

City of Port Colborne

Council Meeting Minutes

Date: Monday, February 22, 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
T. Cartwright, Fire Chief
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 Public Works

1. Call to Order

Mayor Steele called the meeting to order.

2. National Anthem

3. Proclamations

4. Adoption of Agenda

Moved by Councillor E. Beauregard
Seconded by Councillor H. Wells

That the agenda dated February 22, 2021 be confirmed, as circulated.

Carried

5. Disclosures of Interest

5.1 Councillor E. Beauregard - Chief Administrative Office Report 2021-58, Hamilton-Oshawa Port Authority City Joint Development Plan

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.

5.2 Councillor E. Beauregard - Chief Administrative Office Report 2021-55, 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.

5.3 Councillor E. Beauregard - Corporate Services Department Report 2021-59, Appeal of Zoning By-law Amendment (170 Welland Street)

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

5.4 Councillor E. Beauregard - MOU between the City of Port Colborne and Port Cares for an Affordable Housing Development, 2021-54

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

5.5 Councillor E. Beauregard - Nickel Beach and Centennial – Cedar Bay Beach Seasonal Operation Plans 2021, 2021-49

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

5.6 Councillor E. Beauregard - By-law to Authorize Entering into a Memorandum of Understanding with Port Cares for an Affordable Housing Development

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

6. Approval of Minutes

6.1 Regular Meeting of Council - February 8, 2021

Moved by Councillor F. Danch
Seconded by Councillor H. Wells

That the minutes of the regular meeting of Council, held on February 8, 2021, be approved as presented.

Carried

7. Staff Reports

Moved by Councillor R. Bodner
Seconded by Councillor G. Bruno

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

Carried

7.1 COVID Update – February 2021, 2021-53

That Chief Administrative Office Report 2021-53 be received for information.

7.2 Heritage Report for Demolition of an Accessory Building at 120 Main Street West, 2021-57

That Planning and Development Department Report 2021-57 be received; and

That City Council permit the demolition of the accessory building at 120 Main Street West and keep the property listed on the Municipal Heritage Registry.

8. Correspondence Items

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

That items 8.1 to 8.6 be received for information.

- 8.1 City of St. Catharines - Universal Paid Sick Days in Ontario**
- 8.2 Town of Lincoln - Request Niagara Region to Explore Options for Securing Recycling Bin Contents**
- 8.3 Various Municipalities - Request for Municipal Infrastructure Funding Opportunities**
- 8.4 Lake of Bays - Support Municipality of Mississippi Mills Request for Revisions to the Municipal Elections Act**
- 8.5 Town of Arnprior - Support City of Hamilton to Amend AGCO Licensing and Application process for Cannabis Retail Stores**
- 8.6 Municipality of Brockton - Support Port Colborne on Proposed Regulations under Ontario Heritage Act (Bill 108)**
- 9. Presentations**
- 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**
- 14. Councillors' Remarks**
 - 14.1 Load Limits on Brookfield Road (Wells)**

In response to Councillor Wells inquiry regarding issues and potential solutions to the load limits on Brookfield Road, the Director of Public Works advised that he will investigate resolutions.
 - 14.2 Snow Plowing at Centennial Park (Bodner)**

In response to Councillor Bodner's request to have snow plowing completed more frequently at Centennial Park, the Director of Public Works confirmed that this location will be put on the list of locations that are plowed within 24 hours of the snowfall.

14.3 Snow Removal (Kalailieff)

Councillor Kalailieff provided a reminder to residents regarding snow removal, indicating that City staff does not plow sidewalks and that this responsibility belongs to the property owners.

14.4 Issues with Property Owners Clearing Snow (Danch)

Councillor Danch informed Council that there have been issues with property owners clearing the snow off of the sidewalks and queried whether the City staff could use the sidewalk snow plow in more areas. The Chief Administrative Officer informed Council that he would investigate solutions to this issue and further advised that if Council or the public witnesses any sidewalks not cleared of snow, to contact the By-law Enforcement Division who will investigate.

14.5 Removal of Cars off the Street (Danch)

Councillor Danch reminded residents to remove their cars off of the street after a large snow fall occurs as this will assist City staff when snow plowing the roads.

14.6 Excess Snow Piles Left by Plows (Bruno)

In response to Councillor Bruno's inquiry regarding the process behind removing excess snow that gets left by the plow between on-street parking spaces and the curb, the Director of Public Works advised that if there is a large build-up of snow, staff will return back to that location after the initial plow and clear the excess snow. The Director of Public Works advised Council and residents to call Customer Service to report any areas that have excess snow and staff will arrange to have it cleared.

14.7 7-Eleven Stores' AGCO Applications (Bruno)

In response to Councillor Bruno's inquiry regarding the 7-Eleven Stores' AGCO Applications, the Chief Administrative Officer informed Council that he will investigate this matter and bring a report forward to Council.

15. Consideration of Items Requiring Separate Discussion

15.1 Water Rescue During Wind Storm on November 15, 2020, 2021-59

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That Fire and Emergency Services Report 2021-59 be received; and

That the Fire Chief be directed to continue billing for providing fire fighting or other emergency services to non-residents in accordance with By-law 6741/105/19.

Carried

a. Delegation from Jaskaran Singh

15.2 MOU between the City of Port Colborne and Port Cares for an Affordable Housing Development, 2021-54

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 legal advice on this item.)

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

That Chief Administrative Office Report 2021-54 be received;

That Council approve a Memorandum of Understanding (MOU) between the City of Port Colborne and Port Cares for an Affordable Housing Development; and

That a by-law to enter into a MOU with Port Cares be brought forward.

Carried

a. Delegation material from Melissa Bigford, resident

15.3 Nickel Beach and Centennial – Cedar Bay Beach Seasonal Operation Plans 2021, 2021-49

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 legal advice on this item.)

Moved by Councillor R. Bodner
Seconded by Councillor M. Bagu

That the Centennial – Cedar Bay Beach Operations Plan attached as Appendix A, and the Nickel Beach Operations Plan attached as Appendix B of Corporate Services Department Report 2021-49 be approved; and

That the Director of Corporate Services be directed to engage staff in the implementation of the seasonal operations outlined in Appendix A and Appendix B of Corporate Services Department Report 2021-49.

Amendment:

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That consideration of Corporate Services Department Report 2021-49 Subject: Nickel Beach and Centennial - Cedar Bay Beach Seasonal Operations Plans 2021, be referred to the Director of Corporate Services in order to investigate financial considerations for the Nickel Beach and Centennial - Cedar Bay Beach Seasonal Operation Plans 2021 and bring a report forward to Council with further details.

Carried

15.4 Sugarloaf Marina 2021 Rates Report, 2021-56

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Corporate Services Department Report 2021-56 be received; and

That the recommendations regarding rates and fees as outlined in Appendix A, Appendix B, Appendix C, and Appendix D to Corporate Services Report 2021-56 be approved.

Carried

15.5 Port Colborne Distribution System Annual Inspection, 2021-48

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That Engineering and Operations Department Report 2021-48 be received for information.

Carried

15.6 Niagara Region - Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement

Moved by Councillor H. Wells

Seconded by Councillor E. Beauregard

That correspondence from the Niagara Region with regards to Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement, be received for information; and

That Council approve the amending agreement in order to advance the Vision Zero Program.

Carried

15.7 Various Municipalities - Ontario Fire College Closure

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That correspondence from Lake of Bays, Township of Augusta, Town of Gravenhurst, Township of Baldwin, and Township of Terrace Bay regarding Ontario Fire College Closure, be supported.

Carried

16. Motions

17. Notice of Motions

18. Minutes of Boards & Committees

18.1 Downtown Port Colborne BIA Meeting Minutes - November 11 and December 9, 2020

Moved by Councillor D. Kalailieff

Seconded by Councillor A. Desmarais

That the minutes of the Downtown Port Colborne BIA meetings, held on November 11, and December 9, 2020, be approved as presented.

Carried

19. By-laws

Moved by Councillor R. Bodner
Seconded by Councillor M. Bagu

That items 19.1 and 19.2 be enacted and passed.

Carried

19.1 By-law to Authorize Entering into a Memorandum of Understanding with Port Cares for an Affordable Housing Development

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 legal advice on this item.)

19.2 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne

20. Confidential Items

The City Clerk reported that direction was provided to staff for items 20.2 to 20.4 during closed session in accordance with the *Municipal Act, 2001*.

Moved by Councillor H. Wells
Seconded by Councillor M. Bagu

That Council do now proceed into closed session in order to address items 20.1 to 20.4.

Carried

20.1 Minutes of the closed session portion of the February 8, 2021 Council Meeting

20.2 Chief Administrative Office Report 2021-58, Hamilton-Oshawa Port Authority City Joint Development Plan

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.)

20.3 Chief Administrative Office Report 2021-55, 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 Corporate Services Department Report 2021-59, Appeal of Zoning By-law Amendment (170 Welland Street)

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 legal advice on this item.)

21. Procedural Motions

22. Information items

23. Adjournment

Council moved into Closed Session at approximately 8:15 p.m.

Council reconvened into Open Session at approximately 11:30 p.m.

Mayor Steele adjourned the meeting at approximately 11:32 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk