

City of Port Colborne
Council Meeting Minutes

Date: Monday, January 11, 2021
Time: 6:30 p.m.
Location: Council Chambers, 3rd Floor, City Hall
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
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk (minutes)
B. Boles, Director of Corporate Services/Treasurer
C. Kalimootoo, Director of Engineering and Operations

- 1. Call to Order**
- 2. National Anthem**
- 3. Proclamations**
- 4. Adoption of Agenda**

Moved by Councillor F. Danch
Seconded by Councillor R. Bodner

That the agenda dated January 11, 2021 be confirmed, as amended to include Memo from Steve Shypowskyj, Manager of Projects & Design - CSO Control Funding Application.

5. Disclosures of Interest

5.1 Councillor E. Beauregard - Delegated Authority for Conditional Building Permit for SouthPort Condo Inc. (Report 2021-20)

The Councillor is employed by Sullivan Mahoney LLP, the solicitor of SouthPort Condos Inc.

5.2 Councillor E. Beauregard - Chief Administrative Office Report 2021-16, Potential Disposition of City Owned Land

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as an option to seek legal advice is to be discussed for this item.

5.3 Councillor E. Beauregard - Chief Administrative Office Report 2021-18, Potential Disposition of City Owned Land

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

5.4 Councillor F. Danch - Delegated Authority for Conditional Building Permit for SouthPort Condo Inc. (Report 2021-20)

Rankin Construction Inc. is a customer of the Councillor's business.

5.5 Councillor E. Beauregard - Chief Administrative Office Report 2021-19, Human Resources Update

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

6. Approval of Minutes

Moved by Councillor E. Beauregard

Seconded by Councillor A. Desmarais

That the minutes of the special and regular meetings of Council, held on December 14, 2020, be approved as amended.

6.1 Special Meeting of Council - December 14, 2020

6.2 Regular Meeting of Council - December 14, 2020

7. Staff Reports

Moved by Councillor M. Bagu

Seconded by Councillor H. Wells

That items 7.1 and 7.2 be approved, and the recommendations contained therein be adopted.

Carried

7.1 Recommendation Report for Zoning By-law Amendment D14-06-20, 599 Main Street West (Report 2021-13)

That the Zoning By-law Amendment attached as Appendix A to Planning and Development Department Report 2021-13 be approved; and

That Planning and Development staff be directed to prepare and circulate the Notice of Passing in accordance with the *Planning Act*.

7.2 Memo from Steve Shypowskyj, Manager of Projects & Design - CSO Control Funding Application

That Council of the City of Port Colborne support the staff application to the Region of Niagara for Combined Sewer Overflow Control Funding.

8. Correspondence Items

Moved by Councillor D. Kalailieff

Seconded by Councillor F. Danch

That items 8.1 to 8.6 be received for information.

Carried

8.1 Niagara Region - Ecological Land Classification Mapping Project

8.2 Niagara Region - Lobbyist Registry

8.3 Niagara Region - Niagara Official Plan Consultation Update

8.4 City of St. Catharines - Ontario Gas Fired Power Plants

8.5 City of Welland - City of Port Colborne, Designating the Vulnerable Aquifer of Official Plan

8.6 Correspondence from Port Cares - Thank you Letter to Council regarding Housing Project

9. Presentations

9.1 Jonathan Hack, Director at Sierra Planning and Management - Road Ends Study

Jonathan Hack, Director at Sierra Planning and Management provided a presentation with respect to a Road Ends Study in the City of Port Colborne and responded to questions received from Council. A copy of his presentation is attached.

9.2 Bill Myers, Supervisor of Customer Service and Strategic Projects - Modernization Project Update

Bill Myers, Supervisor of Customer Service and Strategic Projects provided an update on the Modernization Project and responded to questions received from Council. A copy of his presentation is attached.

10. Delegations

11. Mayor's Report

A copy of the Mayor's report is attached.

12. Regional Councillor's Report

Regional Councillor Butters provided an update to City Council.

13. Staff Remarks

13.1 COVID-19 Update (Luey)

The Chief Administrative Officer provided information on the City operations during the pandemic and stated that although the Province is in a lockdown staff will continue to provide many services remotely.

14. Councillors' Remarks

14.1 Committee of Adjustment Notices (Bagu)

Councillor Bagu requested that staff ensure that Committee of Adjustment application notices are sent to all Councillors.

14.2 Landscaping at Cedar Bay Beach/Centennial Park (Wells)

Councillor Wells expressed appreciation towards the Manager of Parks and Recreation for providing notice on the City's social media networks

with respect to the landscaping at Cedar Bay Beach/Centennial Park as it clarified any concerns the public may have.

14.3 Ditching on Holloway Bay Road (Wells)

In response to Councillor Wells' inquiry with regards to maintenance of the ditches at Holloway Bay Road and Michener Road, the Manager of Projects and Design indicated that staff are aware of the drainage/flooding concerns of residents in this area and that an Engineer is appointed to complete a Report on the municipal drain in this area but that Report is not expected to be completed for at least two years. The Manager of Projects and Design informed Council that Operational staff will attend the area in the meantime to ensure that any immediate issues are addressed and will follow-up when the 2021 ditching work commences.

14.4 Development on Michener Road (Wells)

In response to Councillor Wells' inquiry with respect to whether the development on Michener Road will have any mitigation measures put in place in order to prevent more issues with flooding and drainage in that area, the Director of Planning and Development informed Council that for all consent applications, the Engineering Division is given notice and is required to provide comments with respect to any drainage matters. The Drainage Superintendent informed Council that drainage in this area has always been an issue and that development in this area has been discouraged until the issues with the drain can be mitigated but the process for completing an Engineer's Report takes much longer than processing any development applications and so in this circumstance, the Engineering Division is encouraging a mutual drainage agreement between neighbours.

14.5 Delegation Requests (Wells)

In response to Councillor Wells' inquiry with respect to what the procedure is for members of the public who have provided correspondence regarding their concerns of the Road Ends study, the City Clerk informed Council that the Clerk's Division is collecting all of the correspondence, sending it along to the appropriate staff member in order to share with the Consultant, and keeping it on record to bring forward to Council at the same time the matter of decision is brought forward for Council's consideration. The City Clerk further indicated that a stand-alone Council meeting will be held when the matter of decision is ready to be brought

forward for Council's consideration in order to allow members of the public who have provided written correspondence to attend the meeting virtually.

14.6 Waste on Main Street (Danch)

Councillor Danch expressed gratitude towards the Operations staff for cleaning up some waste that was located along Main Street.

14.7 Snow Fence at Lakeview Park (Danch)

Councillor Danch expressed appreciation towards the Parks and Recreation staff for repairing the snow fencing that was damaged at Lakeview Park.

14.8 Phone Calls from Developers (Desmarais)

Councillor Desmarais expressed frustration with the amount of developers contacting her requesting that she influence bids that may be pending. The Councillor indicated that Councillors should not be contacted in this regard and that these matters should be addressed in accordance with City policies by the appropriate staff member.

14.9 Beach Restrictions (Bodner)

In response to Councillor Bodner's inquiry with respect to whether staff are preparing for the 2021 summer beach restrictions, the Chief Administrative Officer informed Council that a report would be coming to Council in the Spring.

14.10 Vale Health and Wellness Centre (Beauregard)

Councillor Beauregard expressed appreciation towards the Parks and Recreation staff for all the work at the Vale Health and Wellness Centre.

15. Consideration of Items Requiring Separate Discussion

15.1 Transit Enhancement Opportunity (Report 2021-15)

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That Corporate Services Department Report 2021-15 be received;

That the City of Port Colborne request the Region of Niagara to submit a service order to Via Mobility LLC to amend its master terms agreement for the deployment of a turnkey, on-demand transit service to include the service area of Port Colborne and the integration and alignment of the

Port Colborne service into the Niagara Regional Transit (NRT) OnDemand mobile application; and

That subject to approval by the Niagara Region's Public Works Committee and Council:

- Port Colborne Transit be integrated into the NRT OnDemand program (including related Provincial Gas Tax Funding) as outlined in this report;
- The City of Port Colborne provide funding to the Niagara Region as outlined in this report;
- The City of Port Colborne extend its appreciation to the City of Welland for their long-standing service as the City of Port Colborne Transit provider and for that contract to stop when the OnDemand service begins;
- The City of Port Colborne extend its warmest thank you to the Port Colborne Transit Advisory Committee for their previous service and for that committee to be dissolved;
- The Chief Administrative Officer and Director of Corporate Services / Treasurer be authorized to sign and execute the necessary documents to complete the approved recommendations in this report.

Carried

15.2 Delegated Authority for Conditional Building Permit for SouthPort Condo Inc. (Report 2021-20)

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the solicitor of SouthPort Condos Inc.)

Councillor F. Danch declared a conflict on this item. (Rankin Construction Inc. is a customer of the Councillor's business.)

Moved by Councillor H. Wells
Seconded by Councillor D. Kalailieff

That Council delegates authority to the Chief Building Official to issue a conditional permit agreement for the SouthPort Condo Inc. property; and

That Council direct the Director of Engineering and Operations to close West Street from Adelaide Street to Victoria Street until December 2023 or project completion.

Carried

- a. **Memo from Steve Shypowskyj, Manager of Projects & Design - Temporary Closure of West Street from Adelaide Street to Victoria Street for SouthPort Condo Inc. Development**

15.3 Medical Cannabis Grow Operations (Report 2021-07)

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That Planning and Development Department Report 2021-07 be received;
and

That Council support the correspondence received from the Regional Municipality of Niagara Police Services Board attached as Appendix A;
and

That Council support the correspondence item attached as Appendix B from the Township of Blandford-Blenheim regarding Cannabis Production.

Carried

15.4 Recommendation Report for Zoning By-law Amendment D14-02-20, 168 and 176 Elm Street (Report 2021-09)

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That the Zoning By-law Amendment attached as Appendix A to Planning and Development Department Report 2021-09 be approved, rezoning the subject property from I - Institutional and R4 – Fourth Density Residential to R4-56; and

That Planning and Development staff be directed to prepare and circulate the Notice of Passing in accordance with the *Planning Act*.

Amendment:

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That the Zoning By-law Amendment attached as Appendix A to Planning and Development Department Report 2021-09 be approved, rezoning the subject property from I - Institutional and R4 – Fourth Density Residential to R4-56;

That Planning and Development staff be directed to prepare and circulate the Notice of Passing in accordance with the *Planning Act*, and

That the Zoning By-law Amendment be amended by striking out section 3 j) and adding the following thereto:

j) Minimum Number of Parking Spaces 1 space per residential dwelling unit

Carried

15.5 Niagara Region - 2021 Water and Wastewater Operating Budget, Rate Setting and Requisition

Moved by Councillor G. Bruno
Seconded by Councillor D. Kalailieff

That the resolution received from the Niagara Region - 2021 Water and Wastewater Operating Budget, Rate Setting and Requisition, be received for information.

Carried

15.6 Niagara Region - 2021 Waste Management Operating and Rate Requisition Budget

Moved by Councillor M. Bagu
Seconded by Councillor D. Kalailieff

That the resolution received from the Niagara Region - 2021 Waste Management Operating and Rate Requisition Budget, be received for information.

Carried

15.7 City of St. Catharines - Hospice Workers

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

That the resolution received from the City of St. Catharines - Hospice Workers, **be supported.**

Carried

15.8 City of Niagara Falls - Mental Health, Homelessness and Addiction

Moved by Councillor A. Desmarais

Seconded by Councillor R. Bodner

That the resolution received from the City of Niagara Falls - Mental Health, Homelessness and Addiction, **be supported.**

Carried

15.9 Town of Pelham - 988 Crisis Line

Moved by Councillor M. Bagu

Seconded by Councillor E. Beauregard

That the resolution received from the Town of Pelham - 988 Crisis Line, **be supported.**

Carried

15.10 Correspondence from Jennefer Driver - Comments regarding Chestnut Street Park

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That the correspondence received from Jennefer Driver - Comments regarding Chestnut Street Park, be received for information.

Carried

16. Motions

16.1 Memo from Councillor Ron Bodner - Reconsideration of Michener Municipal Drain Meeting to Consider

Moved by Councillor R. Bodner

Seconded by Councillor H. Wells

That Engineering and Operations Department, Engineering Division, Report No. 2020-146, Subject: Michener Municipal Drain Meeting to Consider, be reconsidered.

Carried

Moved by Councillor R. Bodner
Seconded by Councillor H. Wells

That the Mayor and Clerk be directed to execute a by-law to provisionally adopt the Michener Municipal Drain Engineer's Report, dated May 7, 2020, prepared by Paul Marsh, P. Eng. of EWA Engineering Inc., under Section 78, Chapter D.17 of the *Drainage Act* R.S.O. 1990;

That staff be directed to advance the Michener Municipal Drain Engineer's Report to that of the Court of Revision, as per Section 46(1), Chapter D.17 of the *Drainage Act* R.S.O. 1990; and

That Councillor Wells, Councillor Bagu and Councillor Bodner be appointed as a members of the Michener Municipal Drain Court of Revision and Councillor Danch be appointed as an alternate to be tentatively scheduled for December 9, 2020.

Amendment:

Moved by Councillor R. Bodner
Seconded by Councillor H. Wells

That the Mayor and Clerk be directed to execute a by-law to provisionally adopt the Michener Municipal Drain Engineer's Report, dated May 7, 2020, prepared by Paul Marsh, P. Eng. of EWA Engineering Inc., under Section 78, Chapter D.17 of the *Drainage Act* R.S.O. 1990;

That staff be directed to advance the Michener Municipal Drain Engineer's Report to that of the Court of Revision, as per Section 46(1), Chapter D.17 of the *Drainage Act* R.S.O. 1990; and

That Councillor Wells, Councillor Bagu and Councillor Bodner be appointed as a members of the Michener Municipal Drain Court of Revision and Councillor Danch be appointed as an alternate to be tentatively scheduled for December 9, 2020; and

That Council support the members of the Michener Municipal Drain

Court of Revision in the decisions to be made at the upcoming second sitting of the Court of Revision.

Carried

- a. Memo from Alana Vander Veen, Drainage Superintendent - Reconsideration of Michener Municipal Drain Meeting to Consider**

17. Notice of Motions

17.1 Councillor Desmarais - Councillor Misconduct

Councillor Desmarais provided notice of her intention to introduce a motion at the January 25, 2021 Council meeting with respect to ways and means to have a Councillor's seat vacated for serious misconduct.

17.2 Councillor Bruno - Official Plan and Zoning By-law Amendments

Councillor Bruno provided notice of his intention to introduce a motion at the January 25, 2021 Council meeting with respect to City initiated Official Plan and Zoning By-law amendments that also includes City property to help assist in the growth of the City's industrial sector.

18. Minutes of Boards & Committees

18.1 Environmental Advisory Committee Minutes - October 14, 2020

Moved by Councillor H. Wells
Seconded by Councillor D. Kalailieff

That the minutes of the Environmental Advisory Committee meeting, held on October 14, 2020, be approved as presented.

Carried

19. By-laws

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

That items 19.2 and 19.3 be enacted and passed.

Carried

- 19.2 By-law to Amend Zoning By-law 6575/30/18 Respecting 599 Main Street West**
- 19.3 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne**
- 19.1 By-law to Amend Zoning By-law 6575/30/18 Respecting 168 and 176 Elm Street**

This item has been withdrawn as a result of the amendments made to the corresponding report.

20. Confidential Items

The City Clerk reported that direction was provided to staff for items 20.2 to 20.7 during closed session in accordance with the *Municipal Act*, 2001.

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That Council do now proceed into closed session in order to address items 20.1 to 20.7.

Carried

20.1 Minutes of the closed session portion of the December 14, 2020 Council Meeting

20.2 Chief Administrative Office Report 2021-16, Potential Disposition of City Owned Land

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as an option to seek legal advice is to be discussed for this item.)

20.3 Chief Administrative Office Report 2021-18, Potential Disposition of City Owned Land

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.)

- 20.4 Chief Administrative Office Report 2021-17, Potential Disposition and Acquisition of Land**
- 20.5 Chief Administrative Office Report 2021-12, Potential Acquisition of Land**
- 20.6 Chief Administrative Office Report 2021-14, Potential Acquisition of Land**
- 20.7 Chief Administrative Office Report 2021-19, Human Resources Update**

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.)

21. Procedural Motions

22. Information items

23. Adjournment

Council moved into Closed Session at approximately 10:34 p.m.

Council reconvened into Open Session at approximately 12:29 a.m.

Mayor Steele adjourned the meeting at approximately 12:30 a.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk