation allow these large scale grow op's to establish and operate without any of the regulations or protocols that licensed and monitored operations need to adhere to;

AND WHEREAS the police have not been given lawful authority to lay charges under the Cannabis Act to appropriately respond to violations of Health Canada Registrations and Licenses;

NOW THEREFORE BE IT RESOLVED THAT the City of Port Colborne urges the Federal Government and Health Canada to amend the legislation under which these facilities operate to ensure the safety and rights of the local communities in which they are situated are respected;

Limit the authorization to produce cannabis plants for personal medicinal use to the maximum daily quantity as prescribed by a professional medical practitioner to members of the immediate family living in the same residence;

Prohibit the ability for an individual to designate the growing and processing of medical cannabis plants and cannabis products by another individual on their behalf unless that individual is a member of the immediate family and resides in the same residence;

That medical marijuana be added to the approved drug list so that it be a covered cost under OHIP;

Issue one license to the property where the growing of medical cannabis for personal purposes is to be permitted;

Require Federal Licenses and Registrations for Designated Growers to conform with local zoning and control by-laws. Make it mandatory as part of the registration that the applicant provide a signed and dated declaration from the local municipality providing consent to the production and quantity of cannabis plants and products prior to approval of a licence to grow medical cannabis plants for personal consumption;

Ensure local authorities are provided with notification of any licence issuance, amendment, suspension, reinstatement or revocation within their region;

Provide dedicated communication with local governments and Police services;

Provide lawful authority to Police agencies to lay charges when registered or licences operations grow in excess of their registration or licence through Health Canada; and,

Provide enforcement support and guidance to local municipalities for dealing with land use complaints relating to Cannabis.

AND FURTHER BE IT RESOLVED THAT the City of Port Colborne forward this motion to the following;

cannabis.consultation@canada.ca

The Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness

The Honourable David Lametti, Minister of Justice and Attorney General of Canada

MP Dean Allison, Niagara West

MP Chris Bittle, St. Catharines

MP Tony Baldinelli, Niagara Falls

MP Vance Badawey, Niagara Centre

President Micki Ruth, Canadian Association of Police Governance

Chief of Police Bryan Larkin, President, Canadian Association of Chiefs of Police

The Honourable Christine Elliott, Deputy Premier and Minister of Health

The Honourable Doug Downey, Attorney General

The Honourable Sylvia Jones, Minister of the Solicitor General

MPP Sam Oosterhoff, Niagara West

MPP Jennie Stevens, St. Catharines

MPP Wayne Gates, Niagara Falls

MPP Jeff Burch, Niagara Centre

Chair Patrick Weaver, Ontario Association of Police Services Boards

Chief of Police Paul Pedersen, President, Ontario Association of Chiefs of Police

Regional Chair Jim Bradley and Members of Council, Niagara Region

Mayor Dave Bylsma and Members of Council, Town of West Lincoln

Mayor Frank Campion and Members of Council, City of Welland

Mayor Jim Diodati and Members of Council, City of Niagara Falls

Mayor Betty Disero and Members of Council, Town of Niagara-on-the-Lake

Mayor Sandra Easton and Members of Council, Town of Lincoln

Mayor Kevin Gibson and Members of Council, Township of Wainfleet

Mayor Jeff Jordan and Members of Council, Town of Grimsby

Mayor Marvin Junkin and Members of Council, Town of Pelham

Mayor Wayne Redekop and Members of Council, Town of Fort Erie

Mayor Walter Sendzik and Members of Council, City of St Catharines

Mayor Bill Steele and Members of Council, City of Port Colborne

Mayor Terry Ugolini and Members of Council, City of Thorold

Board Members, Niagara Police Services Board

Carried

17. Notice of Motions

18. Minutes of Boards & Committees

18.1 Port Colborne Public Library Board Meeting Minutes - March 2, 2021

Moved by Councillor M. Bagu

Seconded by Councillor H. Wells

That the minutes of the Port Colborne Library Board meeting held on March 2, 2021, be approved as presented.

Carried

19. By-laws

Moved by Councillor F. Danch

Seconded by Councillor E. Beauregard

That items 19.3, 19.6, 19.7, 19.8, and 19.9 be enacted and passed.

Carried

19.3 By-law to Delegate Authority to the Director of Public Works for the Purpose of Reducing Provisions 3.5.2 and 3.1.1 e) of By-law 1117/64/81

19.6 By-law to Amend By-law No. 89-2000, Being a By-law Regulating Traffic and Parking on City Roads (Pleasant Beach Road)

19.7 By-law to Appoint Municipal Law Enforcement Officers

19.8 By-law to Appoint a Chief Building Official

19.9 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 Amend By-law No. 6500/67/17 Being a By-law to Establish and Regulate the Port Colborne Farmers' Market

This item has been withdrawn as a result of the corresponding report being pulled from the agenda.

19.2 By-law to Authorize Entering into a Memorandum of Understanding with the Downtown BIA Regarding the Farmers' Market Operations

This item has been withdrawn as a result of the corresponding report being pulled from the agenda.

19.4 By-law to Adopt Amendment No. 8 to the Official Plan for the City of Port Colborne

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

19.5 By-law to Amend Zoning By-law 6575/30/18 Respecting 72 Killaly Street East and Vacant Lands to the North and East

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

20. Confidential Items

Moved by Councillor M. Bagu
Seconded by Councillor H. Wells

That Council do now proceed into closed session in order to address items 20.1 to 20.4.

Carried

20.1 Minutes of the closed session portion of the April 19, 2021 Council Meeting

20.2 Chief Administrative Office Report 2021-135, Nyon Energy Lands and the Nyon Tank Farm property

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.)

20.3 Chief Administrative Office Report 2021-129, Potential Acquisition of Land

20.4 Chief Administrative Office Report 2021-130, Potential Acquisition of Land

21. Procedural Motions

22. Information items

23. Adjournment

Council moved into Closed Session at approximately 9:48 p.m.

Council reconvened into Open Session at approximately 11:09 p.m.

Mayor Steele adjourned the meeting at approximately 11:10 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk