

**City of Port Colborne
Regular Meeting of Council 12-19
Minutes**

Date: April 23, 2019

Time: 8:06 p.m.

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

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

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

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:

3. Confirmation of Agenda:

No. 71 Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

That the agenda dated April 23, 2019 be confirmed, as circulated
or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:

No. 72 Moved by Councillor G. Bruno
Seconded by Councillor E. Beauregard

- (a) That the minutes of the special meeting of Council 09-19, April 8, 2019, be approved as presented.
- (b) That the minutes of the regular meeting of Council 09-19, April 8, 2019, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

Nil.

7. Approval of Items Not Requiring Separate Discussion:

No. 73 Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

That items 1 to 18 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.

CARRIED.

Motions Arising from Committee of the Whole Meeting Presentations:

- (a) **Scott Luey, Chief Administrative Officer regarding City of Port Colborne Fees and Charges Structure**

Council resolved:

That staff be directed to move forward with the formulation of a City of Port Colborne fees and charges structure and to work in conjunction with each department as they present to Council.

Items:

- 1. **Museum, Report 2019-60, Subject: Museum Annual Report, Rates and Fees and 2019 Schedule of Events**

Council resolved:

That Council receive Museum report 2019-60, Museum Annual Report, Rates and Fees and 2019 Schedule of Events; and

That Council proclaim May is Museum Month in Port Colborne.

2. Community and Economic Development, Parks and Recreation Division, Report 2019-57, Subject: Port Colborne Downtown Cruiser's Association – 2019 Cruise Nights

Council resolved:

That the road closures necessary for the 2019 Downtown Cruise Night event on recurring Thursday evenings, from May 16, 2019 to September 12, 2019, as requested by the Port Colborne Downtown Cruiser's Association, (PCDCA) and outlined in Community and Economic Development, Parks and Recreation Division Report No; 2019-57, be approved;

That the following roads be closed to general vehicular traffic and parking from 5 p.m. to 9 p.m., each Thursday from May 16, 2019 to September 12, 2019:

- Clarence Street, from eastern limit of the western driveway of the Food Basics parking lot, to the western limit of Catharine Street;
- Clarence Street, from the eastern limit of Catharine Street to the western limit of King Street;
- Clarence Street, from the eastern limit of King Street to the western limit of West Street; and
- Market Square;

That Market Square be closed to vehicular traffic on May 16, May 30, July 4, July 11, August 29, 2019 from 1 p.m. to 5 p.m., with the exception of the western access laneway, to be used as an ingress and egress to the CIBC Bank;

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 PCDCA, be exempt from the above noted closures, through the issuance of an authorized permit;

That traffic barricades be supplied by Public Works staff every Thursday, from May 16, 2019 to September 12, 2019, to be delivered before the end of the regular workday at the predetermined locations requiring barricades;

That PCDCA volunteers be responsible for installing appropriate signage at each intersection, stating "Cruise Night Clarence Street Temporarily Closed – 5 to 9 p.m.", including Market Square, for the duration of the event;

That PCDCA volunteers be responsible for ensuring road closure barricades are promptly removed and returned to the pick-up points at the end of the event each week;

That the PCDCA 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 the fee for a Noise By-law Exemption application, to be submitted to the By-law Enforcement Division, be waived; and

That the appropriate by-law be presented for approval.

3. Planning and Development Department, Planning Division, Report 2019-52, Subject: Sale of Part of Kinnear Park

Council resolved:

That Council declares Part 2 on Plan 59R-16309 as surplus to the City's needs; and

That the City enters into an Agreement of Purchase and Sale with Joanie Rebecca King, for the purchase price of \$4,500 (plus HST); and

That the Mayor, Clerk, and City's Solicitor be authorized to sign and execute any and all documents respecting the sale of these lands.

4. Planning and Development Department, Planning Division, Report 2019-55, Subject: Sale of Lot 25, Plan 882, Janet Street

Council resolved:

That Council declares Lot 25 on Plan 882 as surplus to the City's needs; and

That the City enters into an Agreement of Purchase and Sale with Kozma Homes Inc. for the purchase price of \$55,500 (plus HST); and

That the Mayor, Clerk, and City Solicitor be authorized to sign and execute any and all documents respecting the sale of this land.

5. Planning and Development Department, Planning Division, Report 2019-56, Subject: Proposed Development Agreements for Lester Shoalts Ltd., Block 74 Westwood Estates Phase II

Council resolved:

That Council enters into two development agreements with Lester Shoalts Ltd and the Niagara Peninsula Conservation Authority; and

That the Mayor and Clerk be authorized to sign and execute said agreement.

6. Planning and Development Department, Planning Division, Report 2019-59, Subject: Amendment to Westwood Estates Phase II Subdivision Agreement

Council resolved:

That By-law 6366/46/16, Being a By-Law to Authorize Entering into a Subdivision Agreement with Lester Shoalts Limited (Westwood Estates Phase II), be amended by replacing subdivision agreement drawing "Westwood Phase 2 Subdivision Grade Control Plan 2" (drawing 0493GP2 Rev 9 prepared by Upper Canada Consultants and dated April 23, 2015) with "Westwood Phase 2 Subdivision Grade Control Plan 2" (drawing 0493GP2 Rev 12 prepared by Upper Canada Consultants and dated March 13, 2019).

7. Planning and Development Department, Planning Division, Report 2019-58, Subject: Contract Agreement for Realty Services

Council resolved:

That the City enters into a Contract Agreement with Royal LePage, attached as appendix A to Planning and Development Department report 2019-58, for the sale of selected municipal property; and

That the by-law attached as appendix B be brought forward for approval.

8. Engineering and Operations, Engineering Division, Report 2019-31, Subject: Young and Hopf-Wagner Municipal Drains Third Reading

Council resolved:

That the Mayor and Clerk be directed to complete the execution of by-law 6526/93/17 to provide third reading and adopt the Young and Hopf-Wagner Municipal Drains Engineer's Report, dated July 27, 2017, with completed revisions from the Agriculture, Food and Rural Affairs Appeal Tribunal's decision dated February 27, 2019, prepared by Mike DeVos, P. Eng. of Spriet Associates London Ltd., under Section 78, Chapter D.17 of the Drainage Act R.S.O. 1990; and

That staff be directed to advance the Young and Hopf-Wagner Municipal Drains Engineer's Report through the tender stage.

9. Dewitt Carter Elementary School Re: Request for Use of Picnic Tables for the Schools Fun Night Event on May 16, 2019

Council resolved:

That the correspondence received from Dewitt Carter Elementary School requesting the use of City Picnic Tables for the School's Fun Night Event on May 16, 2019, be received; and

That the picnic tables be made available for their use, with arrangements for pick-up and return be the responsibility of Dewitt Carter Elementary School.

10. Memorandum from Joanne Ferraccioli, Interim Health Services Coordinator Re: Request for Proclamation of Doctor's Day, May 1, 2019

Council resolved:

That May 1, 2019 be proclaimed as "Doctor's Day" in the City of Port Colborne in accordance with the request received from Joanne Ferraccioli, Interim Health Services Coordinator, City of Port Colborne.

11. Memorandum from Thomas B. Cartwright, City Fire Chief Re: Request for Proclamation of Emergency Preparedness Week 2019

Council resolved:

That the week of May 5 – 11, 2019 be proclaimed as "Emergency Preparedness Week" in the City of Port Colborne in accordance with the request received from Thomas B. Cartwright, City Fire Chief.

12. Region of Niagara Re: New Official Plan Consultation Timeline Framework (PDS 9-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: New Official Plan Consultation Timeline Framework, be received for information.

13. Region of Niagara Re: Memorandum of Understanding for Planning Function and Services between Niagara Region and Local Area Municipalities (PDS 4-2019)

Council resolved:

That the updated Memorandum of Understanding (MOU) for Planning Function and Services between The Regional Municipality of Niagara and the Local Area Municipalities dated March 2019 be approved; and

That the Regional Chief Administrative Officer be notified of the approval.

14. Region of Niagara Re: Statutory Public Meeting for Draft Regional Official Plan Amendment 15 – Exemption Policies (PDS 5-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: Statutory Public Meeting for Draft Regional Official Plan Amendment 15 – Exemption Policies, be received for information.

15. Region of Niagara Re: Base and Enhanced Services for Next Collection Contract (PW 20-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: Base and Enhanced Services for Next Collection Contract, be received for information.

16. Region of Niagara Re: Managed Competition and Fair Wage Considerations for Waste Collection Contract (PW 22-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: Managed Competition and Fair Wage Considerations for Waste Collection Contract, be received for information.

17. Region of Niagara Re: Niagara Region 2018 Employment Inventory Results Report (PDS 6-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: Niagara Region 2018 Employment Inventory Results Report, be received for information.

18. Cheryl Gallant, MP, Renfrew-Nipissing-Pembroke Re: Bill C-68 Fisheries Act

Council resolved:

That the correspondence received from Cheryl Gallant, MP, Renfrew-Nipissing-Pembroke Re: Bill C-68 Fisheries Act, be received for information.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

Nil.

9. Proclamations:

No. 74 Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

(a) **Doctors' Day - May 1, 2019**

Whereas Doctors' Day was founded in 2011 after the Honourable Reza Moridi, Minister of Research and Innovation and MPP for Richmond Hill, introduced a motion in the Ontario Legislature to create a special day that would recognize the work of Ontario's 28,000 Physicians; and

Whereas May 1st was chosen as Doctors' Day in Ontario to mark the birthday of Dr. Emily Stowe, Canada's first female practicing physician; and

Whereas our physicians work hard every day to save lives and put patients first. They are leaders who tirelessly work to improve access to health care and ensure our system is effective, efficient and sustainable;

Now therefore, I, Mayor William C. Steele proclaim May 1st, 2019 as "Doctors' Day" in the City of Port Colborne to officially recognize and celebrate each and every one of our physicians.

(b) Emergency Preparedness Week – May 5 – 11, 2019

Whereas over the course of their lives, many Canadians will face severe weather, fire, floods or other unforeseen events that may affect their quality of life; and

Whereas by understanding the risks inherent to where they live and work and by taking actions to reduce those risks, Canadians can limit the extent to which an emergency may affect them; and

Whereas in the case of a community emergency Canadians should be prepared to take care of themselves and their families for a minimum of 72 hours; and

Whereas this year marks the 24th annual Emergency Preparedness Week from May 5 – 11, 2019 with the theme of "Are You Ready":

- Know the Risks
- Make a Plan
- Get a Kit

Whereas during Emergency Preparedness Week another Province wide test of the Alert Ready System will take place on Wednesday, May 8, 2019;

Now therefore, I, Mayor William C. Steele proclaim the week of May 5 – 11, 2019 as "National Emergency Preparedness Week" in the City of Port Colborne and I urge all citizens to make a plan, prepare an Emergency Kit and know what to do so that they and their families can be better prepared for an emergency.

(c) May is Museum Month

Whereas throughout our community, museums, art galleries, and heritage sites reflect our local history and culture and contribute to our development; and

Whereas this month provides an opportunity to increase awareness of our community's museums and celebrate the contributions these institutions make to quality of life, education, and economic development; and

Whereas museums, galleries, and heritage sites welcome visitors and tourists to our community; and

Whereas these museums, galleries and heritage sites are valuable resources for education and learning, and are important community hubs;

Now therefore I, Mayor William C. Steele, do hereby proclaim May 2019 as "May is Museum Month" in Port Colborne, and encourage all residents and tourists to visit our local museum in May.

CARRIED.

10. Minutes of Boards, Commissions & Committees:

No. 75 Moved by Councillor E. Beauregard
Seconded by Councillor D. Kalailieff

- (a) That the minutes of the Port Colborne Downtown Business Improvement Area Board of Management Meetings of December 2017, January 8, 2018, March 12, 2018, April 6, 2018, May 14, 2018, be received.
- (b) That the minutes of the Port Colborne Public Library Board Meeting of March 5, 2019, be received.
- (c) That the minutes of the Grant Policy Committee Meeting of July 30, 2018, be received.

CARRIED.

11. Consideration of By-laws:

No. 76 Moved by Councillor E. Beauregard
Seconded by Councillor R. Bodner

That the following by-laws be enacted and passed:

- 6669/33/19 Being a By-law to Appoint a Deputy Clerk (Commissioner for taking Affidavits)
- 6670/34/19 Being a By-law to Appoint a Deputy Clerk (Commissioner for taking Affidavits)

- 6671/35/19 Being a By-law to Amend By-Law 6638/02/19, Being a By-law to Establish Fees and Charges for Various Services and to Repeal and/or amend various by-laws
- 6672/36/19 Being a By-law to Temporarily Close Sections of Various Streets to Vehicular Traffic for the Purpose of the Port Colborne Downtown Cruise Nights
- 6673/37/19 Being a By-law to Authorize Entering Into an Agreement of Purchase and Sale with Joanie Rebecca King respecting part of Block O, Plan 775 being Part 2 on Plan 59R-16309
- 6674/38/19 Being a By-law to Authorize Entering Into an Agreement of Purchase and Sale with Kozma Homes Inc. respecting Lot 25, Plan 882, Janet Street
- 6675/39/19 Being a By-law to Authorize Entering into a Development Agreement with Lester Shoalts Ltd. regarding Block 74 Westwood Estates
- 6676/40/19 Being a By-law to Amend by-law 6366/46/16 Being a By-law to Authorize Entering into a Subdivision Agreement with Lester Shoalts Limited (Westwood Estates Phase II) with a revised grade Control plan
- 6677/41/19 Being a By-law to Prove for a Section 78 Engineer's Report for a Drainage Works in the City of Port Colborne in the Regional Municipality of Niagara Known as the Young and Hopf-Wagner Municipal Drains
- 6678/42/19 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 April 23, 2019

CARRIED.

12. Council in Closed Session

Motion to go into Closed Session – 8:11 p.m.

No. 77 Moved by Councillor G. Bruno
Seconded by Councillor A. Desmarais

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: March 25, 2019.
- (b) Verbal report from Tammy Morden, Human Resources Coordinator, concerning the performance appraisal of the Chief Administrative Officer, 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 without report – 8:44 p.m.

No. 78 Moved by Councillor D. Kalailieff
Seconded by Councillor H. Wells

13. Disclosures of Interest Arising from Closed Session:

Nil.

14. Reports/Motions Arising from Closed Session:

The City Clerk reported that Council received the presentation and related material provided from the Human Resources Coordinator for information in accordance with *the Municipal Act, 2001*.

15. Adjournment:

No. 79 Moved by Councillor E. Beauregard
Seconded by Councillor A. Desmarais

That the Council meeting be adjourned at approximately 8:45 p.m.
CARRIED.

William W. Steele
Mayor

Amber LaPointe
City Clerk

AL/cm