

**City of Port Colborne  
Regular Council Meeting 10-18  
Minutes**

**Date:** April 23, 2018

**Time:** 9:10 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  
Y. Doucet, Councillor  
D. Elliott, Councillor  
B. Kenny, Councillor  
J. Mayne, Councillor  
J. Maloney, Mayor (presiding officer)

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

**2. Introduction of Addendum Items:**

Nil.

**3. Confirmation of Agenda:**

**No. 58** Moved by Councillor B. Kenny  
Seconded by Councillor A. Desmarais

That the agenda dated April 23, 2018 be confirmed, as circulated  
or as amended.

CARRIED.

**4. Disclosures of Interest:**

Nil.

**5. Adoption of Minutes:**

**No. 59** Moved by Councillor R. Bodner  
Seconded by Councillor Y. Doucet

(a) That the minutes of the regular meeting of Council 08-18, held on  
April 9, 2018, be approved as presented.

CARRIED.

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

Nil.

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

**No. 60** Moved by Councillor A. Desmarais  
Seconded by Councillor B. Butters

That Items 1 to 20 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:**

**Patty Moss regarding the trial roadside mowing delay, which delayed rural roadside cutting on municipal roads for pollinating**

Council resolved:

That By-law 1150/97/81, being the existing Zoning By-law and any and all amendments thereto be hereby rescinded;

That Schedule "A7" to the draft Comprehensive Zoning By-law be changed for 679 Elm Street from R4 zoning to R2 zoning.

That the by-law approving the draft Comprehensive Zoning By-law, attached as Appendix A and B to Planning and Development Report 2018-14, be approved, as amended;

That pursuant to the provisions of Section 34(17) of the *Planning Act*, no further notice of public meeting be required;

**Minor variance application fee**

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 for minor variance application to the Committee of Adjustment for the accessory building height at 47 Chippawa Road.

That pursuant to Section 34(10.0.0.2) of the *Planning Act*, applications for an amendment to the by-law are allowed before the second anniversary of the day on which the Council approves the Comprehensive Zoning By-law.

**Westwood Estates Phase II Sidewalk**

Council resolved:

That the Director of Planning and Development be directed to contact the developer to request the delay of the sidewalk installation on Renfield Street in order that the homeowners and lot owners can be consulted.

**Open Burning By-law No. 6280/106/15**

Council resolved:

That the Fire Department be directed to provide a report with respect to establishing a permit system at a reasonable annual fee for open burning in order that Council may reconsider the matter.

**Items:**

**1. Motion (Councillor B. Kenny) Re: Provision of Grants to Community Groups**

Council resolved:

That an amount equal to the initial amount invested in Niagara Regional Broadband Network (NRBN), namely \$775,000, from the proceeds of the disposition of the NRBN shares be placed in an interest bearing account and the interest earned each year be used to provide grants to community groups in 2017 and each subsequent year to a maximum of \$30,000.

That when the annual interest does not amount to \$30,000 that the shortfall is topped up from the principal amount invested; and

That the Director of Corporate Services be directed to borrow the difference from the general account until 2022 when the principal amount matures.

**2. Community and Economic Development, Economic Development Division, Report No. 2018-57, Subject: Economic Development Strategic Plan: 2018-2028**

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Council resolved:

That, in accordance with the recommendation of the Economic Development Advisory Committee, the Port Colborne Economic Development Strategic Plan 2018-2028, prepared by MDB Insight, be approved; and

That the goals and initiatives identified in the Economic Development Strategic Plan 2018-2028, be included in Council's future strategic planning processes and budget deliberations.

**3. Planning and Development, Planning Division, Report No. 2018-50, Subject: Supplemental Recommendation Report – Proposed New Comprehensive Zoning By-law**

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Council resolved:

That By-law 1150/97/81, being the existing Zoning By-law and any and all amendments thereto, be rescinded and repealed;

That the draft by-law approving the draft Comprehensive Zoning By-law attached to Planning and Development Department, Planning Division Report 2018-50 as Appendix A, be approved;

That pursuant to the provisions of Section 34(17) of the Planning Act, no further notice of public meeting be required;

That pursuant to Section 34(10.0.0.2) of the Planning Act, applications for an amendment to the by-law are allowed before the second anniversary of the day on which the Council approves the Comprehensive Zoning By-law.

That an interim Control By-law, attached to Planning and Development Department, Planning Division Report 2018-50 as Appendix C, be approved pursuant to Section 38 of the Planning Act, for a period of up to one year for those lands proposed to be zoned Mineral Aggregate Operation to control the use of lands until proper study and policy review has been completed.

**4. Fire and Emergency Services Department, Report No. 2018-48, Subject: Fire Marque Indemnification Technology®**

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Council resolved:

That Fire and Emergency Services Department, Report No. 2018-48, Subject: Fire Marque Indemnification Technology® be deferred until the May 14, 2018 meeting of the Committee of the Whole.

**5. Corporate Services, Clerk's Division, Report No. 2018-58, Subject: Use of Corporate Resources for Election Purposes**

Council resolved:

That the Use of Corporate Resources for Election Purposes policy, attached as Appendix A to report Corporate Services Department, Clerk's Division Report 2018-58, be approved.

**6. Corporate Services, Finance Division, Report No. 2018-41, Subject: Cancellation, Reduction or Refund of Realty Tax**

Council resolved:

That the applications pursuant to Section 357/358 of the *Municipal Act, 2001*, as amended, numbered 2015-39, 2017-50, 2017-51, 2017-49 and 2016-49 be approved to cancel or reduce taxes in the total amount of \$8,230.59, in which \$3,957.20 is the municipal portion.

**7. Corporate Services, Finance Division, Report No. 2018-53, Subject: Ontario's Main Street Revitalization Initiative Municipal Funding Agreement**

Council resolved:

That the Mayor, City Clerk and City Treasurer be authorized to execute the Funding Agreement with the Association of Municipalities of Ontario for the use of Ontario's Main Street Revitalization Initiative funds from the Province of Ontario; and

That the appropriate by-law be executed by the Mayor and City Clerk.

**8. Community and Economic Development, Parks and Recreation Division, Report No. 2018-51, Subject: Port Colborne Cruiser's Association – 2018 Cruise Nights**

Council resolved:

That the road closures necessary for the 2018 Downtown Cruise Night event on recurring Thursday evenings, from May 17, 2018 to September 27, 2018, as requested by the Port Colborne Downtown Cruiser's Association, (PCDCA) and outlined in Community and Economic Development, Parks and Recreation Division Report No; 2018-51, be approved;

That the following roads be closed to general vehicular traffic and parking from 5:00 p.m. to 9:00 p.m., each Thursday from May 17, 2018 to September 27, 2018:

- Market Square;
- 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;

That Market Square be closed to vehicular traffic on May 17, June 8, June 15, July 13, and September 21, 2018 from 1:00 p.m. to 5:00 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 17, 2018 to September 27, 2018, and delivered before the end of the regular work day 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 – 5:00 to 9:00 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.

**9. Community and Economic Development, Parks and Recreation Division, Report No. 2018-54, Subject: 2018 Moonlight Flicks at H.H. Knoll Lakeview Park**

Council resolved:

That the Moonlight Flicks event, to be held on Wednesday July 4, 11, 18, 25 and August 22 and 29, 2018, be supported;

That fees for the application for a Noise By-law Exemption, to be filed with the By-law Enforcement Division, be waived;

That an exemption from Section 4 (Prohibited Hours of Entrance) to By-law 5503/100/10, Being a By-law to Manage and Regulate Municipal Parks, be approved;

That use of the restrooms until 12:00 a.m. at the H.H. Knoll Lakeview Park Bandshell, be approved;

That Moonlight Flicks 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 City's park permit, hydro, and waste receptacle fees, be waived.

**10. Community and Economic Development, Parks and Recreation Division, Report No. 2018-56, Subject: 2018 Heart & Stroke Big Bike Campaign**

Council resolved:

That the 2018 Heart & Stroke Big Bike Event, to be held on May 16, 2018, be approved;

That the Niagara Region Heart & Stroke Foundation be responsible for coordinating emergency services support; and

That the Niagara Region Heart & Stroke Foundation 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.

**11. Community and Economic Development, Parks and Recreation Division, Report No. 2018-55, Subject: City Wide Parks Grass-Cutting Tender 2018-04**

Council resolved:

That contract 2015-09, for the supply of parks grass-cutting services, with Snips Landscaping and Nursery, be extended for one year (2018), in accordance with the terms of the existing contract; and

That the appropriate by-law be presented for approval.

**12. Planning and Development, By-law Enforcement Division, Report No. 2018-46 Proposed Lot Maintenance By-law 2018**

Council resolved:

That the proposed Lot Maintenance By-law, attached to Planning and Development Department, Planning Division Report No. 2018-46, be approved as presented.

**13. Niagara Regional Labour Council Re: Request for Proclamation of National Day of Mourning, April 28, 2018**

Council resolved:

That April 28, 2018 be proclaimed as "National Day of Mourning" in the City of Port Colborne in accordance with the request received from Lou Ann Binning, President, Niagara Regional Labour Council; and

That the request for all flags to be flown at Half-Mast at City Hall on April 28th, 2018 be referred to the Mayor's Office.

**14. The New Humberstone Speedway, 1716 Highway 3 East, Port Colborne Re: Request Permission to Hold Fireworks Display Events for 2018**

Council resolved:

That pursuant to Section 6.1.1 of By-law 4989/45/07, the Council of The Corporation of the City of Port Colborne authorizes the New Humberstone Speedway to hold Display Fireworks Events between the hours of 9:30 p.m. and 10:30 p.m. on the following dates:

- May 20<sup>th</sup>, 2018
- July 1<sup>st</sup>, 2018
- August 5<sup>th</sup>, 2018
- August 26<sup>th</sup>, 2018
- September 2<sup>nd</sup>, 2018
- September 9<sup>th</sup>, 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 & Emergency Services a minimum of two weeks prior to the holding of the first event;

- A fireworks site plan including 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;
- Event description information is required including description of fireworks, type, size and quantity;
  - firing procedures, manual or electric
  - emergency procedures
  - traffic control plans
  - Require a copy of the Fireworks Operator Certificate with Endorsements;

That the New Humberstone Speedway be advised that, as the Authority Having Jurisdiction, Port Colborne Fire & Emergency Services 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.

**15. Memorandum from Janice Peyton, Executive Assistant, DEO Re: Environmental Advisory Committee – Motion Regarding Delayed Roadside Mowing**

Council resolved:

That the memorandum from Janice Peyton, Executive Assistant to the Director of Engineering and Operations, on behalf of the Environmental Advisory Committee Re: Environmental Advisory Committee – Motion Regarding Delayed Roadside Mowing, be received for information.

**16. Richard Rybiak, Chair, Niagara Central Airport Commission Re: First Quarter Report 2018 for the Niagara Central Dorothy Rungeling Airport**

Council resolved:

That the correspondence received from Richard Rybiak, Chair, Niagara Central Airport Commission Re: First Quarter Report 2018 for the Niagara Central Dorothy Rungeling Airport, be received for information.

**17. Region of Niagara Re: 2018 Property Tax Policy, Ratios and Rates (Report CSD 18-2018)**

Council resolved:

That the correspondence received from the Region of Niagara Re: 2018 Property Tax Policy, Ratios and Rates, be received for information.

**18. Town of Pelham Re: Appointment Process for Niagara Peninsula Conservation Authority**

Council resolved:

That the resolution received from the Town of Pelham Re: Appointment Process for Niagara Peninsula Conservation Authority, be received for information.

**19. City of Welland Re: Remediation of Abandoned Contaminated Properties**

Council resolved:

That the resolution received from the City of Welland Re: Remediation of Abandoned Contaminated Properties, be received for information.

**20. Region of Halton Re: Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton**

Council resolved:

That the resolution received from the Region of Halton Re: Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton, be received for information.

CARRIED.

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

Nil.

**9. Proclamations:**

**No. 61** Moved by Councillor A. Desmarais  
Seconded by Councillor B. Butters

**(a) National Day of Mourning, April 28, 2018**

Whereas The National Day of Mourning is held every year on April 28th;

Whereas this day is dedicated to remembering those who have suffered and died on the job due to workplace catastrophes, those exposed to toxic substances or who have been injured due to dangerous work conditions;

Whereas the National Day of Mourning is a day to commit to improve health and safety in workplaces and prevent further workplace tragedies;

Now therefore, I, Mayor, John Maloney, proclaim April 28th, 2018 as "National Day of Mourning" in the City of Port Colborne.

CARRIED.

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

**(a) Minutes of the Port Colborne Transit Advisory Committee Meeting of January 24, 2018**

**(b) Minutes of the Public Library Board Meeting of February 12, 2018**

**No. 62** Moved by Councillor Y. Doucet  
Seconded by Councillor R. Bodner

(a) That the minutes of the Port Colborne Transit Advisory Committee meeting of January 24, 2018, be received.

(b) That the minutes of the Public Library Board meeting of February 12, 2018, be received.

CARRIED.

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

**No. 63** Moved by Councillor Y. Doucet  
Seconded by Councillor D. Elliott

That the following by-laws be enacted and passed:

6571/26/18 Being a By-law to Authorize the Execution of a Funding Agreement Between the Association of Municipalities of Ontario and The Corporation of the City of Port Colborne Related to Funding Provided by the Province of Ontario to the Municipality under the Ontario's Main Street Revitalization Initiative

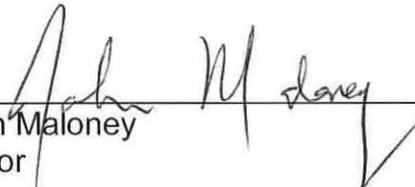
- 6572/27/18 Being a By-law to Temporarily Close Section to Various Streets to Vehicular Traffic for the Purpose of the Port Colborne Downtown Cruise Nights
- 6573/28/18 Being a By-Law to Authorize Entering Into a Contract Agreement Extension with Snips Landscaping and Nursery respecting Contract 2015-09: Supply of Parks Grass-Cutting Services
- 6574/29/18 Being a By-law to Provide for the Maintenance of Property and Land (Lot Maintenance By-law) and to Repeal By-law 6329/09/16
- 6575/30/18 Being a By-law to Regulate the Use of Lands and the Character, Location and use of Buildings and Structures within the City of Port Colborne (Zoning By-law Amendment)
- 6576/31/18 Being an Interim Control By-law Regarding the Mineral Aggregate Operation Zone
- 6577/32/18 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 Regular Meeting of April 23, 2018

CARRIED.

12. **Adjournment:**

**No. 64** Moved by Councillor F. Danch  
Seconded by Councillor A. Desmarais

That the Council meeting be adjourned at approximately 9:15 p.m.  
CARRIED.

  
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 John Maloney  
 Mayor

  
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 Amber LaPointe  
 City Clerk

AL/cm