

**City of Port Colborne
Regular Council Meeting 20-18
Minutes**

Date: August 27, 2018
Time: 8:51 p.m.
Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
Y. Doucet, Councillor
D. Elliott, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)

Absent: J. Mayne, Councillor (leave of absence)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. LaPointe, Manager of Legislative Services/City Clerk
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
P. Senese, Director of Corporate Services
C. McIntosh, Deputy Clerk (minutes)

Also in attendance were interested citizens, members of the news media and WeeStream.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. Introduction of Addendum Items:

Addition:

The addition of item 19, request from the Canadian Corps Unit 43 for a letter of non-objection to the application for a temporary licence extension to an existing liquor licence for a special event being held on September 22, 2018.

3. Confirmation of Agenda:

No. 121 Moved by Councillor A. Desmarais
Seconded by Councillor B. Butters

That the agenda dated August 27, 2018 be confirmed, as
circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:

No. 122 Moved by Councillor B. Butters
Seconded by Councillor A. Desmarais

(a) That the minutes of the regular meeting of Council 18-18,
July 23, 2018, be approved as presented.

CARRIED.

6. **Determination of Items Requiring Separate Discussion:**

Nil.

7. **Approval of Items Not Requiring Separate Discussion:**

No. 123 Moved by Councillor R. Bodner
Seconded by Councillor Y. Doucet

That items 1 to 19 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Motions Arising from Committee of the Whole Meeting Delegations:

(a) **Luke Corbeil regarding a request for relief from City by-law in order to allow for an additional driveway space at 978 Steele Street**

Council resolved:

That an exemption of By-law 1117/64/81, Section 3.2.2, for 978 Steele Street be granted to allow for additional driveway space.

Items:

1. **Planning and Development, Planning Division, Report No. 2018-110, Subject: Westwood Estates Sidewalk Construction**

Council resolved:

That Planning and Development Department, Planning Division Report 2018-110 Subject: Westwood Estates Sidewalk Construction, be received for information.

2. **Planning and Development, Planning Division, Report 2018-100, Subject: Recommended Consultant for the Completion of the 2019 Development Charges Study and By-law**

Council resolved:

That a by-law be adopted authorizing the Mayor and Clerk to sign an agreement with Watson and Associates for the completion of a Development Charges study and updated by-law at a total cost of \$35,800 exclusive of HST.

3. **Planning and Development, By-law Enforcement Division, Report 2018-117, Subject: Fence Variance – 19 Lena Crescent**

Council resolved:

That the fence variance request for 656 Fielden Avenue be approved.

4. **Planning and Development, By-law Enforcement Division, Report 2018-119, Subject: Fence Variance – 656 Fielden Avenue**

Council resolved:

That the fence variance request for 656 Fielden Avenue be approved.

5. **Planning and Development, By-law Enforcement Division, Report 2018-120, Subject: Encroachment Request – 162 West Street**

Council resolved:

That the encroachment application be approved for 162 West Street and that staff be authorized to enter into a License Agreement with the applicant, owner, and the St. Lawrence Seaway Management Corporation.

6. Fire and Emergency Services, Report 2018-92, Subject: Municipal Establishing and Regulating By-Law

Council resolved:

That the proposed by-law be adopted as the City of Port Colborne's Fire Department Establishing and Regulating By-law, and that By-law No. 5054/109/07 be repealed; and

That the Mayor and City Clerk be authorized to execute the appropriate documents.

7. Fire and Emergency Services, Report 2018-92, Subject: Municipal Establishing and Regulating By-Law

Council resolved:

That option number 5 outlined in Fire and Emergency Services Department Report 2018-115 and as provided for in Mr. McAvoy's report attached thereto, be adopted, requiring City staff to bill for fire fighting services using a third party, as necessary; and

That Segwick Canada be authorized to support the billing for fire fighting services; and

That staff be directed to modify the Fire Department's fee schedule to reflect the fees using the applicable Ministry of Transportation hourly rate; and

That funds raised as a result of billing for fire fighting services be transferred to a Fire Department major capital reserve fund for purchases such as apparatus, rescue equipment and breathing apparatus, etc.

8. Corporate Services, Clerk's Division, Report 2018-114, Subject: Appointments to Boards and Committees

Council resolved:

That Alison Chambers be appointed to the Accessibility Advisory Committee for a term ending December 31, 2022; and

That Connie Butler be appointed to the Senior Citizen Advisory Council for a term ending December 31, 2019.

That the Clerk be directed to bring forward the necessary by-law for approval.

9. Community and Economic Development, Parks and Recreation Division, Report No. 2018-118, Subject: Thirty Eighth Annual Terry Fox Run

Council resolved:

That the request to host the thirty eighth annual Terry Fox Run on September 16, 2018 at 1:00 p.m., and the twelfth annual head shave at 12:30 p.m. at the H.H. Knoll Lakeview Park bandshell, be approved; and

That the permit fee for the use of the H.H. Knoll Lakeview Park bandshell be waived; and

That the request for the Terry Fox Run flag to be raised over City Hall the week of August 20, 2018, be approved and referred to the Mayor's office for response; and

That the request for a 10' x 10' stall at the Port Colborne Farmers' Market on September 7, 2018 and September 14, 2018 to sell licensed Terry Fox t-shirts and distribute pledge forms, be approved and referred to the Market Clerk for response; and

That the Event Organizer file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$5,000,000, in advance of the event.

10. Corporate Services, Finance Division, Report 2018-122, Subject: Niagara Central Airport Commission – Financing for Capital Projects – Loan Agreement

Council resolved:

That the loan agreement with the Niagara Central Airport Commission be approved in the amount of \$32,870 with terms of repayment to be amortized over 10 years, annual interest rate at 4.3%, with annual payments due August 24th commencing on August 24th 2019; and

That the Mayor and City Clerk be authorized to sign the appropriate loan agreement and by-law.

11. Engineering and Operations, Engineering Division, Report 2018-123, Subject: Information Report on the Proposed Staging and Funding of the Downtown Community Improvement Plan Project

Council resolved:

That staff be directed to apply for all of the funding sources as detailed in Engineering and Operations Department, Engineering Division Report 2018-123 Subject: Proposed Staging and Funding of the Downtown Community Improvement Plan Project and that a phasing of the Downtown Community Improvement Plan project be entertained once the funding is realized.

12. Katie and Ben Atkins Re: Request for Fees to be Dismissed that were charged for Grass Cutting at 507 Sugarloaf Street and Roseangela Alessandrini Re: Request for Fees to be Dismissed that were charged for Grass Cutting – Omer Avenue

Council resolved:

That the correspondence from Katie and Ben Atkins regarding grass cutting at 507 Sugarloaf Street be received for information; and

That the correspondence from Rosangela Alessandrini regarding grass cutting at Omer Avenue be received for information.

13. Niagara Health Foundation Re: Donor Impact Report

Council resolved:

That the correspondence received from Roger D. Ali, President & CEO, Niagara Health Foundation Re: Donor Impact Report, be received for information.

14. Region of Niagara Re: Results of Stakeholder Engagement for Vacancy Rebate Program Revisions (CSD 41-2018)

Council resolved:

That the correspondence received from the Region of Niagara Re: Results of Stakeholder Engagement for Vacancy Rebated Program Revisions (CSD 41-2018), be received for information.

15. Town of Pelham Re: Cannabis Odour Enforcement

Council resolved:

That the resolution received from the Town of Pelham Re: Cannabis Odour Enforcement be supported.

16. Town of Fort Erie, City of Thorold and City of Welland Re: Niagara Regional Council resolution – Trade with United States and Protecting Canadian Jobs

Council resolved:

That the resolutions received from the Town of Fort Erie, City of Thorold and the City of Welland in support of the Regional Council resolution regarding Trade with United States and Protecting Canadian Jobs, be received for information.

17. City of St. Catharines, Town of Fort Erie, City of Thorold, City of Niagara Falls and City of Welland Re: Support of Federal Government's Negotiations with United States in Regard to Tariffs on Steel and Aluminum

Council resolved:

That the resolutions received from the City of St. Catharines, Town of Fort Erie, City of Thorold, City of Niagara Falls and City of Welland, Re: Support of Federal Government's Negotiations with United States in Regard to Tariffs on Steel and Aluminum, be received for information.

18. City of Toronto Re: Immediate Steps to Address Gun Violence

Council resolved:

That the resolution received from the City of Toronto Re: Immediate Steps to Address Gun Violence, be received for information.

19. Request from the Canadian Corps Unit 43 for a letter of non-objection to the application for a temporary licence extension to an existing liquor licence for a special event being held on September 22, 2018.

Council resolved:

That the Council of The Corporation of the City of Port Colborne has no objection to the application for a temporary licence extension to an existing liquor licence held by the Canadian Corps Unit 43, located at 70 West Street, Port Colborne, for a special event being held on September 22, 2018, as outlined in the correspondence dated August 27, 2018, subject to the condition that the applicant satisfies and complies with all applicable regulatory requirements, rules and provisions; and

That the request for a Noise By-law Exemption be referred to the By-law Enforcement Division, and that the applicable fee be waived in accordance with the City policy for not-for-profit organizations.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

Nil.

9. Proclamations:

Nil.

10. Minutes of Boards, Commissions & Committees:

No. 124 Moved by Councillor F. Danch
Seconded by Councillor D. Elliott

- a) That the minutes of the Port Colborne Historical and Marine Museum Board of Management meeting of June 19, 2018, be received.

CARRIED.

11. Consideration of By-laws:

No. 125 Moved by Councillor A. Desmarais
Seconded by Councillor Y. Doucet

That the following by-laws be enacted and passed:

- 6604/59/18 Being a By-law to Authorize Entering into an Agreement with Watson & Associates for the Completion of a Development Charges Study and Updated By-law
- 6605/60/18 Being a By-law to Authorize Entering Into a Licence Agreement with The St. Lawrence Seaway Management Corporation, Eric Roy Hughes, Dawn Kathleen Hughes and Jesse Boles (a/o The Green Apple Coffee House) regarding 162 West Street
- 6606/61/18 Being a By-law to Establish and Regulate the City of Port Colborne Fire and Emergency Services (Composite)
- 6607/62/18 Being a By-law to Confirm Appointments to Various Agencies, Boards and Committees
- 6608/63/18 Being a By-law to Authorize the Execution of a Loan Agreement with the Niagara Central Dorothy Rungeling Airport Commission
- 6609/64/18 Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Special and Regular Meetings of August 27, 2018

CARRIED.

12. Council in Closed Session:

Motion to go into closed session – 8:56 p.m.

No. 126 Moved by Councillor B. Butters
Seconded by Councillor B. Kenny

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Minutes of the closed session portion of the following Council meetings: July 23, 2018.
- (b) Planning and Development Department, Planning Division Report 2018-112, concerning the potential sale of City-owned land, pursuant to the Municipal Act, 2001, Subsection 239(2)(c) a proposed or

pending acquisition or disposition of land by the municipality or local board.

CARRIED.

Motion to rise with report – 9:14 p.m.

No. 127 Moved by Councillor B. Kenny
Seconded by Councillor R. Bodner

That Council do now rise from closed session with report at approximately 9:14 p.m.

CARRIED.

13. Disclosures of Interest Arising From Closed Session:

Nil.

14. Report/Motions Arising From Closed Session:

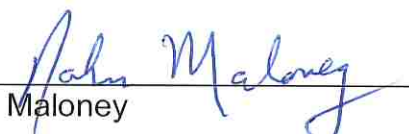
(b) **Planning and Development Department, Planning Division Report 2018-112, concerning the potential sale of City-owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.**

The City Clerk reported that direction was provided to the Direct of Planning and Development during closed session in accordance with the *Municipal Act, 2001*.

15. Adjournment:

No. 128 Moved by Councillor F. Danch
Seconded by Councillor Y. Doucet

That the Council meeting be adjourned at approximately 9:15 p.m.
CARRIED.



John Maloney
Mayor



Amber LaPointe
City Clerk

AL/cm