

**City of Port Colborne
Regular Committee of the Whole Meeting 01-19
Minutes**

Date: January 14, 2019

Time: 6:32 p.m.

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

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

Absent: R. Bodner, Councillor (due to vacation)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
M. Cuthbert, Corporate Communications Officer
J. Douglas-Kameka, Economic Development Officer
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 and WeeStream.

1. Call to Order:

Mayor Steele called the meeting to order.

2. National Anthem

Those in attendance stood for O Canada.

3. Introduction of Addendum Items:

Withdrawal:

The delegation by Michael Smith, under Section 10 was withdrawn at the request of the delegate. The City Clerk advised that Mr. Smith will attend the January 28, 2019 to present his request to include 176 Elm Street within the Community Improvement Plan boundary.

Additions:

Addition under Section 10, delegation by Marilyn Corey, resident.

Addition under Section 14, Item 1, delegation by Norbert Gieger.

Addition under Section 14, Item 3, addition of Chris Davis to the list of appointments for the Main Street Business Improvement Area Board.

4. Confirmation of Agenda:

Moved by Councillor G. Bruno
Seconded by Councillor H. Wells

That the agenda dated January 14, 2019 be confirmed, as circulated or as amended.

CARRIED.

5. Disclosures of Interest:

Nil.

6. Adoption of Minutes:

- (a) **Special meeting of Committee of the Whole 23-18, held on December 10, 2018.**
- (b) **Regular meeting of Committee of the Whole 24-18, held on December 10, 2018.**

Moved by Councillor E. Beauregard
Seconded by Councillor F. Danch

That the minutes of the special meeting of the Committee of the Whole 23-18 and the regular meeting of the Committee of the Whole 24-18, held on December 10, 2018, be approved as presented.

CARRIED.

7. Determination of Items Requiring Separate Discussion:

Items 1, 2, 4, and 5.

8. Approval of Items Not Requiring Separate Discussion:

Moved by Councillor A. Desmarais
Seconded by Councillor M. Bagu

That items 1 to 5 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.

Item:**3. Corporate Services Department, Clerk's Division, Report 2019-03, Subject: Appointments to Boards and Committees**

That Bobbie Broughton, Robyn Garner, Bryan Ingram, and Cynthia Skinner be appointed to the Accessibility Advisory Committee for a term ending December 31, 2022.

That Tom Harriettha be appointed to the Active Transportation Advisory Committee for a term ending December 31, 2022.

That Dan O'Hara be appointed to the Committee of Adjustment for a term ending December 31, 2022.

That Larry Fontaine and Marilyn Barton be appointed to the Economic Development Advisory Committee for a term ending December 31, 2022.

That Jack Hellinga, George McKibbon, and Clayton Nadeau be appointed to the Environmental Advisory Committee for a term ending December 31, 2022.

That Bea Kenny be appointed to the Grant Policy Committee for a term ending December 31, 2022.

That Kim Danch, Juli Longaphie, Gino Spada, Mark Guilbeault, Chris Bull, and Chris Davis be appointed to the Main Street Business Improvement Area Board for a term ending December 31, 2022.

That Terry Huffman, Bonnie Johnston, and Jeffrey Piniak be appointed to the Port Colborne Historical and Marine Museum for a term ending December 31, 2022.

That Yvon Doucet and Bea Kenny be appointed to the Port Colborne Medical Education, Recruitment and Health Services Committee for a term ending December 31, 2022.

That Michael Cooper, Cheryl MacMillan, Brian Beck, Valerie Catton, Harmony Cooper, Jeanette Lyons Frenette, Bryan Ingram, and Ann Kennerly be appointed to the Port Colborne Library Board for a term ending December 31, 2022.

That Maggie Wahl-Horne and Betty Konc be appointed to the Port Colborne Senior Citizen Advisory Council for a term ending December 31, 2022.

That Melissa Bigford and Yvon Doucet be appointed to the Port Colborne Transit Advisory Council for a term ending December 31, 2022.

That Tim Hoyle be appointed to the Property Standards Committee for a term ending December 31, 2022.

CARRIED.

9. Presentations:

Nil.

10. Delegations:

- (a) **Michael Smith, President, Hometown Properties Inc., regarding a request to include 176 Elm Street within the Community Improvement Plan Boundary**

This delegation was withdrawn at the request of the delegate.

- (b) **Marilyn Corey regarding the new pedestrian crossover on Clarence Street**

Marilyn Corey expressed concerns with the new pedestrian crossover on Clarence Street advising that when she requested the crossover of Council she believed that a traffic light would be installed like the crossover at Wellington Street on Main Street East (Highway 3) on the west side of the intersection.

The Director of Engineering and Operations advised that Council determined the design of the crossover in line with the Regional standard and the decision to move the crossover to the east side of the intersection was made because that side of the street was more narrow and would not require a major, more costly, intersection modification. The Director of Engineering and Operations has invited Regional staff to a future meeting of Council to provide a presentation about the pedestrian crossover standard that it is trying to implement to create provincial consistency.

- (c) **Norbert Geiger regarding retail sale of cannabis in Port Colborne**

Norbert Geiger provided a verbal presentation with respect to the retail sale of cannabis in Port Colborne. Mr. Geiger provided a number of concerns with the City opting-in to retail cannabis. A copy of the presentation is attached.

11. Mayor's Report:

Mayor Steele announced that the City's website has a listing of the activities the City is holding on the January 19 school PD day as well as information about Sportsfest, February 8-10. Mayor Steele advised that nominations forms for the T. Roy Adams Humanitarian of the Year are available at www.niagararegion.ca, due March 31. Mayor Steele also announced that the City is holding a workshop to gain public consultation about the Parks and Recreation Master Plan on Thursday, January 24 from 6:30-8:30 p.m. Mayor Steele also advised about meetings with businesses and the Ontario Tourism Minister and Niagara Mayors with respect to creating a made in Niagara Tourism Plan.

12. Regional Councillor's Report:

Regional Councillor Butters advised that she has been busy attending Regional workshops and budget meetings and that she is on a number of standing and advisory committees including Public Health and Social Services, Corporate Services, Planning and Economic Development, Budget Review, Waste Management, Development Charges, Transportation, and the Niagara Regional Housing Board.

13. Councillors' Items:

Nil.

Staff responses to Councillors' enquiries:

Nil.

14. Consideration of Items Requiring Separate Discussion:**1. Planning and Development Department, Planning Division, Report 2019-01, Subject: Private Retail of Cannabis**

Moved by Councillor D. Kalailieff
Seconded by Councillor A. Desmarais

That the Council of The Corporation of the City of Port Colborne "opt-in" to permitting physical cannabis retail stores effective April 2019; and

That the Cannabis Retail Store Policy Statement be adopted; and

That a copy of this resolution be sent to the Premier of the Province of Ontario the Honourable Doug Ford, the Ontario Attorney General Minister, the Honourable Caroline Mulroney, the Minister of Finance, the Honourable Victor Fedeli.

CARRIED.

2. Corporate Services Department, Clerk's Division, Report 2019-04, Subject: Council Representation on Boards and Committees

Moved by Councillor A. Desmarais
Seconded by Councillor E. Beauregard

That Councillors Eric Beauregard, Donna Kalailieff, and Ron Bodner be appointed as the Council representatives on the Canal Days Committee for a term ending November 30, 2022.

That Councillors Angie Desmarais, Eric Beauregard, Donna Kalailieff, and Gary Bruno be appointed as the Council representatives to the Committee of Adjustment for a period ending November 30, 2022.

That Councillors Mark Bagu and Harry Wells be appointed as the Council representatives on the Environmental Advisory Committee for a term ending November 30, 2022.

That Councillors Gary Bruno and Eric Beauregard be appointed as the Council representatives on the Grant Policy Committee for a term ending November 30, 2022.

That Councillor Mark Bagu be appointed as the Council representative on the Niagara Community Foundation, Port Colborne Fund for a term ending November 30, 2022.

That Councillors Angie Desmarais, Eric Beauregard, Frank Danch, and Mark Bagu be appointed as the Council representatives on the Notice to Muzzle Appeal Committee for a term ending November 30, 2022.

That Councillors Eric Beauregard and Gary Bruno be appointed as the Council representatives on the Transit Advisory Committee for a term ending November 30, 2022.

That Councillor Angie Desmarais be appointed as primary back-up and Mark Bagu be appointed as secondary back-up to the Mayor in the activation of the Emergency Management Plan for a term ending November 30, 2022.

CARRIED.

4. Community and Economic Development, Health Services Division, Report 2019-02, Subject: Collaboration with Town of Fort Erie for Memory Clinic Services

Moved by Councillor M. Bagu
Seconded by Councillor F. Danch

That the two-year Memory Clinic collaboration with the Town of Fort Erie be approved, as outlined in Community and Economic Development, Health Services Report 2019-02, Subject: Collaboration with Town of Fort Erie for Memory Clinic Services; at a total cost of \$9,840 over a two-year period; and

That the Town of Fort Erie be so notified.

CARRIED.

5. International Women's Day, March 6, 2019 – Guild Hall, 72 Charlotte Street, Port Colborne

Moved by Councillor A. Desmarais
Seconded by Councillor E. Beauregard

That the International Women's Day Event to be held at the Guild Hall, 72 Charlotte Street, Port Colborne on March 6, 2019 from the hours of 5:00 p.m. to 10:00 p.m., is hereby declared a municipally significant event in accordance with the Municipal Alcohol Management Policy.

CARRIED.

15. Notice of Motion:

Councillor Beauregard provided notice of his intention to introduce a motion at the January 28, 2019 Committee of the Whole/Council meeting with respect to the re-zoning of lands on the east side of Port Colborne.

Councillor Desmarais provided notice of her intention to introduce a motion at the January 28, 2019 Committee of the Whole/Council meeting with respect to direction to staff to engage with stakeholders to create a coordinated municipal affordable housing strategy/plan for the City of Port Colborne with the goal to create affordable options across the housing continuum.

16. Adjournment:

Moved by Councillor F. Danch
Seconded by Councillor E. Beauregard

That the Committee of the Whole meeting be adjourned at approximately 7:53 p.m.

CARRIED.

AL/cm

Cannabis has been legalized. This is a fact which cannot and will not be changed. Cannabis has already been broken down into two categories.

One is medicinal.....the second is recreational....which is what I will discuss tonight.

Although the two have been separated, they are still intertwined.

The decision to opt in or out regarding storefront cannabis sales in Port Colborne needs to be decided. Before taking your final vote I would like to know how much of your decision making process has addressed the following concerns.

Some of the key questions that have to be asked and answered are :

1. Have you asked for a risk assessment and impact statement from the Niagara Regional Police?
2. Have you asked for a risk assessment and impact statement from the Niagara Regional School Board .Included should also be the same from the Teacher's Association?
3. Have you asked for a risk assessment and impact statement from the Niagara Healthcare System, as well as physician, and other healthcare practitioners?
4. Have you asked for a risk assessment and impact statement from the Niagara Regional Social Services?
5. Have you asked for a risk assessment and impact statement from paramedics?
6. Has the Newport facility and Port Cares been asked for a risk assessment and impact statement?
7. Have you referred to the government of Canada website regarding how cannabis affects mental health, the negative health effects on youth especially under the age of 25 and how Cannabis use impairs brain development. There is also an increased risk of suicide, depression, anxiety disorders, as well as psychotic symptoms and mood disturbances?

1. Have we responded to Health Canada's request seeking feedback on draft regulations to minimize the public health and safety risks posed by the new classes of Cannabis being added...like Edible Cannabis, Cannabis extracts, and Cannabis topicals?

Have you asked yourselves what your risk assessment looks like?

As well, have you considered the future impact of your simple opt in or opt out vote?

Since a huge impact will be shouldered by the healthcare system alone, I would now like to point out your responsibilities as counsellors in this regard.

What impact will your decision have on your constituents between the ages 19-25?

Section 7 of the Charter of Rights, as determined in the Chaoulli Case, centred on Charter rights in the context of healthcare policy, in particular, section 7 of the Charter.

Before discussing the courts decision in that case, it is important to be clear on the nature of the section 7 rights and it's relationship to health care policy.

Section 7 of the Charter states that Canadians have the right to three key things:

.Life: Canadians have a right to be alive and not to be killed.

.Liberty: They also have the right to be free from the interference of the government in their actions.

.Security of the person: finally, they have the right not to be harmed physically, mentally, or psychologically.

While Canadians are entitled to life, liberty, and the security of the person, section 7 does not grant these rights absolutely. Instead, the section states that these rights may be taken away if, and only if, done so in a manner that is consistent with the principles of fundamental justice. In other words, these rights may be violated if it is done in a “just” manner.

Conclusion by the Majority Justices:

Healthcare is a pre-eminent value in Canadian society. It therefore stands to reason that fundamental health related interest should be constitutionally recognized, and healthcare decisions that will have a significant adverse effect on human dignity, autonomy, and physical and psychological integrity should respect the basic constitutional norms.

THIS IS THE DECISION YOU ARE NOW FACING

Requiring healthcare decision making to become more inclusive and accountable may generate better decisions at the individual treatment level. At the broader regulatory policy level, decision-making that is more equitable and rational may also be more cost-effective.

Seen from this perspective, the introduction of Charter values into the Canadian healthcare system is a positive development.

Therefore ask yourselvesare you causing physical, mental or psychological harm to the very constituents you are asked to serve and protect.

Let us therefore be fully informed of the consequences of a simple in or out vote.

From the way this has been downloaded on the municipalities you are being forced to shoulder the consequence of your vote, with no out.

In conclusion, this burden should not rest with you.

The burden of this responsibility must be shouldered by the Ontario government ONLY!!!!

That is why I am asking you to do your due diligence and opt out at this time.

Yours for responsible Representation and good governance

Norbert Gieger DD