

**City of Port Colborne  
Regular Council Meeting 27-20  
Minutes**

**Date:** October 13, 2020

**Time:** 6:30 p.m.

**Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

**Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor (via Zoom)  
R. Bodner, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor (via Zoom)  
A. Desmarais, Councillor  
D. Kalailieff, Councillor (via Zoom)  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor (via Zoom)

**Staff Present:** D. Aquilina, Director of Planning and Development Department (via Zoom)  
B. Boles, Director of Corporate Services/Treasurer (via Zoom)  
A. Grigg, Director of Community and Economic Development (via Zoom)  
A. LaPointe, Manager of Legislative Services/City Clerk  
S. Luey, Chief Administrative Officer  
C. Madden, Deputy Clerk (minutes)  
S. Shypowskyj, Acting Director of Engineering and Operations (via Zoom)

Also in attendance was one member of WeeStream.

**1. Call to Order:**

Mayor Steele called the meeting to order.

Mayor Steele delivered his Mayor's Report, a copy of which is attached.

Regional Councillor Butters reported to Council on the number of positive COVID-19 cases in the Niagara Region to date. She informed Council that there have been 1,214 positive cases, 1000 resolved cases and 65 deaths. Councillor Butters encouraged residents to continue wearing a mask, maintain social distancing and to follow the news provided on the Region of Niagara's website with respect to COVID-19. Councillor Butters then indicated that poppies will be available for sale towards the end of October and that there isn't going to be an in-person gathering

ceremony for Remembrance Day, rather the Region is hoping to plan a Cyber ceremony. She concluded her report by informing Council of the upcoming Regional Standing Committee and Council meetings taking place in the near future.

2. **Introduction of Addendum Items:**

None.

3. **Confirmation of Agenda:**

**No. 206** Moved by Councillor R. Bodner  
Seconded by Councillor M. Bagu

That the agenda dated October 13, 2020 be confirmed, as circulated.

CARRIED

4. **Disclosures of Interest:**

Councillor Beauregard declared a pecuniary interest regarding item 4 (Corporate Services Department, Financial Services Division, Report 2020-145, Subject: Niagara South Coast Tourism Association By-Laws), as he is employed by Sullivan Mahoney and the firm has provided legal advice with respect to this item. Councillor Beauregard refrained from discussing and voting on item 4.

5. **Adoption of Minutes:**

**No. 207** Moved by Councillor H. Wells  
Seconded by Councillor F. Danch

(a) That the minutes of the special meeting of Council 25-20, held on September 28, 2020, be approved as presented.

(b) That the minutes of the regular meeting of Council 26-20, held on September 28, 2020, be approved as presented.

CARRIED

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

The following items were identified for separate discussion:

Items 1, 3, 4, and 5.

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

**No. 208** Moved by Councillor E. Beauregard  
Seconded by Councillor D. Kalailieff

That Items 1 to 7 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.

**Items:**

- 2. Planning and Development Department, By-law Enforcement Division, Report 2020-135, Subject: By-law Appointment of Municipal Law Enforcement Officer**

Council Resolved:

That Christopher Botts be appointed as a Municipal Law Enforcement Officer, Property Standards Officer and Weed Inspector.

- 6. The Royal Canadian Legion, Branch 56, Re: Request for Proclamation of Poppy Week, October 30 – November 11, 2020**

Council Resolved:

That the week of October 30th – November 11th, 2020 be proclaimed as “Poppy Week” in the City of Port Colborne in accordance with the request received from Carol Madden, Poppy Chairman, Royal Canadian Legion, Branch 56, Port Colborne.

- 7. Town of Fort Erie Re: Request Province of Ontario to Investigate the Level of On-site Licensed Nursing Care – Private Sector Retirement Homes**

Council Resolved:

That the resolution received from the Town of Fort Erie Re: Request Province of Ontario to Investigate the Level of On-site Licensed Nursing Care – Private Sector Retirement Homes, be received for information.

CARRIED

- 8. Delegations/Presentations**

None.

- 9. Councillors' Items:**

### **Staff Responses to Previous Councillors' Enquiries**

#### **(a) The Niagara Region's Environmental Work Program Policies (Aquilina)**

The Director of Planning and Development informed Council that the Niagara Region is in the midst of preparing policies as part of their Environmental Work Program and Niagara Region staff confirmed that the City of Port Colborne's aquifer will be embarked on during the drafting of these policies.

#### **(b) Meadow Heights Subdivision Agreement Amendment (Shypowskyj)**

The Acting Director of Engineering and Operations informed Council that the change with respect to including only native trees in the Meadow Heights subdivision agreement will be reflected in the amended final version which will be brought forward to Council by the Director of Planning and Development at the next Council meeting.

#### **(c) Queries regarding the Watermains (Shypowskyj)**

The Acting Director of Engineering and Operations reported that the Niagara Region has been inspecting the interior of the water tower and this has caused differences in the pressure that the City's watermain system typically sees. As such, this has identified a few weak spots in the distribution system. He further informed Council that no further breaks are anticipated but that staff are continuing to monitor the situation.

### **Councillors' Issues/Enquiries**

#### **(a) Watermain breaks at Erie and Minto street (Bruno)**

Councillor Bruno expressed appreciation towards the Acting Director of Engineering and Operations for investigating the watermain breaks at Erie and Minto Streets.

#### **(b) Street Light Repairs on Barrick Road (Bruno)**

Councillor Bruno expressed gratitude toward the Acting Director of Engineering and Operations for repairing the street lights on Barrick Road near the marsh.

#### **(c) Accessibility of Street Light Signals (Bruno)**

Councillor Bruno inquired as to whether the City's street lights have an accessibility function that notifies an individual at an intersection via sound that it is safe to use the cross walk as well as a sound function that notifies the individual what direction the cross walk is. The Acting Director of Engineering and Operations confirmed that he will investigate this matter and bring forward

a report to Council with potential costs of adding in this function if the City doesn't already currently have it.

**(d) Exemption of Small Trailers from the October 15 Deadline (Bruno)**

In response to Councillor Bruno's inquiry regarding whether small utility trailers could be exempted from the Zoning By-law October 15th deadline to remove trailers from front yards, the Director of Planning and Development informed Council that this would require an amendment to the Zoning By-law and that he will prepare a report to bring forward at the November 23 Council meeting regarding this matter.

**(e) Status of New City Website (Bagu)**

In response to Councillor Bagu's inquiry regarding the status of the City's new website launch, the City Clerk informed Council that staff recently completed the content writing component and that the target date for implementation is January 2021.

**(f) Letters to Residents Regarding the Parking of Trailers/Boats (Bodner)**

Councillor Bodner informed Council that By-law staff had hand delivered letters notifying residents of the October 15th deadline as prescribed under the Zoning By-law to remove trailers and boats from front yards. He proceeded to inquire as to whether staff were scheduled for the sole purpose of hand delivering these letters or if they were instructed to deliver them during in their usual travels to complete other tasks. The Director of Planning and Development informed Council that he would investigate this matter and inform Council of his findings.

**(g) Highway 3 Detour (Bodner)**

In response to Councillor Bodner's inquiry regarding when the construction on Highway 3 will be completed the Acting Director of Engineering and Operations confirmed that work is still being done for approximately the next two weeks and plans to reopen the highway are aimed for the end of October.

**(h) Access Gate at the end of Wyldewood Road (Wells)**

Councillor Wells informed Council that he has received reports of off-roading vehicles maneuvering around the access gate at the end of Wyldewood Road and entering the beach. In response to Councillor Wells' inquiry regarding whether the gates could be extended to property lines, the Acting Director of Engineering and Operations informed Council they are currently conducting a review to improve all road ends but will look into a temporary solution for the interim.

### **Notice of Motion**

Councillor Wells provided notice of his intention to introduce a motion at the October 26, 2020 Council meeting with respect to the aquifer being designated as a source water for the rural portion of Port Colborne.

**(i) Street Light on Barrick Road (Danch)**

Councillor Danch informed Council and staff that there is a streetlight out on Barrick Road. The Acting Director of Engineering and Operations confirmed that he will investigate this issue.

**(j) Halloween (Kalailieff)**

Councillor Kalailieff expressed appreciation towards the Mayor for addressing the upcoming Halloween procedures in his Mayor's report. She further requested that staff spread this information out on the City's social media outlets. The City Clerk informed Council that there is a Region-wide approach to Halloween this year and the Communications staff will be spreading information on this in the near future.

**(k) Excessive Muffler Noise (Kalailieff)**

Councillor Kalailieff expressed appreciation towards the Niagara Regional Police's Staff Sergeant for addressing the issue of excessive muffler noise in Port Colborne. She informed Council that the Staff Sergeant will be asking his officers to add excessive muffler noise to their enforcement actions and that the Niagara Regional Police will notify the public via Twitter that they will be monitoring this issue in Port Colborne. Councillor Kalailieff further reported that the Niagara Regional Police will provide an educational component to the public on this issue as well. She concluded this Councillor's Item by encouraging residents to stay informed on information of this nature by checking the Niagara Regional Police's social media outlets.

**10. Consideration of Items Requiring Separate Discussion:**

**1. Planning and Development Department, Building Division, Report 2020-126, Subject: Request for Reduction of Building Permit Fees for South Niagara Gateway Family Homes – 340 Wellington Street**

Mark Shoalts, P.Eng., CAHP, Shoalts Engineering, provided a verbal report and responded to questions received from Council. A copy of his speaking notes are attached.

**No. 209**

Moved by Councillor D. Kalailieff  
Seconded by Councillor A. Desmarais

That Council approve the reduction in building permit fees for South Niagara Gateway Family Homes Corporation from \$10,220 to \$1,000, and the difference of \$9,220 be refunded to the applicant; and

That South Niagara Gateway Family Homes Corporation be so notified.

CARRIED

**3. Corporate Services Department, Financial Services, Report 2020-144, Subject: Reserve and Reserve Fund Policy**

---

**No. 210**

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

That the Reserve and Reserve Fund Policy attached as Appendix A be approved; and

That the reserves and reserve funds be consolidated as outlined in Appendix B and C.

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

That the main motion be amended by striking out the first paragraph and adding the following thereto:

“That the Reserve and Reserve Fund Policy attached as Appendix A to Corporate Services Report 2020-144 be amended to change Infrastructure Reserve to General TCA Reserve; and

That the Reserve and Reserve Fund Policy attached as Appendix A to Corporate Services Report 2020-144 be amended to add Goderich Maintenance Reserve (W) with a purpose of “a working reserve to accumulate unallocated Goderich maintenance funding between fiscal years” and a primary source of funding as “Goderich Maintenance agreement with third party”; and

That the Reserve and Reserve Fund Policy attached as Appendix A to Corporate Services Report 2020-144 be approved as amended; and”

CARRIED

Moved in amendment by Councillor G. Bruno  
Seconded by Councillor R. Bodner

That the main motion be amended adding the following as the third paragraph:

“That the Reserve and Reserve Fund Policy attached as Appendix A to Corporate Services Report 2020-144 be amended to add Opportunities Fund with a purpose of “to fund investment opportunities with visibility to a reasonable rate of return” and a primary source of funding as “Seed funding (\$2 million) from the sale of Port Colborne’s share of Niagara Region Broadband Network (NRBN)”; and”

CARRIED

The vote was then called on the main motion, as amended, as follows:

That the Reserve and Reserve Fund Policy attached as Appendix A to Corporate Services Report 2020-144 be amended to change Infrastructure Reserve to General TCA Reserve; and

That the Reserve and Reserve Fund Policy attached as Appendix A to Corporate Services Report 2020-144 be amended to add Goderich Maintenance Reserve (W) with a purpose of “a working reserve to accumulate unallocated Goderich maintenance funding between fiscal years” and a primary source of funding as “Goderich Maintenance agreement with third party”; and

That the Reserve and Reserve Fund Policy attached as Appendix A to Corporate Services Report 2020-144 be amended to add Opportunities Fund with a purpose of “to fund investment opportunities with visibility to a reasonable rate of return” and a primary source of funding as “Seed funding (\$2 million) from the sale of Port Colborne’s share of Niagara Region Broadband Network (NRBN)”; and

That the Reserve and Reserve Fund Policy attached as Appendix A to Corporate Services Report 2020-144 be approved as amended; and



That the reserves and reserve funds be consolidated as outlined in Appendix B and C.

CARRIED

**4. Corporate Services Department, Financial Services Division, Report 2020-145, Subject: Niagara South Coast Tourism Association By-laws**

**No. 211** Moved by Councillor M. Bagu  
Seconded by Councillor D. Kalailieff

That the by-laws attached as Appendix A to Corporate Services Department, Financial Services Division, Report No. 2020-145, Subject: Niagara South Coast Tourism Association By-Laws, be approved.

CARRIED

**5. Memorandum of Understanding Re: Hamilton-Oshawa Port Authority**

**No. 212** Moved by Councillor G. Bruno  
Seconded by Councillor D. Kalailieff

That Council support the Memorandum of Understanding (MOU) between the Hamilton-Oshawa Port Authority (HOPA) and the municipalities of Port Colborne, Thorold, and Welland; and

That that Mayor be directed to sign the HOPA MOU.

Moved in referral by Councillor M. Bagu  
Seconded by Councillor R. Bodner

That consideration of the Memorandum of Understanding Re: Hamilton-Oshawa Port Authority, be referred to the Chief Administrative Officer to arrange for the Hamilton-Oshawa Port Authority to attend a closed session Council meeting.

CARRIED

**11. Proclamations:**

**(a) Poppy Week, October 30 – November 11, 2020**

**No. 213** Moved by Councillor R. Bodner  
Seconded by Councillor A. Desmarais

That October 30 – November 11, 2020 be proclaimed as “Poppy Week” in the City of Port Colborne in accordance with the request received from The Royal Canadian Legion, Branch 56.

CARRIED

**12. Minutes of Boards, Commissions & Committees:**

None.

**13. Consideration of By-laws:**

No. 214 Moved by Councillor H. Wells  
Seconded by Councillor F. Danch

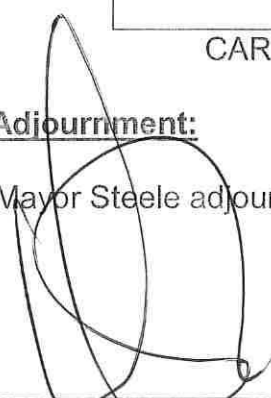
That the following by-laws be enacted and passed:

6824/74/20	Being a By-law to Amend By-law No. 89-2000, As Amended, Being a By-law Regulating Traffic and Parking on City Roads (Bell Street)
6825/75/20	Being a By-law to Appoint Christopher Botts as a Municipal Law Enforcement Officer, Property Standards Officer and Weed Inspector
6826/76/20	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 Regular Meeting of October 13, 2020

CARRIED

**14. Adjournment:**

Mayor Steele adjourned the meeting at approximately 8:38 p.m.




---

William C. Steele  
Mayor




---

Amber LaPointe  
City Clerk

Mr. Mayor and Councillors:

Thank you for the opportunity to address you regarding the building permit fees for 340 Wellington St. You have my letter to Todd Rogers which gives you an overview of the project, my request on behalf of the board of South Niagara Gateway Family Homes for relief from the building permit fees, and our reasons for the request.

I'd like to add a bit of detail to help with your deliberations. The original concerns with the building arose because of some spalling bricks. Removal of the obviously damaged bricks for replacement revealed many more bricks that were crumbling from the back but that still appeared good from the face. At this point we produced specifications and obtained quotes for replacing the brick on the top three storeys, but the cost was beyond the capacity of the corporation to carry; the building operates on a cost-recovery basis for rent and although there are reserves for larger expenditures, the reserves are not this large. We changed the design to prefinished steel cladding instead of brick, we retendered the project, and the board got financing approved by the Region for the reduced amount.

Building departments are supposed to be self-financing from permit fees, and the fees are set based on studies done to determine costs, projected numbers of permits of various types, and requirements for reserves to cover variations in revenue. Most permit fees are based on a charge per square metre of building area, but some projects do not fit this model and the fees are calculated as a percentage of project value. Because this project is limited in scope and has regular review and reporting by the design professionals, there are few inspections required by the building department, which keeps the cost to the city down. In light of this and in light of the non-profit nature of the building and the burden that this project puts on their finances, we request some relief from the City. We think it is a welcome and relatively painless action for the city to assist in this way a corporation providing high-quality social housing in Port Colborne.



Mark Shoalts, P.Eng., CAHP



MAYOR'S REPORT  
OCTOBER 13, 2020 COUNCIL MEETING

**COVID-19 UPDATE**

Good evening and welcome to our virtual council meeting.

Tonight we are welcoming Councillors Bagu, Bodner, Bruno and Desmarais into the council chambers. Also joining us are our CAO Scott Luey, Clerk Amber LaPointe, Deputy Clerk Charlotte Madden, and a member of Wee Stream who are live streaming this meeting for us.

Our other four city councillors and various city directors are each attending from home.

Niagara remains in Stage 3 of the COVID-19 recovery process. You have seen the province roll back several regions to a modified Stage 2. We don't want to go there.

We emphasize the need for social distancing, hand washing and face coverings where social distancing can't be maintained or where required by the Region's face covering by-law.

We ask that you continue to support our local businesses, including restaurants as patio season will be coming to an end soon and these businesses still need our support.

**Christmas Card Contest**

Just a reminder that the deadline for our annual Christmas Card colouring contest is Thursday, October 22.

The contest is open to all children who live or go to school in Port Colborne up to and including those in grade 8. Parents and grandparents, please encourage your children to PORTicipate.

Submissions may be painted with fingers or brushes, or drawn with pencils, crayons, pastels, or markers on a standard white sheet of paper, 8 ½" X 11" in vertical or horizontal format. Remember that deep, dark colours produce a better illustration. Please include your child's name, address, and telephone number on the back of the artwork.

## **Region Garbage Collection**

Starting next week the Region is moving to an every-other-week schedule for garbage pick-up.

How does that impact Port Colborne? Residents **will not** have garbage collection the week of October 19. Garbage will be collected the week of October 26, continuing on an every-other-week basis.

What will be collected the week of October 19 and weekly thereafter are your:

Blue Box

Grey Box

Green Bin

Leaf and yard waste

What you can put out bi-weekly, starting October 26 - Garbage with to a 2 bag limit

So be a good neighbour next week and if you notice neighbour has put out their garbage, remind them of the new schedule.

And if you need an additional blue, grey or green bin, call our Customer Service Representatives at 905-835-2900 and set up a time to come to city hall to buy one.

## **Meals on Wheels Bottle Drive**

On Sunday, October 18<sup>th</sup>, Meals on Wheels Port Colborne will be holding a Bottle Drive to raise funds to support their meal program.

A drive-through collection will take place in the No Frills Plaza from 10-5.

So, clean up your garage and bring your empties to the collection point next Sunday.

## Hallowe'en

I wanted to get everyone thinking about Hallowe'en even though it is three weeks away. While the Region has not released specific guidelines for Niagara, we have received these guidelines from the province.

- Stay home if feeling ill or if you have mild symptoms.
- Only go out with members of your direct household.
- Only trick or treat outside.
- Both trick or treaters and people handing out candy should wear a face covering:
  - A costume mask is not a substitute for a face covering and should not be worn over a face covering as it may make it difficult to breathe.
  - Consider building your face covering into your, or your child's, costume.
- Do not congregate or linger at doorsteps. Line up two metres apart if waiting. Avoid high-touch surfaces and objects.
- Whether collecting or handing out treats, wash your hands often and thoroughly or use hand sanitizer:
- Do not leave treats in a bucket or bowl for children to grab.
- Consider using tongs, or other similar tools to hand out treats.

Parents will need to make a personal decision about participating this year. If you do PORTicipate, please do it safely.

## Closing

In closing, we ask for your patience while we all work together for a safe and gradual return of services. We must remain vigilant in fighting this virus.

Our number one priority is the health and safety of our staff and citizens as we continue the safe and gradual reopening of services and business activities.

Please stay safe.