

**City of Port Colborne
Regular Council Meeting 02-18
Minutes**

Date: January 22, 2018

Time: 9:11 p.m.

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

Members Present: R. Bodner, Councillor
F. Danch, Councillor
Y. Doucet, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)
J. Mayne, Councillor

Absent: B. Butters, Councillor (due to a conference)
A. Desmarais, Councillor (due to a conference)
D. Elliott, Councillor (due to a work commitment)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. Grigg, Director of Community and Economic Development
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 and YourTV.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. Introduction of Addendum Items:

Withdrawn:

Item No. 12 (c), Council in Closed Session to address Planning and Development Report No. 2018-09, regarding 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Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board, was withdrawn due to the item being dealt with during the Special Closed Session Meeting of Council at 5:00 p.m.

3. Confirmation of Agenda:

No. 6 Moved by Councillor R. Bodner
Seconded by Councillor Y. Doucet

That the agenda dated January 22, 2018 be confirmed, as circulated or as amended.
CARRIED.

4. Disclosures of Interest:

Councillor Bodner declared a pecuniary interest with respect to item 24, Sherkston Shores Request to Hold Weekly Fireworks Display Events for 2018, as he owns a business in Sherkston Shores. Councillor Bodner refrained from discussing or voting on this item.

5. Adoption of Minutes:

- (a) **Regular meeting of Council 37-17, held on December 11, 2017.**
- (b) **Special meeting of Council 38-17, held on December 11, 2017.**

No. 7 Moved by Councillor J. Mayne
Seconded by Councillor B. Kenny

- (a) That the minutes of the regular meeting of Council 37-17, held on December 11, 2017, be approved as presented.
- (b) That the minutes of the special meeting of Council 38-17, held on December 11, 2017, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Item 24.

7. Approval of Items Not Requiring Separate Discussion:

No. 8 Moved by Councillor R. Bodner
Seconded by Councillor Y. Doucet

That Items 1 to 37 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:

Dave and Anne-Marie Lallouet requesting reimbursement of a Minor Variance Application Fee regarding 59R-15865 Lot Lakeshore Road, West (Page No. 17)

Council resolved:

That the provisions of By-law 6473/40/17 Being a By-law to Establish Fees for Various Planning and Development Services/Applications be waived and the fee in the amount of \$1,150 for a Minor Variance Application regarding 59R-15865 Lot Lakeshore Road, West, be rescinded.

Ray Khanna, Kingsway Investments and Aldo Martino of Jaamss Investment Corporation appealing the Fire and Emergency Services Department Inspection Fees charged regarding 224 Mitchell Street, Port Colborne (Page No. 35)

Council resolved:

That the Fire Chief be directed to negotiate a settlement amount with the owner of 224 Mitchell Street with respect to the \$44,927.46 invoiced under By-law 6291/117/15 Being a By-law to Establish Fees for Certain Services Provided by Port Colborne Fire and Emergency Services.

Motions Arising from Committee of the Whole Meeting Councillors' Items:**Pleasant Beach Road Waste Collection and Parking**

Council resolved:

That the Director of Engineering and Operations and the Director of Planning and Development be directed to review and prepare a report with respect to Pleasant Beach Road and the installation of a roof on the waste collection enclosure, parking, deputizing citizens to issue parking tickets and installation of security cameras.

Items:**1. Chief Administrative Officer, Report No. 2018-12, Subject: Unattached Patient List**

Council resolved:

That the Director of Community and Economic Development be directed to contact the people on the City's list of unattached patients to verify the need for a Family Physician in order to assist the process of transitioning the unattached patient list to Health Care Connect.

2. Fire and Emergency Services Department, Report No. 2018-11, Subject: Port Colborne Operatic Society Pyrotechnics

Council resolved:

That By-law No. 4989/45/07 Being a By-law for Prohibiting and Regulating the Sale of Fireworks and Setting Off Fireworks in the City of Port Colborne be waived for the Port Colborne Operatic Society for their 2018 production, and further;

That the Port Colborne Operatic Society ensure it meets all of the requirements as set out in Fire and Emergency Services Report 2018-11 as well as any other requirements that may be required to ensure public safety.

3. Planning and Development Department, Planning Division, Report No. 2018-04, Subject: Stopping Up and Closing of Part of Victoria Street

Council resolved:

That Planning and Development Department, Planning Division, Report 2018-04 with respect to Stopping Up and Closing of Part of Victoria Street be received for information.

4. Planning and Development Department, Planning Division, Report No. 2018-05, Subject: Affordability/Financial Hardship and Planning Application Fees

Council resolved:

That Planning and Development Department, Planning Division, Report 2018-05 with respect to Affordability/Financial Hardship and Planning Application Fees be received for information.

5. Engineering and Operations Department, Engineering Division, Report No. 2018-01, Subject: Project No.: 2017-02, Municipal Drain Maintenance 2018

Council resolved:

That Project 2017-02, Municipal Drain Maintenance and Cleaning, be awarded to Anthony's Excavating Central Inc., of Wellandport, Ontario, for the total tendered price of \$396,258.90, plus applicable taxes. Staff is directed to utilise the bid items as listed within the awarded Tender Document, in such a manner as to complete all works as may be required.

That a contract by-law, whereby the City enters into a Contract Agreement with the contractor be prepared.

That funding for Project 2017-02 be financed on an interim basis, under GL Accounts 3-560-33226-1510, 3-560-33210-1510, 3-560-33236-1510, 3-560-33217-1510, 3-560-33206-1510, 3-560-33220-1510, 3-560-33221-1510, 3-560-33218-1510 and that staff be authorized to initiate billings back to each Municipal Drain's Watershed at the completion of each Watershed's works and upon receipt of the 1/3 Grant from OMAFRA.

6. Engineering and Operations, Operations Division, Report No. 2018-03, Subject: Request for Proposal 2017-14: Playground Replacement – Rose Shymansky Memorial Park & Sunset Park

Council resolved:

That Contract 2017-14, Playground Replacement at Rose Shymansky Memorial Park and Sunset Park be awarded to PlayPower LT Canada Inc. of Paris, Ontario, for the total tendered price of \$138,563.42; applicable taxes not included; and

That the Director of Engineering and Operations be authorized to issue a purchase order to PlayPower LT Canada Inc.; and
That the appropriate by-law be prepared and submitted for execution by the Mayor and City Clerk.

7. Engineering and Operations, Engineering Division, Report No. 2018-07, Subject: Request for Installation of a Flashing "Children Crossing" Light on Fielden Avenue Near Franklin

Council resolved:

That staff be directed to proceed with the installation of a new Playground Ahead warning sign including a signpost and amber flashing beacon on Fielden Avenue approximately 40 metres north of Franklin Avenue and a new Playground Ahead warning sign including a signpost on Fielden Avenue approximately 90 metres south of the Reservoir Park entrance; and

That the approximate cost of \$3,000 for this work be drawn from the 2018 Operating Budget FL 0-500-74220-3215.

8. Engineering and Operations, Engineering Division, Report No. 2018-08, Subject: Request for Stop Sign Installation – Knoll Street at Highland Avenue

Council resolved:

That Engineering and Operations, Engineering Division, Report No. 2018-08, Subject: Request for Stop Sign Installation – Knoll Street at Highland Avenue be deferred to the April 23, 2018 regular meeting of Council and that the Chief Administrative Officer be directed to contact the Niagara Regional Police to monitor the intersection of Knoll Street at Highland Avenue.

9. Engineering and Operations, Engineering Division, Report No. 2018-10, Subject: Port Colborne Operations Centre Equipment Purchase: Mobile Column Lifts

Council resolved:

That Quotation 2017–07, the supply of Six Mobile Column Lifts be awarded to ISN Canada Group Inc., for the total quoted price of \$72,000 (plus any applicable taxes); and
That funding for the equipment be financed under Account 3-500-33593-3401, Port Colborne Operations Centre Capital Expenditures; and

That staff be authorized to issue a Purchase Order to ISN Canada Group Inc. for \$72,000.00 (plus any applicable taxes).

10. Community and Economic Development Department, Report No. 2018-02, Subject: Franchise Agreement Renewal – Enbridge Gas Distribution Inc.

Council resolved:

That the Council of The Corporation of the City of Port Colborne (“Council”) approves the form of the draft by-law (including the Franchise Agreement forming part thereof), attached hereto, and authorizes the submission thereof to the Ontario Energy Board for approval, pursuant to the provisions of Section 9 of the *Municipal Franchises Act*;

That Council requests the Ontario Energy Board to make an order dispensing with the assent of the municipal electors of the attached draft by-law (including the franchise agreement forming part thereof), pursuant to the provisions of Section 9(4) of the *Municipal Franchises Act*; and

That By-law 733/50/78 and By-law 3665/91/98 be repealed.

11. Corporate Services Department, Clerk’s Division, Report No. 2018-13, Subject: Appointments to Boards and Committees

Council resolved:

Canal Days Advisory Committee:
That Betty Konc be appointed to the Canal Days Advisory Committee for a term ending December 31, 2020.

East Village Neighbourhood Improvement Task Force:
That Neal Schoen be appointed to the East Village Neighbourhood Improvement Task Force for a term ending December 31, 2020.

Economic Development Advisory Committee:

That Kate Ostryhon-Lumsden be appointed to the Economic Development Advisory Committee for a term ending December 31, 2020.

Environmental Advisory Committee:

That Beth Palma, Ryan Waines and Tim Hoyle be appointed to the Environmental Advisory Committee for a term ending December 31, 2020.

Port Colborne Historical & Marine Museum:

That the following persons be appointed to the Port Colborne Historical & Marine Museum Board:

1. Amanda Emery for a term ending December 31, 2019;
2. Claudia Brema for a term ending December 31, 2019;
3. Bert Murphy for a term ending December 31, 2019;
4. Brian Heaslip for a term ending December 31, 2021;
5. Cheryl MacMillan for a term ending December 31, 2021;
6. Pamela Koudijs for a term ending December 31, 2021.

Port Colborne Medical Education, Recruitment and Health Services Committee:

That Connie Butler be appointed to the Port Colborne, Medical Education, Recruitment and Health Services Committee for a term ending December 31, 2020.

Senior Citizen Advisory Council:

That Judy Wade, Valerie King and Susan Brown be appointed to the Senior Citizen Advisory Council for a term ending December 31, 2020.

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

12. Corporate Services Department, Corporate Services Division, Report No. 2018-06, Subject: 2016 Audited Financial Statements

Council resolved:

That the 2016 draft audited Financial Report for the year ended December 31, 2016 be approved.

Miscellaneous Correspondence

13. Region of Niagara Re: Commercial and Industrial Sub Class Tax Rate Reductions and Rebates (CSD Report 77-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: Commercial and Industrial Sub Class Tax Rate Reductions and Rebates (CSD Report 77-2017), be received for information.

Note: The appendices can be found at the following link:

<https://www.niagararegion.ca/council/Council%20Documents/2017/csc-agenda-nov-29-2017.pdf>

14. Region of Niagara Re: High Level Official Plan Process Framework (PDS Report 41-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: High Level Official Plan Process Framework (PDS Report 41-2017), be received for information.

15. Region of Niagara Re: Niagara Peninsula Conservation Authority "The Living Landscape" Draft Policy Document Review (PDS Report 47-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: Niagara Peninsula Conservation Authority "The Living Landscape" Draft Policy Document Review (PDS Report 47-2017), be received for information.

16. Region of Niagara Re: Niagara Region Mid-Year 2017 Growth Monitoring Report (PDS Report 48-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: Niagara Region Mid-Year 2017 Growth Monitoring Report (PDS Report 48-2017), be received for information.

17. Region of Niagara Re: Public Meeting Report – Regional Official Plan Amendment No. 13 (ROPA) – Transportation Policies (PDS Report 50-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: Public Meeting Report – Regional Official Plan Amendment No. 13 (ROPA) – Transportation Policies (PDS Report 50-2017), be received for information.

18. Region of Niagara Re: Opioid Update: Local Opioid Work (PHD Report 26-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: Opioid Update: Local Opioid Work (PHD Report 26-2017), be received for information.

19. Region of Niagara Re: Proposed Operating Budget Niagara Regional Police Service and Police Services Board (BRC-C Report 04-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: Proposed Operating Budget Niagara Regional Police Service and Police Services Board (BRC-C Report 04-2017), be received for information.

20. Ministry of Municipal Affairs Re: Update of Bill 59, Consumers First Act (Consumer Protection Statute Law Amendment)

Council resolved:

That the correspondence received from the Ministry of Municipal Affairs Re: Update of Bill 59, Consumer Protection Statute Law Amendment, to allow municipalities to regulate the location and number of pay day loan establishments, be received for information.

21. Charles Sousa, Minister, Ministry of Finance Re: Federal Legalization – A Framework to Govern the Lawful Use and Retail Distribution of Cannabis within the Province

Council resolved:

That the correspondence received from Charles Sousa, Minister, Ministry of Finance Re: Federal Legalization – A Framework to Govern the Lawful Use and Retail Distribution of Cannabis within the Province, be received for information.

22. Memorandum from Vance Badawey, Member of Parliament, Niagara Centre Re: Smart Cities Challenge

Council resolved:

That the memorandum received from Vance Badawey, Member of Parliament, Niagara Centre Re: Smart Cities Challenge be referred to the 2018 Strategic Planning Session.

23. Memorandum from Carrie McIntosh, Executive Assistant to the CAO on behalf of the Social Determinants of Health Advisory Committee – Everyone Matters Re: City of St. Catharines' Housing Action Plan 2017

Council resolved:

That the Memorandum from Carrie McIntosh, Executive Assistant to the CAO on behalf of the Social Determinants of Health Advisory Committee – Everyone Matters Re: City of St. Catharines' Housing Action Plan 2017, be received for information;

That staff be directed to invite a representative from the City of St. Catharines to present its Housing Action Plan 2017 at a future meeting of Port Colborne City Council; and

That staff be directed to review the City of St. Catharines' Housing Action Plan and develop a plan to suit the needs of Port Colborne.

25. Nancy Salvage and Fatima Shama, Executive Director, The Fresh Air Fund Re: Request for Proclamation of Fresh Air Fund Day, March 20, 2018

Council resolved:

That March 20th, 2018 be proclaimed as "Fresh Air Fund Day" in the City of Port Colborne in accordance with the request received from Nancy Salvage and Fatima Sham, Executive Director, The Fresh Air Fund.

26. Janet Hope, Assistant Deputy Minister, Ministry of Housing Re: Development Charges Rebate Program

Council resolved:

That the correspondence received from Janet Hope, Assistant Deputy Minister, Ministry of Housing Re: Development Charges Rebate Program, be referred to the Director of Planning and Development.

27. St. James and St. Brendan Church, Port Colborne Re: International Women's Day, March 7, 2018 - Guild Hall, 72 Charlotte Street, Port Colborne

Council resolved:

That the International Women's Day Event to be held at the Guild Hall, 72 Charlotte Street, Port Colborne on March 7, 2018, is hereby declared a municipally significant event in accordance with the Municipal Alcohol Management Policy.

28. Township of Wainfleet, Town of Grimsby, Town of Lincoln, Town of Pelham and City of Welland Re: Notice of Passing of By-law to Increase Composition of Regional Council – Addition of Member for Township of West Lincoln

Council resolved:

That the resolutions received from the Township of Wainfleet, Town of Grimsby, Town of Lincoln, Town of Pelham and City of Welland regarding the passing of By-law No. 2017-108 of the Regional Municipality of Niagara, being a By-law to Increase the Composition of Regional Council by Adding an Additional Councillor for the Township of West Lincoln, be received for information.

29. Town of Fort Erie Re: Niagara Parks Commission's Proposed Expansion and Enhancement – Marina and Resort Development at Miller's Creek

Council resolved:

That the resolution received from the Town of Fort Erie Re: Niagara Parks Commission's Proposed Expansion and Enhancement – Marina and Resort Development at Miller's Creek, be supported.

30. City of St. Catharines Re: Niagara Peninsula Conservation Authority – Disclosure of Legal Costs

Council resolved:

That the resolution received from the City of St. Catharines Re: Niagara Peninsula Conservation Authority – Disclosure of Legal Costs, be supported.

31. City of St. Catharines Re: Niagara Peninsula Conservation Authority Requesting the Appointment of a Supervisor

Council resolved:

That the resolution received from the City of St. Catharines Re: Niagara Peninsula Conservation Authority requesting the Appointment of a Supervisor, be received for information.

32. City of St. Catharines Re Women in Local Government

Council resolved:

That the resolution received from the City of St. Catharines Re: Women in Local Government, be received for information.

33. City of St. Catharines Re: Gillian's Place and National Day of Action on Violence Against Women

Council resolved:

That the correspondence received from the City of St. Catharines Re: Gillian's Place and National Day of Action on Violence Against Women, be received for information.

34. Township of Wainfleet Re: Federal Changes to the Municipal Councillor Taxation on Income – Request for Support

Council resolved:

That the resolution received from the Township of Wainfleet Re: Federal Changes to the Municipal Councillor Taxation on Income, be supported.

35. Town of Pelham Re: Town of Pelham's Response to Regional Audit Committee Resolution

Council resolved:

That the resolution received from the Town of Pelham Re: Town of Pelham's response to Regional Audit Committee resolution, be received for information.

36. Town of Pelham in support of City of Port Colborne's Resolution regarding The Region of Niagara Audit Committee recommendation respecting the Town of Pelham

Council resolved:

That the correspondence received from the Town of Pelham regarding the position of the City of Port Colborne regarding the Region of Niagara Audit Committee recommendation respecting the Town of Pelham, be received for information.

37. Township of Wainfleet in support of the City of Port Colborne's Resolution regarding the Region to Continue to Financially Support Community Improvement Program

Council resolved:

That the resolution received from the Township of Wainfleet in support of the City of Port Colborne's resolution regarding the Region to Continue to Financially Support Community Improvement Plan, be received for information.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

24. Sherkston Shores – 490 Empire Road, Port Colborne Re: Request to Hold Weekly Fireworks Display Events for 2018

No. 9 Moved by Councillor Y. Doucet
Seconded by Councilor B. Kenny

That pursuant to section 6.1.1 of By-law 4989/45/07, the Council of The Corporation of the City of Port Colborne authorize Sherkston Shores to hold display fireworks events on the following dates:

- Saturday, June 16th, 2018
- Saturday, June 23rd, 2018
- Saturday, June 30th, 2018
- Saturday, July 7th, 2018
- Saturday, July 14th, 2018
- Saturday, July, 21st, 2018
- Saturday, July 28th, 2018
- Saturday, August 4th, 2018
- Saturday, August 11th, 2018
- Saturday, August 18th, 2018
- Saturday, August 25th, 2018
- Saturday, September 1st, 2018

That such approval be conditional on the issuance of a permit by the Fire Chief, in compliance with By-law 4989/45/07 and payment of the applicable fees;

That the following information be submitted to the Port Colborne Fire and Emergency Services Department for review a minimum of two weeks prior to the holding of the first event:

- A fireworks site plan but not limited to, separation distances to the public and vulnerable areas, location from where the fireworks are being fired, fallout zone, and direction of firing.
- Information concerning the floating platform from which the fireworks are to be fired, including the platform size.
- Event description information is required including description of fireworks, type, size and quantity.
 - firing procedures, manual or electric
 - emergency procedures
 - traffic control plans
- A copy of the Fireworks Operator Certificate with Endorsements.

That Sherkston Shores be advised that as the Authority Having Jurisdiction, the Port Colborne Fire and Emergency Services Department will conduct spot site inspections and may revoke approval for any violation of the *Ontario Fire Code* or the *Explosives Act* prior to or during any one of the scheduled events.

CARRIED.

9. Proclamations:

No. 10 Moved by Councillor Y. Doucet
Seconded by Councillor F. Danch

(a) Fresh Air Fund Day, March 20, 2018

WHEREAS The Fresh Air Fund provides free summer experiences to thousands of children from New York City's low-income communities each summer;

AND WHEREAS The Fresh Air Fund allows children from New York City to visit the homes of volunteer host families along the East Coast and Southern Canada;

AND WHEREAS Port Colborne families have been participating in The Fresh Air Fund's Friendly Towns Program for over 140 years;

AND WHEREAS The Fresh Air Fund allows children from New York City to enjoy Port Colborne backyards, parks, and wide open spaces;

AND WHEREAS The Fresh Air Fund is celebrating its 142nd summer;

NOW THEREFORE, I, Mayor, John Maloney, proclaim March 20th, 2018 as "FRESH AIR FUND DAY" in the City of Port Colborne in recognition of the transformative opportunities that inspire new dreams and new perspectives provided by The Fresh Air Fund.

CARRIED.

10. Minutes of Boards, Commissions & Committees:

(a) Minutes of the Port Colborne Public Library Board Meeting of November 7, 2017 and December 12, 2017

(b) Minutes of the Environmental Advisory Committee Meeting of September 13, 2017 and November 8, 2017

No. 11 Moved by Councillor R. Bodner
Seconded by Councillor B. Kenny

(a) That the minutes of the Port Colborne Public Library Board meeting of November 7, 2017 and December 12, 2017, be received.

(b) That the minutes of the Environmental Advisory Committee meeting of September 13, 2017 and November 8, 2017 be received.

CARRIED.

11. Consideration of By-laws:

No. 12 Moved by Councillor B. Kenny
Seconded by Councillor J. Mayne

That the following by-laws be enacted and passed:

- 6546/01/18 a By-Law to Authorize Entering Into a Contract Agreement with Anthony's Excavating Central Inc. Re: Tender 2017-02, Municipal Drain Maintenance
- 6547/02/18 a By-Law to Authorize Entering Into a Contract Agreement with PlayPower LT Canada Inc. Re: Tender 2017-14, Playground Replacement Rose Shymansky Memorial Park and Sunset Park
- 6548/03/18 a By-Law to Confirm Appointments to Various Agencies, Boards & Committees

- 6549/04/18 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 22, 2018

CARRIED.

12. Council in Closed Session:

The Closed Session portion of the Council agenda was not required since all of the matters for consideration were dealt with during the closed session portion of the Special Council meeting held at 5:00 p.m. As a result, Council did not move into Closed Session.

13. Disclosures of Interest Arising From Closed Session:

Not applicable.

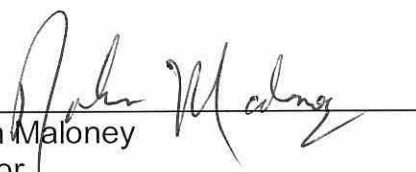
14. Report/Motions Arising From Closed Session:

Not applicable.

15. Adjournment:

No. 13 Moved by Councillor F. Danch
Seconded by Councillor R. Bodner

That the Council meeting be adjourned at approximately 9:16 p.m.
CARRIED.



John Maloney
Mayor



Carrie McIntosh
Deputy Clerk

CM/