

**City of Port Colborne
Regular Council Meeting 17-18
Minutes**

Date: July 9, 2018
Time: 8:45 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
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)

Absent: D. Elliott, Councillor (due to work)
Y. Doucet, Councillor (due to vacation)
J. Mayne, Councillor (leave of absence)

Staff Present: T. Cartwright, Fire Chief
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)
T. Rogers, Acting Director of Planning and Development
P. Senese, Director of Corporate Services

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

1. Call to Order:

Mayor Maloney called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

No. 101 Moved by Councillor F. Danch
Seconded by Councillor R. Bodner

That the agenda dated June 9, 2018 be confirmed, as circulated
or as amended.
CARRIED.

4. Disclosures of Interest:

Councillor Bodner declared a pecuniary interest with respect to item 1, Planning and Development Department, Planning Division, Report 2018-95, Subject: Stopping Up and Closing Parts of Empire and Michael Roads and Sale to Sun Communities Operating Limited Partner, as he owns a business in Sherkston Shores. Councillor Bodner refrained from discussing or voting on this item.

Councillor Butters declared a pecuniary interest with respect to item 11, Memorandum from Gina Tartaglia, Event Coordinator Re: Canal Days 2018 – Royal Canadian Legion, Branch 56, Request for Letter of Non Objection regarding a Temporary Licence Extension, as she is a member of the Legion. Councillor Butters refrained from discussing or voting on this item.

5. Adoption of Minutes:

No. 102 Moved by Councillor B. Kenny
Seconded by Councillor A. Desmarais

- (a) That the minutes of the regular meeting of Council 15-18, June 25, 2018, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following item was identified for separate discussion:

Item 1, 11.

7. Approval of Items Not Requiring Separate Discussion:

No. 103 Moved by Councillor B. Butters
Seconded by Councillor A. Desmarais

That Items 1 to 11 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:

- 2. Planning and Development Department, Planning Division, Report 2018-98, Subject: Proposed Site Plan Agreement for Farmedica Corporation, 3786 Highway 3, East**

Council resolved:

That entering into a site plan agreement with Karen Anne Neufeld with respect to 3786 Highway 3 East be approved and that the Mayor and Clerk be authorized to sign and execute said agreement.

- 3. Corporate Services Department, Finance Division, Report 2018-90, 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 2015-40, 2018-01, and 2018-02 be approved to cancel or reduce taxes in the total amount of \$18,179.51, in which \$7,604.30 is the municipal portion.

- 4. Corporate Services Department, Finance Division, Report 2018-94, Subject: 2017 Audit Plan**

Council resolved:

That the 2017 Audit Plan prepared by Grant Thornton, attached to Corporate Services Department, Finance Division Report 2018-94 be received for information.

- 5. Corporate Services Department, Finance Division, Report 2018-96, Subject: Port Colborne Welland LINK Bus Route and Schedule Changes**

Council resolved:

That the Port Colborne Welland LINK bus route change and schedule change to accommodate the provision of three (3) additional trips for the transit service between Port Colborne and Welland as described in

Corporate Services Department, Finance Division Report 2018-96, be approved, effective September 1, 2018.

6. Community and Economic Development Department, Events Division, Report 2018-101, Subject: Canal Days – Bass Pro Range

Council resolved:

That in accordance with Community and Economic Development Department , Events Division, Report 2018-101, exception be approved to by-law 2499/115/90, the Discharge of Firearms By-law, to permit Bass Pro Outdoor World to operate a BB gun shooting range at Canal Days 2018, August 3-6, 2018.

7. Region of Niagara Re: 2017 Annual Financial Report

Council resolved:

That the correspondence received from the Region of Niagara Re: 2017 Annual Financial Report, be received for information.

The 2017 Annual Financial Report may be found at the following link:
<https://www.niagararegion.ca/business/finance/annual-reports/default.aspx>

8. Region of Niagara Re: Regional Official Plan Amendment 13 - Transportation Policies (PSD Report 27-2018)

Council resolved:

That the correspondence received from the region of Niagara Re: Regional Official Plan Amendment 13 – Transportation Policies (PDS Report 27-2018), be received for information.

9. Region of Niagara Re: Petition – Holding Elected Officials to a Higher Standard

Council resolved:

That the correspondence received from the Region of Niagara Re: Petition – Holding Elected Officials to a Higher Standard be referred to the Manager of Legislative Services/City Clerk for a report providing comment on the recommendations contained in the correspondence.

10. Region of Niagara Re: Trade with the United States and Protecting Canadian Jobs

Council resolved:

That the correspondence received from the Region of Niagara Re: Trade with the United States and Protecting Canadian Jobs, be received for information.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

1. 2018-95, Subject: Stopping Up and Closing Parts of Empire and Michael Roads and Sale to Sun Communities Operating Limited Partnership

No. 104 Moved by Councillor B. Kenny
 Seconded by Councillor A. Desmarais

That the by-law to stop up and close, declare surplus to the needs of the municipality and to sell part of the Empire

Road and Michael Road allowances, being Part 1 on Plan 59R-161032 and Plan 59R-165103 be approved; and

That The Corporation of the City of Port Colborne enter into an Agreement of Purchase and Sale with Sun Communities Operating Limited Partnership for the purchase of, for \$525,000, the Empire Road and Michael Road allowances, being Part 1 on Plan 59R-161032 and Plan 59R-165103; and

That Council place \$525,000 into a reserve for expenditures related to Community and Economic Development Department projects as identified in the 2018 Strategic Planning Session and to be determined by the future Parks and Recreation Master Plan; and

That the Mayor and Clerk be authorized to sign and execute any and all documents respecting the sale these lands.

CARRIED.

11. Memorandum from Gina Tartaglia, Event Coordinator Re: Canal Days 2018 – Royal Canadian Legion, Branch 56, Request for Letter of Non Objection regarding a Temporary Licence Extension

No. 105

Moved by Councillor B. Kenny

Seconded by Councillor A. Desmarais

That the Council of The Corporation of the City of Port Colborne does not object to the application for a Temporary Licence Extension to an existing licence held by the Royal Canadian Legion, Branch 56, located at 67 Clarence Street, Port Colborne, on August 4, 5, and 6, 2018 during the Canal Days Marine Heritage Festival, as outlined in the correspondence from Harry Hamilton, Branch President, dated June 15, 2018, subject to the following conditions:

- That the applicant shall satisfy and comply with all applicable regulatory requirements, rules and provisions;
- That where the area is enclosed (by the building and permanent and temporary fencing) there shall be two separate, unrestricted, exits from the area that are a minimum of four feet in width; and

That Port Colborne Fire and Emergency Services shall inspect the site on August 4.

CARRIED.

9. Proclamations:

Nil.

10. Minutes of Boards, Commissions & Committees:

Nil.

11. Consideration of By-laws:

No. 106

Moved by Councillor B. Kenny

Seconded by Councillor A. Desmarais

That the following by-laws be enacted and passed:

- 6598/53/18 Being a By-law to Stop Up and Close a Portion of the Empire Road and Michael Road allowances, Being Part 1 on Plan 59-16102 and Part 1 on Plan 59R-16103, and to Declare the Lands as Surplus and to sell the Lands to Sun Communities Operating Limited Partnership
- 6599/54/18 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 July 9, 2018

CARRIED.

12. Council in Closed Session:

Motion to go into closed session – 8:51 p.m.

No. 107 Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

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: June 11, 2018.
- (b) Planning and Development Department, Planning Division Report 2018-78, 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) Planning and Development Department, Planning Division Report 2018-99, concerning an appeal under the *Planning Act* to the Local Planning Appeal Tribunal related to 650 Barrick Road, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED.

Motion to rise with report – 9:30 p.m.

No. 108 Moved by Councillor F. Danch
Seconded by Councillor A. Desmarais

That Council do now rise from closed session with report at approximately 9:30 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 2018-78, 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 City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

- (c) **Planning and Development Department, Planning Division Report 2018-99, concerning an appeal under the *Planning Act* to the Local Planning Appeal Tribunal related to 650 Barrick Road, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.**

Moved by Councillor A. Desmarais
Seconded by Councillor B. Kenny

That staff be directed to defend the Committee of Adjustment's decision B04-18-PC regarding 650 Barrick Road at the Local Planning Appeal Tribunal.

CARRIED.

15. **Adjournment:**

No. 109 Moved by Councillor F. Danch
Seconded by Councillor A. Desmarais

That the Council meeting be adjourned at approximately 9:31 p.m.
CARRIED.

John Maloney
Mayor



Amber LaPointe
City Clerk



AL/cm