

**City of Port Colborne
Regular Council Meeting 02-20
Minutes**

Date: January 13, 2020

Time: 7:50 p.m.

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

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

Absent: F. Danch, Councillor

Staff Present: D. Aquilina, Director of Planning and Development
A. Grigg, Director of Community and Economic Development
A. LaPointe, Acting Director of Corporate Services/City Clerk
C. Madden, Deputy Clerk (minutes)
P. Senese, Interim Chief Administrative Officer
S. Shypowskyj, Acting Director of Engineering and Operations

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

1. Call to Order:

Mayor Steele called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

No. 3 Moved by Councillor M. Bagu
Seconded by Councillor G. Bruno

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

4. Disclosures of Interest:

Councillor Beauregard declared a pecuniary interest regarding item 7 (City of Niagara Falls Re: Resolution regarding Port Colborne Aquifer through Fort Erie) as he is employed by Sullivan Mahoney, the solicitor for Rankin companies. Councillor Beauregard refrained from discussing or voting on item 7.

Councillor Wells declared a pecuniary interest regarding item 7 (City of Niagara Falls Re: Resolution regarding Port Colborne Aquifer through Fort Erie) as it could affect the value of his property. Councillor Wells refrained from discussing or voting on item 7.

5. Adoption of Minutes:

No. 4 Moved by Councillor D. Kalailieff
Seconded by Councillor R. Bodner

(a) That the minutes of the regular meeting of Council 35-19, held on December 9, 2019, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Item 7.

7. Approval of Items Not Requiring Separate Discussion:

No. 5 Moved by Councillor A. Desmarais
Seconded by Councillor H. Wells

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.

Motions Arising from Committee of the Whole:

(a) **Kurt and Tami Pederson concerning a Partnership with the City regarding issues with Pleasant Beach and Pleasant Beach Road**

Council Resolved:

That the Director of Community and Economic Development lead an interdepartmental investigation into solutions to the ongoing issues occurring on Pleasant Beach Road;

That staff's investigation include discussions with Kurt and Tami Pederson and Ward Councillors; and

That staff report back to Council with possible solutions going forward.

Items:

1. Engineering and Operations Department, Engineering Division, Report 2020-01, Subject: Peter Storm Drain Petition – Appointment of Engineer

Council Resolved:

That the Council of the City of Port Colborne consider and approve the attached petition for drainage works;

That the Council of the City of Port Colborne direct the Clerk to notify the petitioners and others of Council's decision respecting the petition, in accordance with Section 5(1)(a) and (b) of the Act;

That the Council of the City of Port Colborne appoint Neal Morris, P. Eng. of K. Smart Associates Limited to prepare a new engineer's report under Section 4 of the Act for the Peter Storm Municipal Drain.

2. Engineering and Operations Department, Engineering Division, Report 2020-02, Subject: Project 2020-01 Schihl Municipal Drain

Council Resolved:

That Project 2020-01 Schihl Drain be awarded to Anthony's Excavating Central Inc. of Wellandport, Ontario, for the total tendered price of \$139,864.00 plus applicable taxes. Staff is directed to utilize the bid items as listed within the awarded Tender Documents, in such a manner as to complete all required works, all the while, taking into consideration the annual budget allocations by Council;

That funding for Project 2020-01 Schihl Drain be financed on an interim basis, under GL Account C33244 and that staff be authorized to initiate billings back to the Municipal Drains Watershed at the completion of the Watershed works and upon receipt of OMAFRA's granting;

That a by-law, in which the City enters into a Contract Agreement with the Contractor be prepared.

3. Corporate Services Department, Clerk's Division, Report 2020-07, Subject: Council Review Committee Terms of Reference

Council Resolved:

That Corporate Services report 2020-07, Council Review Committee be received;

That Appendix A to Report 2020-07, Council Review Committee Terms of Reference be approved; and

That the necessary by-law be brought forward for approval of Council.

4. Memorandum from Janice Peyton, Executive Assistant, DEO, Re: Environmental Advisory Committee - Report on Boulevard Trees

Council Resolved:

That the memorandum from Janice Peyton, Executive Assistant, DEO on behalf of the Environmental Advisory Committee Re: Environmental Advisory Committee - Report on Boulevard Trees, be received for information; and

That staff be directed to review previous decisions on boulevard tree planting, including the tree installation Policy, October 2007 and By-law No. 6175/01/15, and report back to Council.

5. Memorandum from Janice Peyton, Executive Assistant, DEO Re: Environmental Advisory Committee - Site Alteration Permit Review and Costing

Council Resolved:

That the memorandum from Janice Peyton, Executive Assistant, DEO Re: Environmental Advisory Committee – Site Alteration Permit Review and Costing, be received for information; and

That staff consider the approach for a coordinated review and fee structure associated with a revised site alteration by-law as set out in memo Re: Environmental Advisory Committee – Site Alteration Permit Review and Costing; and

That staff review the recommendation by the Environmental Advisory Committee that the administration of the revised site alteration by-law be undertaken by the Director of Engineering and Operations.

6. Ministry of Children, Community and Social Services Re: Ontario's Poverty Reduction Strategy

Council Resolved:

That the correspondence received from Todd Smith, Minister of Children, Community and Social Services Re: Ontario's Poverty Reduction Strategy, be received for information.

CARRIED

8. Consideration of Items Requiring Separate Discussion:

7. City of Niagara Falls Re: Resolution regarding Port Colborne Aquifer through Fort Erie

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

That the resolution received from the City of Niagara Falls in support of the resolution of the Town of Fort Erie regarding Port Colborne Aquifer, be received for information.

CARRIED

9. Proclamations:

Nil.

10. Minutes of Boards, Commissions & Committees:

No. 6 Moved by Councillor H. Wells
Seconded by Councillor M. Bagu

- (a) Minutes of the Port Colborne Economic Development Advisory Committee Meeting of September 4, 2019 and October 22, 2019
- (b) Minutes of the Port Colborne Public Library Board Meeting of November 12, 2019 and December 10, 2019
- (c) Minutes of the Environmental Advisory Committee Meeting of September 11, 2019
- (d) Minutes of the Port Colborne Historical & Marine Museum Board of Management Meeting of October 15, 2019

- (e) Minutes of the Social Determinants of Health Advisory Committee – Everyone Matters Meeting of September 5, 2019

CARRIED

11. Consideration of By-laws:

No. 7 Moved by Councillor R. Bodner
Seconded by Councillor H. Wells

That the following by-laws be enacted and passed:

- 6750/01/20 Being a by-law to Authorize Entering Into an Engineering Agreement with K. Smart Associated for the Peter Storm Municipal Drain
- 6751/02/20 Being a By-law to Authorize Entering Into a Contract Agreement with Anthony's Excavating Central Inc. Re: Project 2020-01, Schihl Municipal Drain
- 6752/03/20 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 Special and Regular Meetings of January 13, 2020

CARRIED

12. Council in Closed Session:

Motion to go into Closed Session – 7:55 p.m.:

No. 8 Moved by Councillor M. Bagu
Seconded by Councillor G. Bruno

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 meeting: December 9, 2019
- (b) Verbal report from Cecil Vincent, Manager of Special Projects & Strategic Initiatives regarding 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 and 239(2)(f) advice that is subject to

solicitor-client privilege, including communications necessary for that purpose.

- (c) Chief Administrative Officer Department Report 2020-08, Cruise Tourism Infrastructural Development and Land Acquisition, 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) Corporate Services Department, Clerk's Division Report 2020-03, Appointments to Boards and Committees, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.

CARRIED

Motion to Rise With Report:

No. 9

Moved by Councillor H. Wells

Seconded by Councillor E. Beauregard

That Council do now rise from closed session with report at approximately 9:54 p.m.

CARRIED

13. Disclosures of Interest Arising From Closed Session:

Nil.

14. Report/Motions Arising From Closed Session:

- (b) **Verbal report from Cecil Vincent, Manager of Special Projects & Strategic Initiatives regarding 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 and 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

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

- (c) **Chief Administrative Officer Department Report 2020-08, Cruise Tourism Infrastructural Development and Land Acquisition, 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.**

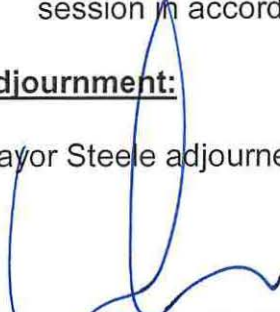
The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

- (d) **Corporate Services Department, Clerk's Division Report 2020-03, Appointments to Boards and Committees, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.**
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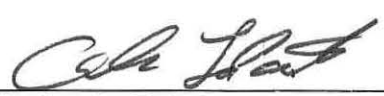
The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

15. **Adjournment:**

Mayor Steele adjourned the meeting at approximately 9:56 p.m.



William C. Steele
Mayor



Amber LaPointe
City Clerk

AL/cm