

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

Date: July 23, 2018
Time: 7:32 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
D. Elliott, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)

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

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. Grigg, Director of Community and Economic Development
N. Halasz, Manager of Parks and Recreation
A. LaPointe, Manager of Legislative Services/City Clerk (minutes)
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
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. 110 Moved by Councillor R. Bodner
Seconded by Councillor A. Desmarais

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

CARRIED.

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:

No. 111 Moved by Councillor B. Kenny
Seconded by Councillor A. Desmarais

- (a) That the minutes of the special meeting of Council 16-18, July 9, 2018, be approved as presented.
- (b) That the minutes of the regular meeting of Council 17-18, July 9, 2017, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

Nil.

7. Approval of Items Not Requiring Separate Discussion:

No. 112 Moved by Councillor F. Danch
Seconded by Councillor B. Butters

That items 1 to 7 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:**Dianna M. Carle regarding a request for an exemption to By-law 1117/64/81, Section 3.2.2 for 1056 Steele Street to Allow for a Second Curb/Driveway Cut**

Council resolved:

That an exemption of By-law 1117/64/81, Section 3.2.2, for 1056 Steele Street be granted to allow for a second curb cut and driveway.

Items:**1. Planning and Development Department, Planning Division, Report 2018-105, Subject: Recommendation Report for Official Plan Amendment D09-01-18 & Zoning By-law Amendment D14-02-18, n/s Killaly Street West**

Council resolved:

That the Official Plan Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix A be approved, adding a special policy to the Highway Commercial designation to support the use of warehousing on the property; and

That the Zoning By-law Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix B be approved, rezoning the land from "HC – Highway Commercial" to "HC-48"; and

That staff be directed to prepare the Notice of Passing in accordance with the Planning Act and circulate to all applicable parties; and

That the Director of Planning and Development be directed to present for Council's consideration a report and the proposed site plan of the warehousing facility.

2. Engineering and Operations Department, Engineering Division, Report 2018-103, Subject: Wignell, Michener, Port Colborne and Beaverdam Municipal Drains Engineer Appointment

Council resolved:

That the appointment of Paul Smeltzer P. Eng. of AMEC(FW) be rescinded as per Section 39(2) Chapter D.17 of the *Drainage Act R.S.O. 1990*; and

That Paul Marsh P. Eng. of EWA Engineers Inc. be appointed under Section 78(1) Chapter D.17 of the *Drainage Act R.S.O. 1990*, and that this appointment become effective once the conditions of Section 78(2) have been met; and

That staff be authorized to execute a petition under Section 4 Chapter D.17 of the *Drainage Act R.S.O. 1990* to initiate/incorporate any new works related to municipal roads and/or property; and

That Paul Marsh P. Eng. of EWA Engineers Inc., be appointed under Section 8 Chapter D.17 of the *Drainage Act R.S.O. 1990* for the new works contemplated and any additional petitions under Section 4, related to the Wignell, Michener Port Colborne and Beaver Dam Drains, that may come forward during the Drainage Act process; and

That the Mayor and Clerk be authorized to sign the requisite Engineering Services Agreement for the preparation of new engineer(s) reports for the Wignell, Michener, Port Colborne and Beavertown Municipal Drains.

**3. Corporate Services Department, Clerk's Division, Report 2018-109,
Subject: Leave of Absence from Council**

Council resolved:

That a leave of absence be approved for Councillor John Mayne for a period ending November 30, 2018, or until he resumes attendance, whichever occurs first.

**4. Corporate Services Department, Finance Division, Report 2018-108,
Subject: Development Charge Reserve Funds – January 1, 2017 to
December 31, 2017**

Council resolved:

That report Corporate Services Department, Finance Division report 2018-108 with respect to Development Charge Reserve Funds January 1, 2017 to December 31, 2017 be received for information.

**5. Cynthia B. Skinner, Member of The Friends of Port Colborne Lighthouses
Re: Request for Proclamation of Lighthouse Day, August 7, 2018**

Council resolved:

That August 7, 2018 be proclaimed as "Lighthouse Day" in the City of Port Colborne in accordance with the request received from Cynthia B. Skinner, Member, The Friends of Port Colborne Lighthouses.

**6. Region of Niagara Re: Comments of Province's Draft Agricultural Impact
Assessment Guidance Document (PDS Report 29-2018)**

Council resolved:

That the correspondence received from the Region of Niagara Re: Comments on Province's Draft Agricultural Impact Assessment Guidance Document (PDS Report 29-2018), be received for information.

**7. Niagara Central Airport Commission Re: 2nd 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: Niagara Central Airport Commission 2nd Quarter Report for the Niagara Central Dorothy Rungeling Airport, be received for information.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

Nil.

9. Proclamations:

No. 113 Moved by Councillor B. Butters
 Seconded by Councillor D. Elliott

Whereas the 7th of August is International Lighthouse Day, therefore we seek recognition here by having Lighthouse Day declared in Port Colborne; and

Whereas this recognition acknowledges our rich marine based history, culture and industry; and

Whereas Port Colborne is unique, having 2 lighthouses connected by a tunnel; and

Whereas we are able to have tours to same, through co-operative inter-agency agreements, thus meeting the public's ever growing interest in lighthouses; and

Whereas this public interest re-enforces Friends of Port Colborne Lighthouses efforts to increase access and gain stewardship so that they may be properly preserved, restored, maintained and shared with the public for future generations; and

Now therefore, I, Mayor, John Maloney, proclaim August 7th as "Lighthouse Day" in the City of Port Colborne.

CARRIED.

10. Minutes of Boards, Commissions & Committees:

No. 114 Moved by Councillor A. Desmarais
 Seconded by Councillor B. Butters

- a) That the minutes of the Port Colborne Public Library Board meeting of June 5, 2018, be received.

CARRIED.

11. Consideration of By-laws:

No. 115 Moved by Councillor B. Butters
 Seconded by Councillor B. Kenny

That the following by-laws be enacted and passed:

6600/55/18 Being a By-law to Adopt Amendment No. 5 to the Official Plan for the City of Port Colborne

6601/56/18 Being a By-law to Amend Zoning By-law 6575/30/18 Respecting Lands Legally Described as Part Lot 32, Concession 2, Municipally Known as Killaly Street West

6602/57/18 Being a By-law to Appoint Paul Marsh P. Eng. Of EWA Engineers Inc. for the Completion of a New Engineer's Report for the Repair and Improvement of the Wignell, Michener, Port Colborne and Beaverdam Drains situated in the City of Port Colborne and to Rescind By-law No. 5653/84/11 and By-law No. 5666/97/11

6603/58/18 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 July 23, 2018

CARRIED.

12. Council in Closed Session:

Motion to go into closed session – 7:38 p.m.

No. 116 Moved by Councillor F. Danch
Seconded by Councillor B. Kenny

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: July 9, 2018.
- (b) Planning and Development Department, Planning Division Report 2018-102, 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) Corporate Services Department, Clerk's Division Report 2018-104, Subject: Appointments to Boards and Committees, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.
- (d) Planning and Development Department, By-law Enforcement Division Report 2018-106, concerning an update with respect to ongoing property investigations, pursuant to *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- (e) Verbal report from the Chief Administrative Officer concerning a human resources matter, 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 with report – 9:10 p.m.

No. 117 Moved by Councillor A. Desmarais
Seconded by Councillor B. Butters

That Council do now rise from closed session with report at approximately 9:10 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 2018-102, 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 the Direct of Planning and Development during closed session in accordance with the *Municipal Act, 2001*.

- (c) **Corporate Services Department, Clerk’s Division Report 2018-104, Subject: Appointments to Boards and Committees, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.**

That the Deputy Clerk be directed to bring forward a report in open session with respect to appointments to boards and committees recommended by Council, as follows;

That Alison Chambers be appointed to the Accessibility Advisory Committee for a term ending December 31, 2022; and

That Connie Butter be appointed to the Senior Citizen Advisory Council for a term ending December, 31, 2019.

- (d) **Planning and Development Department, By-law Enforcement Division Report 2018-106, concerning an update with respect to ongoing property investigations, pursuant to *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.**

The City Clerk reported that direction was provided to the Supervisor, By-law Enforcement during closed session in accordance with the *Municipal Act, 2001*.

- (e) **Verbal report from the Chief Administrative Officer concerning a human resources matter, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.**

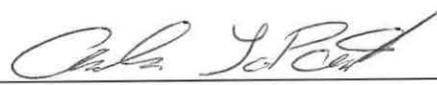
The City Clerk reported that Council received the verbal report from the Chief Administrative Officer during closed session in accordance with the *Municipal Act, 2001*.

15. **Adjournment:**

No. 118 Moved by Councillor F. Danch
 Seconded by Councillor D. Elliott

That the Council meeting be adjourned at approximately 9:11 p.m.
 CARRIED.


 John Maloney
 Mayor


 Amber LaPointe
 City Clerk