

**City of Port Colborne
Regular Council Meeting 14-18
Minutes**

Date: June 11, 2018
Time: 9:51 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
D. Elliott, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)

Absent: Y. Doucet, Councillor (due to vacation)
J. Mayne, Councillor (due to illness)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
J. Douglas, Economic Development Officer
S. Hanson, Supervisor, By-law Enforcement Division
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
C. McIntosh, Deputy Clerk (minutes)
P. Senese, Director of Corporate Services

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

1. Call to Order:

Mayor John Maloney called the meeting to order.

Note: the following motion was approved prior to 11:00 p.m.

No. 82 Moved by Councillor D. Elliott
Seconded by Councillor A. Desmarais

That, in accordance with Subsection 4.1(d) of the Procedural By-law, the meeting shall hereby extend past 11:00 p.m.
CARRIED.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

No. 83 Moved by Councillor F. Danch
Seconded by Councillor B. Butters

That the agenda dated June 11, 2018 be confirmed, as circulated or as amended.
CARRIED.

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:

No. 84 Moved by Councillor R. Bodner
Seconded by Councillor B. Butters

- (a) That the minutes of the regular meeting of Council 11-18, May 14, 2018, be approved as presented.
- (b) That the minutes of the special meeting of Council 12-18, May 23, 2018, be approved as presented.

CARRIED.

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

Nil.

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

No. 85 Moved by Councillor A. Desmarais
Seconded by Councillor B. Kenny

That Items 1 to 21 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:

1. **Planning and Development Department, Planning Division, Report No. 2018-69, Subject: Easement to Bell Canada – Killaly Street West**

Council resolved:

That an easement over Part 1 & 2 on Plan 59R-14504 and Direction Authorizing Registration be approved for Bell Canada.

That the Mayor and Clerk be authorized to sign and execute any and all documents respecting the easement registration.

2. **Planning and Development Department, Planning Division, Report No. 2018-73, Subject: Chippawa Estates Draft Plan of Subdivision**

Council resolved:

That Fire and Emergency Services Department Report No. 2018-64 with respect to the 2017 emergency call summary be received for information purposes.

3. **Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives, Report No. 2018-83, Subject: Strategic Planning exercise results from Strategic Planning Meetings held on April 20 and 21, 2018**

Council resolved:

That the Strategic Directions document attached as Appendix 1 to Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives Division report 2018-83 be approved.

4. **Corporate Services Department, Finance Division, Report No. 2018-80, Subject: Niagara Regional Housing Property Tax Exemption Analysis**

Council resolved:

That staff be directed to notify the Niagara Region that the Council of the City of Port Colborne supports Scenario 1 being the status quo in keeping the Niagara Regional Housing properties taxable.

5. Community and Economic Development Department , Parks and Recreation Division, Report No. 2018-75, Subject: Canada Day – 2018 Optimist Day in the Park & Canada Day Fireworks Road Closure

Council resolved:

That staff issue the appropriate permits for Canada Day – ‘Optimist Day in the Park’ at H.H. Knoll Lakeview Park, and;

That the temporary road closures be approved for the purpose of hosting Canada Day fireworks beginning at 9:00 p.m. until 11:00 p.m., Saturday, July 1, 2018. Temporary barricade road closures at the following intersections to restrict traffic onto: West Street from the Southern limit of Charlotte Street to the Southern limit of the former Public Works Yard (11 King Street) property including closure of the intersections of Kent Street, Victoria Street, Adelaide Street, and Sugarloaf Street at West Street for the purpose of controlling traffic for the Canada Day Fireworks and prohibiting general vehicular traffic and parking by the public, and:

That City sponsorship of the 2018 Optimist Day in the Park be approved, with sponsorship to be provided as follows:

- a. Waiving of permit fees for the use of H.H. Knoll Lakeview Park;
- b. Waiving of permit fees for the use of the pavilion at the Bandshell;
- c. Provision and installation of snow fencing, and waiving of associated fees;
- d. Waiving of the Noise Variance Fee;
- e. Provision of portable washroom facilities and waiving of associated fees;
- f. Waiving of the parking fees in the gravel lot for the duration of the event;
- g. City assistance with event promotion and marketing on social media.

6. Community and Economic Development Department, Parks and Recreation Division, Report No. 2018-76, Subject: 40th Annual Canal Days Festival Request for Road Closures, Parking Restrictions & Patio Extensions

Council resolved:

1. That the closure to through traffic and street parking be approved and authorized for the following roads beginning at 5:00 p.m. Thursday, August 2, 2018 and ending at 6:00 a.m. on Tuesday, August 7, 2018:
 - West Street from the northern limit of Adelaide Street to the southern limit of Sugarloaf Street and;
2. That the closure to through traffic and street parking be approved and authorized for the following roads beginning at 4:00 a.m. Friday, August 3, 2018 ending at 6:00 a.m. on Tuesday, August 7, 2018.
 - West Street from the northern limit of Princess Street to the southern limit of Sugarloaf Street;
 - Princess Street from the eastern limit of King Street to the eastern limit of West Street;
 - Park Street from the eastern limit of King Street to the eastern limit of West Street;
 - Charlotte Street from the eastern limit of King Street to the eastern limit of West Street;
 - Kent Street from the eastern limit of King Street to the eastern limit of West Street;
 - Victoria Street from the eastern limit of King Street to the eastern limit of West Street;

- Adelaide Street from the eastern limit of King Street to the eastern limit of West Street;
 - Sugarloaf Street from the eastern limit of King Street to the eastern limit of West Street;
 - Clarence Street from the eastern limit of King Street to the western limit of Welland Street;
 - Municipal Parking Lot located west of King Street, east of Catharine Street and south of Princess Street.
3. In addition, the following areas be closed to street parking beginning at 4:00 a.m. on Friday, August 4, 2018 and ending at 6:00 p.m. on Monday, August 7, 2018:
- Northside of Kent Street between the western limit of Catharine Street and the eastern limit of Elm Street.
 - The thirteen (13) parking spaces on the west side of King Street from Sugarloaf Street to Charlotte Street;
 - The two (2) parking spaces on both east and west sides of King Street, north of the Charlotte Street limit, be closed to parking to allow for the shuttle bus stops,
 - The three (3) parking spaces on the south side of Clarence Street in front of the Breakwall Brewery.
4. That the closure to street parking and through traffic be approved and authorized for the following street beginning at 6:00 p.m. on Friday, August 3, 2018 and ending at 5:00 p.m. on Monday, August 6, 2018 for the purpose of hosting the Historical & Marine Museum Canal Days Events.
- Princess Street from the western limit of King Street to the eastern limit of Catharine Street.
5. That the closure to street parking and through traffic be approved and authorized for following roads beginning at 4:00 p.m. to 12:00 a.m. on Friday, August 3 & Saturday, August 4, 2018 for the purpose of hosting the Canal Days concert.
- Steele Street from the southern limit of Steele Street at Sugarloaf Street;
 - Steele Street from the eastern limit at Steele Street at Sugarloaf Street;
 - Isabel Street from the southern limit of Isabel Street at Sugarloaf Street;
 - Fielden Avenue from the northern limit of Fielden Avenue at Sugarloaf Street;
 - Fielden Avenue from the southern limit at Sugarloaf Street;
 - Lighthouse Lane from the southern limit at Sugarloaf Street;
 - Elm Street from the southern limit of Elm Street at Sugarloaf Street;
 - H.H. Knoll Lakeview Parking lot south of Dawg's Burgers to Fielden Avenue.
6. That there is no objection by the Corporation of the City of Port Colborne to the application by Eh Amigos Cantina to the AGCO for a Special Occasion Permit / Liquor License Extension; and
7. That there is no objection by the Corporation of the City of Port Colborne to the application by The Lock 8 to the AGCO for a Special Occasion Permit / Liquor License Extension; and
8. That there is no objection by the Corporation of the City of Port Colborne to the application by Breakwall Brewery to the AGCO for a Special Occasion Permit / Liquor License Extension; and

9. That there is no objection by the Corporation of the City of Port Colborne to the application by Canadian Corps Association to the AGCO for a Special Occasion Permit/Liquor License Extension; and
10. That the following conditions will apply to Eh Amigos Cantina and The Lock, on Clarence Street:
 - a) That on Friday, August 3, 2018 the selling and serving of alcoholic beverages to the said licensed outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 3, 2018;
 - b) That on Saturday, August 4, 2018 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 4, 2018;
 - c) That on Sunday, August 5, 2018 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 5, 2018;
 - d) That on Monday, August 6, 2018 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 5:00 p.m., and the outdoor area shall be cleared of patrons by 5:30 p.m. on August 6, 2018;
 - e) That, notwithstanding clause a, b, c and d above, the occupancy of the said outdoor licensed area shall be open only when Clarence Street is closed in accordance with City by-law;
 - f) That the applicant shall not block or occupy any street with equipment relating to the Canal Days festival & events or patio before 9:00 a.m. on Friday, August 3, 2018 and must have all equipment and supplies related to the patio extension cleared from the streets no later than 7:00 p.m. Monday, August 6, 2018; and
11. That there is no objection by the Corporation of the City of Port Colborne to the application by Canalside Restaurant Inn and Walters and Neptunes to the AGCO for a Special Occasion Permit/Liquor License Extension. That Canalside Restaurant and Walters and Neptunes be approved to maintain the existing patio for the 2018 Canal Days Marine Heritage Festival; and
12. That the six (6) applicants shall provide a Certificate of Insurance (COI) with no less than \$5,000,000 general liability naming the Corporation of the City of Port Colborne as additional insured, and listing The St. Lawrence Seaway Management Corporation, Her Majesty the Queen in Right of Canada, Transport Canada, as an additional insured in accordance with the City's Festivals & Events Insurance Requirements.
13. That Council of the Corporation of the City of Port Colborne exempt the participants of and the Canal Days Marine Heritage Festival from the Noise By-law #4588/119/04 and not be required to apply for the variance in accordance with Section 4(3) Schedule 2(2).
14. That the appropriate by-law be prepared, authorizing the Mayor and City Clerk to execute and sign the Ontario Transfer Payment Agreement for the Celebrate Ontario 2018 Grant on behalf of the Corporation of the City of Port Colborne.

7. Community and Economic Development Department, Parks and Recreation Division, Report No. 2018-77, Subject: 2018 Canal Days Car Parade Request for Road Closures and Parking Restrictions

Council resolved:

That the prohibition of street parking be approved for purpose of hosting the Canal Days Car Parade route beginning at 6:00 p.m. until 7:30 p.m., Saturday, August 4, 2018 to allow for safe viewing of the parade along:

1. Clarence Street from the western limit of Steele Street to the eastern limit of West Street;
2. West Street from the northern limit of Clarence Street to the southern limit of Charlotte Street; and
3. Charlotte Street from the western limit of Elm Street to the eastern limit of King Street.

That the temporary road intersection closures be approved for the purpose of hosting the Canal Days Car Parade route beginning at 6:30 p.m. until 7:30 p.m., Saturday, August 4, 2018. Temporary barricade road closures at the following intersections to restrict through traffic onto the parade route.

1. West and south intersections of Steele Street and Clarence Street
2. North and south intersections of Fielden Avenue at Clarence Street
3. North and south intersections of Elm Street at Clarence Street
4. North and south intersections of Catharine Street at Clarence Street
5. North and south intersections of King Street at Clarence Street

8. Community and Economic Development Department, Parks and Recreation Division, Report No. 2018-82, Subject: Rose City Triathlon Road Closure Request

Council resolved:

That the road closures necessary for the 2018 Rose City Triathlon event on June 23, 2018, as requested by Mr. Chris Pickering, and outlined in Community and Economic Development, Parks and Recreation Division Report No. 2018-82, be approved;

That the following road be closed to general vehicular traffic and parking from 7:30 a.m. to 12:00 p.m.:

- Elm Street at Stonebridge Drive for northbound traffic;

That emergency service vehicles, including ambulance, police and fire, as well as public works and public utility vehicles, be exempt from the above noted closures;

That members, qualified participants, and participants of the Rose City Triathlon, be exempt from the above noted closures, through the issuance of an authorized permit;

That the Rose City Triathlon be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event;

That traffic barricades be supplied by Public Works staff, on June 23, 2018 to, and delivered before the start of the race at the predetermined location requiring barricades; and

That the appropriate by-law be presented for approval.

9. St. John Bosco Catholic Elementary School Re: Request for Use of Picnic Tables for a School Event to be held on June 15, 2018

Council resolved:

That the correspondence from St. John Bosco Catholic Elementary School requesting the use of City picnic tables for a School Event to be held on June 15, 2018 be received; and

That the picnic tables be made available for their use, with arrangements for pick-up and return to be the responsibility of St. John Bosco Catholic Elementary School.

10. Canadian Pacific Railway (CP) Re: Canadian Pacific 2018 Vegetation Control Program

Council resolved:

That the correspondence received from Geoff Gordon, Vegetation Management Specialist, Canadian Pacific Railway Re: Canadian Pacific 2018 Vegetation Control Program, be received for information.

11. Karen Usick, Community Coordinator, Mental Health & Addictions – Hepatitis C Care Clinic, Niagara Health Re: Request for Proclamation of World Hepatitis Day, July 28, 2018

Council resolved:

That July 28, 2018 be proclaimed as “World Hepatitis Day” in the City of Port Colborne in accordance with the request received from Karen Usick, Community Coordinator, Mental Health & Addictions – Hepatitis C Care Clinic, Niagara Health.

12. Region of Niagara Re: Agriculture – Project Framework (PDS Report 17-2018)

Council resolved:

That the correspondence received from the Region of Niagara Re: Agriculture – Project Framework (PDS Report 17-2018), be received for information.

13. Region of Niagara Re: Natural Environment – Project Framework (PDS Report 18-2018)

Council resolved:

That the correspondence received from the Region of Niagara Re: Natural Environment – Project Framework (PDS Report 18-2018), be received for information.

14. Niagara Regional Housing Re: Niagara Regional Housing Quarterly Report (January 1 to March 31, 2018)

Council resolved:

That the correspondence received from Niagara Regional Housing Re: Niagara Regional Housing Quarterly Report (January 1 to March 31, 2018), be received for information.

15. Township of Wainfleet Re: Lakewood Beach Property

Council resolved:

That the resolution received from the Township of Wainfleet Re: Lakewood Beach Property, be received for information.

16. Town of Pelham Re: Ministry of Transportation – Local Transit Project

Council resolved:

That the resolution received from the Town of Pelham Re: Ministry of Transportation – Local Transit Project, be received for information.

17. Town of Pelham Re: Ministry of Municipal Affairs – Local Request for Provincial Municipal Audit

Council resolved:

That the resolution received from the Town of Pelham Re: Ministry of Municipal Affairs – Local Request for Provincial Municipal Audit, be received for information.

18. Town of Pelham Re: Ombudsman Investigation Report Re: September 5, 2017

Council resolved:

That the resolution received from the Town of Pelham Re: Ombudsman Investigation Report (Paul Dubé, Ombudsman of Ontario) Re: September 5, 2017, be received for information.

19. Motion (Councillor Kenny) Re: Request for Proposal Regarding Limiting the City's Water Loss

Note: The motion to approve issuing a Request for Proposal to qualified leak detection firms to reduce the City's water loss was lost during Committee of the Whole. No further action taken.

20. Engineering and Operations Department, Operations Division, Report No. 2018-74, Subject: Operational Overview of Port Colborne's Water Distribution and Wastewater Collection Systems

Council resolved:

That Engineering and Operations Department, Operations Division Report 2018-74 "Operational Overview of Port Colborne's Water Distribution and Wastewater Collection Systems", be received for information.

21. Community and Economic Development Department, Health Services Division, Report No. 2018-87, Subject: Contractual Incentive Agreement with Dr. Kelly Maracle

That an incentive contractual arrangement to Dr. Kelly Maracle be approved at a cost of \$20,000 upon signing of the agreement, with all monies being used for upgrades to technology and all equipment purchased and with the agreement that the purchased capital will remain at 97 Charlotte Street (ultimately the new Boggio build) should Dr. Maracle decide to re-locate; and

That the cost be funded from the medical and physician recruitment reserve; and

That the Clerk be authorized and directed to prepare and present the appropriate by-law and contract.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

Nil.

9. Proclamations:

(a) World Hepatitis Day, July 28, 2018

No. 86 Moved by Councillor R. Bodner
Seconded by Councillor B. Butters

Whereas an estimate of about 600,000 Canadians living with hepatitis B or C can potentially develop cirrhosis, liver failure, liver cancer and related illnesses; and

Whereas Ontario has over 110,000 people living with hepatitis B or C, both of which are slow and progressive diseases; and

Whereas there are vaccines available for hepatitis A and B; emerging hepatitis C treatment therapies can cure nearly 95% of cases; and

Whereas world hepatitis day provides an opportunity to reach out to millions of Canadians and encourage hepatitis testing, provide treatment and care for those affected while paving the way towards elimination of hepatitis as a public health concern in Canada by 2030;

Now therefore, I, Mayor John Maloney, proclaim July 28th, 2018 as "Hepatitis Awareness day" in the City of Port Colborne.

CARRIED.

10. Minutes of Boards, Commissions & Committees:

No. 87 Moved by Councillor F. Danch
Seconded by Councillor R. Bodner

- (a) That the minutes of the Port Colborne Public Library Board meeting of April 3, 2018, be received.
- (b) That the minutes of the Environmental Advisory Committee meeting of March 21, 2018, be received.
- (c) That that minutes of the Port Colborne Historical & Marine Museum Board of Management meeting of April 17, 2018, be received.

CARRIED.

11. Consideration of By-laws:

No. 88 Moved by Councillor R. Bodner
Seconded by Councillor B. Kenny

That the following by-laws be enacted and passed:

- 6585/40/18 Being a By-law to Appoint a Deputy Clerk (Commissioner for Taking Affidavits)
- 6586/41/18 Being a By-law to Appoint a Deputy Clerk (Commissioner for Taking Affidavits)
- 6587/42/18 Being a By-law to Authorize Entering Into an Easement with Bell Canada over Parts 1 & 2 on Plan 59R-14504
- 6588/43/18 Being a By-law to Amend By-law 5806/61/12, Being a By-law to Approve a Draft Plan of Subdivision, Known as Chippawa Estates
- 6589/44/18 Being a By-law to Temporarily close Sections to Various Streets to Vehicular Traffic for the Purpose of the Canada Day Fireworks
- 6590/45/18 Being a By-law to Temporarily close Sections of Various Streets to Vehicular Traffic for the Purpose of the 40th Annual Canal Days Festival

- 6591/46/18 Being a By-law to Authorize the Execution of a Transfer Payment Agreement with Her Majesty the Queen in Right of Ontario as Represented by the Minister of Tourism, Culture and Sport respecting the Celebrate Ontario 2017 Grant
- 6592/47/18 Being a By-law to Temporarily close Sections of Various Streets to Vehicular Traffic for the Purpose of the 2018 Canal Days Car Parade
- 6593/48/18 Being a by-law to Temporarily close Sections of Various Streets to Vehicular Traffic for the Purpose of the Rose City Triathlon
- 6594/49/18 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 June 11, 2018

CARRIED.

12. Council in Closed Session:

Motion to go into closed session – 9:59 p.m.

No. 89 Moved by Councillor A. Desmarais
Seconded by Councillor B. Butters

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: May 14, 2018.
- (b) Planning and Development Department, Planning Division Report 2018-73, 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.
- (c) Community and Economic Development Department, Economic Development Division Report 2018-84, concerning the potential acquisition of land by the municipality, 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.
- (d) Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives Division Report 2018-85, concerning the Nyon Energy Lands and the Nyon Tank Farm property, pursuant to *Municipal Act, 2001*, Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- (e) Planning and Development Department, By-law Enforcement Division Report 2018-86, concerning an update with respect to ongoing property investigations, pursuant to *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED.

Motion to rise without report – 11:44 p.m.

No. 89 Moved by Councillor A. Desmarais
Seconded by Councillor B. Kenny

That Council do now rise from closed session without report at approximately 11:44 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 2018-73, 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 Deputy Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

- (c) **Community and Economic Development Department, Economic Development Division Report 2018-84, concerning the potential acquisition of land by the municipality, 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 Deputy Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

- (d) **Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives Division Report 2018-85, concerning the Nyon Energy Lands and the Nyon Tank Farm property, pursuant to *Municipal Act, 2001*, Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.**

The Deputy Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

- (e) **Planning and Development Department, By-law Enforcement Division Report 2018-86, concerning an update with respect to ongoing property investigations, pursuant to *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.**

The Deputy Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

15. Adjournment:

No. 90 Moved by Councillor F. Danch
Seconded by Councillor R. Bodner

That the Council meeting be adjourned at approximately 11:45 p.m.
CARRIED.

John Maloney
Mayor

Carrie McIntosh
Deputy Clerk