

City of Port Colborne
Council Meeting Minutes

Date: Tuesday, July 18, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Aquilina, Councillor
M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
D. Elliott, Councillor (Virtual)
T. Hoyle, Councillor
W. Steele, Mayor (presiding officer)

Staff Present: C. Madden, City Clerk
B. Boles, Director of Corporate Services/Treasurer
S. Lawson, Fire Chief
S. Luey, Chief Administrative Officer
S. Shypowskyj, Director of Public Works
S. Tufail, Acting Deputy Clerk (minutes)

1. Call to Order

Mayor Steele called the meeting to order at 6:31 p.m.

2. National Anthem

3. Land Acknowledgment

4. Proclamations

5. Adoption of Agenda

Moved by Councillor M. Aquilina
Seconded by Councillor E. Beauregard

That the agenda dated July 18, 2023, be confirmed, as circulated.

Carried

6. Disclosures of Interest

6.1 Councillor G. Bruno - Vale Health & Wellness Centre – Commercial Food Operations, 2023-140

The Councillor declared a conflict as his son is a part of the group in this agreement.

6.2 Councillor E. Beauregard - Chief Administrative Office Report 2023-134, a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board

7. Approval of Minutes

Moved by Councillor M. Bagu

Seconded by Councillor G. Bruno

That items 7.1 to 7.3, be approved as presented.

Carried

7.1 Public Meeting - June 06, 2023

7.2 Special Council Meeting (Closed Session) - June 27, 2023

7.3 Regular Meeting of Council - June 27, 2023

8. Staff Reports

Moved by Councillor F. Danch

Seconded by Councillor T. Hoyle

That items 8.1 to 8.4 be approved, and the recommendations contained therein be adopted.

Carried

8.1 CIP Agreement – 176 Elm Street, 2023-120

Moved by Councillor F. Danch

Seconded by Councillor T. Hoyle

That Chief Administrative Office Report 2023-120 be received;

That Council approve the Downtown Central Business District Community Improvement Plan (CIP) Revitalization (Tax Increment) Grant agreement between the City of Port Colborne and Hometown Properties Inc., attached as Appendix A to Chief Administrative Office Report 2023-120; and

That a by-law to enter into an agreement with Hometown Properties Inc. be brought forward and approved.

Carried

8.2 Recommendation Report for Zoning By-law Amendment D14-03-23, VL Knoll Street, 2023-137

Moved by Councillor F. Danch
Seconded by Councillor T. Hoyle

That Development and Legislative Services Department Report 2023-137 be received; and

That Council approves the Zoning By-law Amendment attached as Appendix A, to amend the zoning of the subject lands from First Density Residential (R1) to Second Density Residential (R2).

Carried

8.3 2022 Consolidated Financial Statements, 2023-132

Moved by Councillor F. Danch
Seconded by Councillor T. Hoyle

That Corporate Services Department – Financial Services Division Report 2023-132 be received;

That the reserve transfers proposed in this report and included in the consolidated financial statements, be approved; and

That the consolidated financial statements attached as Appendix A to Corporate Services Department – Financial Services Division Report 2023-132 be approved.

Carried

8.4 Appointments to Committees, 2023-131

Moved by Councillor F. Danch
Seconded by Councillor T. Hoyle

That Corporate Services Department Report 2023-131 be received;

That the applicants listed in Confidential Appendix A of Corporate Services Department Report 2023-131 be appointed to the respective Committees at the pleasure of Council up to the term specified in Appendix A, or until such time as successors are appointed; and

That Councillor Tim Hoyle be appointed as the Council representative on the Mayor's Youth Advisory Committee for a term ending November 14, 2026.

Carried

9. Correspondence Items

Moved by Councillor F. Danch
Seconded by Councillor T. Hoyle

That items 9.1 to 9.3 be received for information.

Carried

9.1 Town of Fort Erie - Impact on Woodbine's Race and Stay Program on the Fort Erie Race Track

9.2 Niagara Peninsula Conservation Authority - Agreement of Services with Municipalities as required under the Conservation Authorities Act Phase 1 Regulation

9.3 Town of Petrolia - Recommendation for Amendment to the Current Regulations for Licensed Home-Based Childcare Operators to increase Allowable Spaces

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

14.1 Golf Cart Model - Nickel Beach (Boles)

The Director of Corporate Services/Treasurer advised the individual who had approached the City with their unsolicited request regarding the Golf Cart model has withdrawn their request. He further advised a business case will not come forward unless direction is provided by Council.

15. Councillors' Remarks

15.1 West Street Closure (Bruno)

Councillor Bruno advised that the West Street business owners were not made aware of the road closure. He requested that City staff work along side Niagara Region staff to ensure prompt communication for such road closures in the future. The Chief Administrative Officer and the Director of Public Works confirmed that all possible options will be explored.

15.2 Stray Animal Issue (Hoyle)

Councillor Hoyle expressed appreciation towards By-law Services staff for addressing an issue regarding a stray animal.

15.3 Communication - West Street Closure (Danch)

Councillor Danch requested for better communication regarding road closures from the City and the Niagara Region.

15.4 H.H Knoll Lakeview Park - Tree Log (Danch)

In response to Councillor Danch's request for the removal of a tree log at H.H Knoll Lakeview Park, the Director of Public Works confirmed he will investigate.

15.5 Thank You City Staff (Elliott)

Councillor Elliott expressed gratitude towards City staff for the new planters and for addressing the tree issue on Lakeshore Road.

15.6 Speed Signs Elm Street (Elliott)

In response to Councillor Elliott's inquiry, the Director of Public Works provided an overview and the timeline for speed signs located on Elm Street being utilized to gather data.

15.7 List of Development Approvals (Bruno)

In response to Councillor Bruno's inquiry regarding a list of development approvals, the Chief Administrative Officer advised that the list was scheduled to be circulated to Council in June, however due to agenda management, the item has been deferred and will come forward in September.

15.8 Multi-Residential Properties Storm Sewer Rate Credits (Bruno)

Councillor Bruno stated that there was an issue with an over charge for Storm Sewer Rates for owners of multi-residential properties. He further advised that staff worked promptly to fix the glitch in the system and provided credits where necessary.

15.9 Speed Radar Signs Data- Clarence Street (Bagu)

In response to Councillor Bagu's inquiry, the Director of Public Works provided a brief overview of the process when a data system issue occurs.

15.10 West Street Closure - Concert Stage (Bagu)

Councillor Bruno stated that he has received complaints of poor communication regarding the closure of West Street for the setup of a concert stage. The Chief Administrative Officer advised he will investigate all possible solutions to ensure community engagement and a report will be brought forward at a future Council meeting.

16. Consideration of Items Requiring Separate Discussion

16.1 Property Acquisition – 316 2nd Concession / Highway 140, 2023-133

Moved by Councillor M. Bagu

Seconded by Councillor G. Bruno

That Chief Administrative Office Report 2023-133 be received;

That a by-law to authorize entering into an Agreement of Purchase and Sale with Timothy Horst and Reginald Malott (“the sellers”) at the agreed upon price of \$840,000 for 316 2nd Concession legally described as Pt Lt 25 Con 3, Humberstone, As In RO119873 Lying W of RO109911 Except RO222994; be approved and brought forward; and

That the Mayor and City Clerk be authorized to sign and execute all documents respecting the purchase of these lands.

Carried

16.2 Application to Housing Accelerator Fund, 2023-139

Moved by Councillor M. Bagu

Seconded by Councillor T. Hoyle

That Chief Administrative Office Report 2023-139 be received; and

That Council direct the Manager of Strategic Initiatives to submit an application to the federal government's Housing Accelerator Fund (HAF).

Carried

16.3 Agreement for Dispatching Services with the City of St. Catharines, 2023-135

Moved by Councillor M. Bagu

Seconded by Councillor F. Danch

That Community Safety & Enforcement Department Report 2023-135 be received;

That Council approve the Fire & Emergency Dispatch Services agreement between the City of Port Colborne and the City of St. Catharines, attached as Appendix A to Community Safety & Enforcement Department Report 2023-135, for a 15-year period commencing on January 1, 2023 to continue until December 31, 2037; and

That a by-law to enter into an agreement with the City of St. Catharines for Fire & Emergency Dispatch Services be brought forward and approved.

Carried

16.4 Vale Health & Wellness Centre – Commercial Food Operations, 2023-140

Councillor G. Bruno declared a conflict on this item. (The Councillor declared a conflict as his son is a part of the group in this agreement.)

Moved by Councillor T. Hoyle

Seconded by Councillor M. Bagu

That Corporate Services Department Report 2023-140 be received;

That Council provides approval for the Mayor and Clerk to enter into a 5-year lease agreement, attached as Appendix A to Corporate Services

Department report 2023-140, with the ownership of The Kennedy Club as the new Commercial Food Vendor at the Vale Health & Wellness Centre.

Carried

16.5 User Fee Update and 2024 Sugarloaf Marina User Fees, 2023-136

Moved by Councillor T. Hoyle

Seconded by Councillor M. Bagu

That Corporate Services Department Report 2023-136 be received;

That the non-resident fees at the Vale Health and Wellness Centre be approved effective September 1, 2023; and

That the 2024 Sugarloaf Marina User Fees attached as Appendix B be approved effective September 1, 2023, to provide for early registration discounts.

Carried

16.6 2022 Development Charge Summary, 2023-106

Moved by Councillor G. Bruno

Seconded by Councillor M. Aquilina

That Corporate Services Department Report 2023-106 be received for information.

Carried

16.7 2022 Purchasing Summary, 2023-107

Moved by Councillor M. Bagu

Seconded by Councillor R. Bodner

That Corporate Services Department Report 2023-107 be received for information.

Carried

16.8 Township of Selwyn - Short Term Rentals

Moved by Councillor R. Bodner

Seconded by Councillor G. Bruno

That correspondence from the Township of Selwyn - Short Term Rentals, be supported.

Carried

16.9 The Women of Ontario Say NO - Request for Support - Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement

Item 16.9 has been deferred until such time as the Niagara Region's motion regarding Bill 5 comes forward at a future Niagara Regional Council Meeting.

17. Motions

17.1 Memorandum from Councillor Bodner - Motion Regarding Regulatory Options for the Port Colborne & District Conservation Club

Moved by Councillor R. Bodner
Seconded by Councillor M. Aquilina

That the Director of Community Safety and Enforcement be directed to bring forward a report back to the August 15, 2023, meeting regarding the inclusion of the Conservation Club in the City's Noise and Discharge of Firearms By-Law, as well as any additional options that will allow Council control of the amount of shooting at the club.

Carried

17.2 Memorandum from Councillor Elliott - Motion Regarding the Royal Canadian Legion – Planning Act Application Fees

Moved by Councillor D. Elliott
Seconded by Councillor E. Beauregard

That Council waive the *Planning Act* application fee to permit a storage container at 67 Clarence Street, Royal Canadian Branch 56, for the purpose of storing donations, yard equipment and additional equipment as needed.

Carried

18. Notice of Motions

19. Minutes of Boards & Committees

Moved by Councillor M. Aquilina
Seconded by Councillor M. Bagu

That item 19.1 be approved, as presented.

Carried

**19.1 Social Determinants of Health Advisory Committee Minutes,
September 9, 2022, February 2, 2023 and April 6, 2023**

20. By-laws

Moved by Councillor M. Aquilina
Seconded by Councillor E. Beauregard

That items 20.1 to 20.4 and 20.6 to 20.8, be enacted and passed.

Carried

20.1 By-law to Authorize entering into an Agreement with Hometown Properties Inc. regarding a Downtown Central Business District Community Improvement Revitalization Plan (Tax Increment) Grant

20.2 By-law to Authorize Entering into an Agreement of Purchase and Sale with Timothy Horst and Reginald Malott for 316 2nd Concession

20.3 By-law to amend Zoning By-law 6575/30/18 respecting lands in the City of Port Colborne municipally known as a vacant lot on Knoll Street

20.4 By-law to Authorize Entering into an Agreement with the City of St. Catharines regarding Fire & Emergency Dispatch Services

20.6 By-law to Appoint a Building Inspector - Matt Roy

20.7 By-law to Appoint Building Inspectors

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

20.5 By-law to Authorize Entering into a Lease Agreement with the ownership of The Kennedy Club as the new Commercial Food Vendor at the Vale Health & Wellness Centre

Moved by Councillor R. Bodner
Seconded by Councillor T. Hoyle

That item 20.5, be enacted and passed

Carried

21. Confidential Items

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

That Council do now proceed into closed session in order to address items 21.2 to 21.5.

Carried

21.2 Chief Administrative Office Report 2023-134, a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board

Councillor E. Beauregard declared a conflict on this item.

21.3 Human Resources Verbal Report, personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations

21.4 Corporate Services Department – Human Resources Report 2023-54, personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations

21.5 Corporate Services Department – Human Resources Report 2023-141, personal matters about an identifiable individual, including municipal or local board employees

21.1 Confidential Appendices A and B to Corporate Services Department Report 2023-131 Subject: Appointments to Committees

22. Procedural Motions

23. Information items

24. Adjournment

Council moved into Closed Session at approximately 8:22 p.m.

Council reconvened into Open Session at approximately 10:48 p.m.

Mayor Steele adjourned the meeting at approximately 10:50 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk