

**City of Port Colborne
Regular Meeting of Council 19-19
Minutes**

Date: July 8, 2019

Time: 8:30 p.m.

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

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

Staff Present: D. Aquilina, Director of Planning and Development
B. Garrett, Director of Corporate Services
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)

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. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

No. 120 Moved by Councillor H. Wells
Seconded by Councillor E. Beauregard

That the agenda dated July 8, 2019 be confirmed, as circulated or
as amended.

CARRIED.

4. Disclosures of Interest:

Councillor Beauregard declared a pecuniary interest regarding item 2 as he is employed by Sullivan Mahoney and the firm has provided legal advice with respect to

hunting in Gravelly Bay. Councillor Beauregard left the Council Chambers during discussion about item 2 and refrained from discussing or voting on this item.

5. Adoption of Minutes:

No. 121 Moved by Councillor D. Kalailieff
Seconded by Councillor R. Bodner

- (a) That the minutes of the regular meeting of Council 17-19, June 24, 2019, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following item was identified for separate discussion:

Item 2.

7. Approval of Items Not Requiring Separate Discussion:

No. 122 Moved by Councillor H. Wells
Seconded by Councillor G. Bruno

That items 1 to 10 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:

1. Port Colborne Transit Advisory Committee Requires Councillor Appointment

Council resolved:

That the request for a Councillor to be appointed representative on the Port Colborne Transit Advisory Committee be received for information.

3. Community and Economic Development Department, Parks and Recreation Division, Report 2019-109, Subject: 41st Annual Canal Days Marine Heritage Festival – Additional Request for Road Closures

Council resolved:

1. That the closure to street parking and through traffic be approved and authorized for following roads beginning at 2:00 p.m. to 12:00 a.m. on Sunday, August 4, 2019 for the purpose of hosting the Canal Days concerts:
 - Steele Street, from the southern limit of Steele Street at Sugarloaf Street;
 - Steele Street, from the eastern limit at Steele Street at Sugarloaf Street;

- Isabel Street, from the southern limit of Isabel Street at Sugarloaf Street;
- Fielden Avenue, from the northern limit of Fielden Avenue at Sugarloaf Street;
- Fielden Avenue, from the southern limit at Sugarloaf Street;
- Lighthouse Lane, from the southern limit at Sugarloaf Street;
- Elm Street, from the southern limit of Elm Street at Sugarloaf Street;
- Elm Street, from the western limit of Elm Street at Sugarloaf Street;
- H.H. Knoll Lakeview Park parking lot, south of Dawg's Burgers and Fries to Fielden Avenue.

4. Community and Economic Development Department, Parks and Recreation Division, Report 2019-110, Subject: Thirty Ninth Annual Terry Fox Run

Council resolved:

That the request to host the thirty ninth annual Terry Fox Run on September 15, 2019 at 1:00 p.m., and the thirteenth annual head shave at 12:30 p.m. at the H.H. Knoll Lakeview Park bandshell, be approved; and

That the permit fee for the use of the H.H. Knoll Lakeview Park bandshell and hydro be waived; and

That the advertising fee be waived for information being posted on the West Side Road sign, the Library sign, and the Vale Health & Wellness Centre Pylon Sign from September 4 to September 15, 2019, be waived; and

That the request for the Terry Fox Run flag to be raised over City Hall the week of August 26, 2019, be approved and referred to the Mayor's office for response; and

That the request for a 10' x'10' stall at the Port Colborne Farmers' Market on August 23 and 30, 2019 and September 6 and 13, 2019 to sell licensed Terry Fox t-shirts and distribute pledge forms, be approved and referred to the Market Clerk for response; and

That the Event Organizer file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, in advance of the event.

5. Engineering and Operations Department, Engineering Division, Report 2019-84, Subject: Project 2019-03, Annual Sewer Flushing and CCTV Inspection – City Wide – 2 Year Duration

Council resolved:

That Project 2019-03 Annual Sewer Flushing and CCTV Inspection, for a two (2) Year Duration, be awarded to Wessuc Inc. of Brantford, Ontario,

for the total tendered price of \$121,186.00 plus applicable taxes. Staff is directed to utilize the bid items as listed within the awarded Tender Documents, in such a manner as to complete all required works, all the while keeping within the annual budget allocations of Council; and

That funding for Project 2019-03 Annual Sewer Flushing and CCTV Inspection be financed under Account: 7-590-76250-3328 Extraneous Flows; and

That a by-law, in which the City enters into a Contract Agreement with the Contractor be prepared, upon final budget approval.

6. Planning and Development Department, Planning Division, Report 2019-108, Subject: Request for Extension of Draft Plan of Subdivision Approval (File No. D12-H58) Rosedale Plan of Subdivision

Council resolved:

That the Draft Plan Approval for the Rosedale Draft Plan of Subdivision be extended to August 12, 2020; and

That the conditions of draft approval be updated by deleting conditions 47, 48 and 49 and that ministry names be updated in conditions 13, 35, 38 and 40; and

That Upper Canada Consultants be notified accordingly.

7. Memorandum from the Accessibility Advisory Committee Re: The Honourable David Onley's Recommendations

Council resolved:

That the recommendation from the Accessibility Advisory Panel of the City of Greater Sudbury to the Honourable Raymond Cho, Minister for Seniors and Accessibility, to adopt the recommendations of David Onley in his review of the Accessibility for Ontarians with Disabilities Act and commit to the implementation of new standards for the build environment, stronger enforcement of the act, accessibility for design professions, and an assurance that public money is never again used to create new accessibility barriers, be supported.

8. Region of Niagara Re: Notice of Passing of By-law to Amend By-law 112-2013 being a By-law to Protect Children and Vulnerable Persons from Exposure to Outdoor Second-Hand Smoke – Triple Majority Requirement PHD 09-2019, June 11, 2019

Council resolved:

That the Council of The City of Port Colborne consents to the passage of By-law No. 2019-52 of The Regional Municipality of Niagara, being a by-

law to amend By-law 112-2013 - A Regional By-law to Protect Children and Vulnerable Persons from Exposure to Outdoor Second-hand Smoke.

9. Region of Niagara Re: Joint Canadian Urban Transit Association Reporting Memorandum of Understanding (PW 30-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: Joint Urban Transit Association Reporting Memorandum of Understanding (PW 30-2019), be received for information.

10. Region of Niagara Re: 2018 End of Year Growth Report (PDS 21-2019)

Council resolved:

That the correspondence received from the Region of Niagara Re: 2018 End of Year Growth Report (PDS 21-2019), be received for information.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

2. Planning and Development Department By-law Enforcement Division, Report 2019-05, Subject: Hunting in Gravelly Bay Complaints

No. 123 Moved by Councillor A. Desmarais
Seconded by Councillor H. Wells

That By-law Enforcement Services staff be directed to add an additional 150 feet to the 600 feet no hunting zone from the shoreline in Gravelly Bay, pending approval from the St. Lawrence Seaway Management Corporation; and

That the Chief Administrative Officer be directed to work with the Gravelly Bay Duck Hunters Association, the Ontario Federation of Anglers and Hunters, Delta Waterfowl Association, and the Port Colborne and District Conservation Club to develop educational material for the public as well as signage to be located on the shoreline of Gravelly Bay; and

That the Chief Administrative Officer be directed to investigate into the placement of buoys in Gravelly Bay.

CARRIED.

9. Proclamations:

Nil.

10. Minutes of Boards, Commissions & Committees:

No. 124 Moved by Councillor G. Bruno
Seconded by Councillor H. Wells

- (a) That the minutes of the Accessibility Advisory Committee meeting of May 27, 2019 (Draft), be received; and
- (b) That the minutes of the Port Colborne Active Transportation Advisory Committee meeting of April 29, 2019, be received; and
- (c) That the minutes of the Canal Days Advisory Committee meeting of May 1, 2019, be received; and
- (d) That the minutes of the Port Colborne Economic Development Advisory Committee meetings of March 21, 2018, April 3, 2019 (draft) and August 1, 2018, be received; and
- (e) That the minutes of the Port Colborne Historical & Marine Museum meeting of May 21, 2019, be received; and
- (f) That the minutes of the Port Colborne Public Library Board meeting of May 14, 2019, be received.

CARRIED.

11. Consideration of By-laws:

No. 125 Moved by Councillor E. Beauregard
Seconded by Councillor R. Bodner

That the following by-laws be enacted and passed:

- 6699/63/19 Being a By-law to Appoint a Deputy Clerk (Commissioner for Taking Affidavits)
- 6700/64/19 Being a By-law to Temporarily close Sections of Various Streets to Vehicular Traffic for the Purpose of the 41st Annual Canal Days Festival
- 6701/65/19 Being a By-law to Authorize Entering Into a Contract Agreement with Wessuc Inc. Re Tender 2019-03, Annual Sewer Flushing and CCTV Inspection
- 6702/66/19 Being a By-law to Amend By-law 5991/97/13, Being a By-law to Set a Lapsing date of Draft Plan approval for Rosedale Subdivision
- 6703/67/19 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 8, 2019

CARRIED.

12. Council in Closed Session:

Motion to go into Closed Session: 8:35 p.m.

No. 126 Moved by Councillor A. Desmarais
Seconded by Councillor G. Bruno

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 meeting: June 24, 2019.
- (b) Planning and Development Department, Planning Division outline re: Planning 101, Council *training Municipal Act, 2001*, Subsection 239(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - 1. The meeting is held for the purpose of educating or training members.
 - 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- (c) Planning and Development Department, Planning Division Report 2019-105, concerning the potential disposition 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.
- (d) Planning and Development Department, Planning Division Report 2019-107, concerning the potential disposition 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.
- (e) Corporate Services Department, Clerk's Division Report 2019-106, 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.

CARRIED.

Motion to rise with report: 10:00 p.m.

No. 127 Moved by Councillor E. Beauregard
Seconded by Councillor M. Bagu

That Council do now rise from closed session with report at approximately 10:00 p.m.

13. Disclosures of Interest Arising from Closed Session:

Nil.

14. Reports/Motions Arising from Closed Session:

- (c) **Planning and Development Department, Planning Division Report 2019-105, concerning the potential disposition 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*.

- (d) **Planning and Development Department, Planning Division Report 2019-107, concerning the potential disposition 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*.

- (e) **Corporate Services Department, Clerk’s Division Report 2019-106, 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.**

The City Clerk reported that the following direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*:

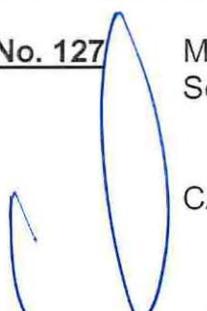
That the Deputy Clerk be directed to bring forward a report in open session with respect to appointments to boards and committees recommended by Council.

15. Adjournment:

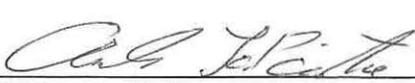
No. 127

Moved by Councillor F. Danch
Seconded by Councillor A. Desmarais

That the Council meeting be adjourned at approximately 10:02 p.m.
CARRIED.



William W. Steele
Mayor



Amber LaPointe
City Clerk

AL/cm