

City of Port Colborne Council Meeting Minutes

Date: Monday, April 12, 2021
Time: 6:30 pm
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
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Member(s) Absent: D. Kalailieff, Councillor

Staff Present: T. Cartwright, Director of Community Safety & Enforcement
A. LaPointe, Acting Director of Planning and Development/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 A. Desmarais
Seconded by Councillor E. Beauregard

That the agenda dated April 12, 2021 be confirmed, as circulated.

Carried

5. Disclosures of Interest

5.1 Councillor E. Beauregard - Proposed Draft Discharge of Firearms By-law, 2021-104

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, who has provided legal advice on this item.

5.2 Councillor E. Beauregard - By-law to Regulate the Discharge of Firearms and Bows in the City of Port Colborne

The Councillor is employed by Sullivan Mahoney LLP., the City's solicitor, and they have provided legal advice on this item.

5.3 Councillor E. Beauregard - Parking and Traffic – Access to Lake from Road Ends, 2021-109

The Councillor is employed by Sullivan Mahoney LLP., the City's solicitor, and they have provided legal advice with respect to the Firelanes.

6. Approval of Minutes

6.1 Regular Meeting of Council - March 22, 2021

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That the minutes of the regular meeting of Council, held on March 22, 2021, be approved as presented.

Carried

7. Staff Reports

Moved by Councillor M. Bagu

Seconded by Councillor F. Danch

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

Carried

7.1 Parking and Traffic Fares Street, 2021-105

That Community Safety & Enforcement Department Report 2021-105 be received; and

That the following amendments to By-law 89-2000, being a By-law regulating traffic and parking on City roads, be approved:

That Schedule “B” Standing Prohibitions to By-law 89-2000 as amended, be further amended by deleting therefrom the following:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
Highway	Side	From	To	Times/Days
Fares St	East	74 m north of Bell St	70 m north therefrom	8.a.m.- 6.p.m. Mon - Fri

That Schedule “B” Standing Prohibitions to By-law 89-2000 as amended, be further amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Times/Days
Fares St	East	44 m north of Bell St	144 m north of Bell St	8.a.m.- 6.p.m. Mon - Fri

7.2 Equipment Purchase Opportunity, 2021-113

That Public Works Department Report 2021-113 be received; and

That the Director of Public Works be directed to purchase the equipment as outlined within Public Works Department report 2021-113.

8. Correspondence Items

Moved by Councillor M. Bagu

Seconded by Councillor F. Danch

That items 8.1 and 8.2 be received for information.

Carried

8.1 Town of Kingsville - Bill C-21 Regarding Firearms

8.2 City of Kitchener - Planning Act Timelines

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

13.1 Update on Proposed Pit 3 Expansion (LaPointe)

The Acting Director of Planning and Development/City Clerk informed Council that Port Colborne Quarries Inc. has submitted an application under the *Aggregate Resources Act* and the *Planning Act* for the extension of Pit 3. She further indicated that the applicant is hosting a virtual public open house in accordance with the *Aggregate Resources Act* and that the link to join their virtual open house can be found at www.portcolbornequarries.ca. The Acting Director of Planning and Development/City Clerk noted that the open public houses to be hosted by the City/Region will occur at a later date.

13.2 Short Term Rentals (LaPointe)

The Acting Director of Planning and Development/City Clerk informed Council that a full review of short term rentals will be undertaken this year but that a fulsome review cannot be completed before this upcoming summer season. She further indicated that for the upcoming season, staff will focus on specific issues by-law related and between the Police, the Fire department, and By-law Enforcement staff, these issues will be monitored.

13.3 After Hours Staffing (Kalimootoo)

The Director of Public Works provided an update with respect to after hours staff collecting waste in public areas and parks. The Director informed Council that overtime hours have been offered to staff to attend parks and public areas on weekends to remove waste until the seasonal staff positions are filled.

14. Councillors' Remarks

14.1 Parking at Pleasant Beach (Bodner)

In response to Councillor Bodner's inquiry regarding whether staff have begun enforcing parking at Pleasant Beach over the weekends, the Director of Community Safety & Enforcement informed Council that staff did attend Pleasant Beach over the weekend but that he will ensure there is an upgrade to the amount of enforcement visits made to the beach road ends.

14.2 Enforcement of Large Gatherings (Bodner)

In response to Councillor Bodner's inquiry regarding who enforces large gatherings on the weekends, the Director of Community Safety & Enforcement informed Council that By-law staff will enforce with the accompaniment and assistance of the Police.

14.3 Rally in St. Catharines (Desmarais)

Councillor Desmarais commented on the recent rally that took place in St. Catharines and expressed gratitude towards her fellow Councillors for not taking part in it.

14.4 Parking Lot at the Boat Launch (Bagu)

Councillor Bagu expressed concern over the amount of cars that were parked at the boat launch the past weekend, noting that some cars even had to park on the grass at H.H. Knoll Lakeview Park. The Director of Corporate Services informed Council that he would investigate methods to mitigate this issue.

14.5 Update on Gutter Covers (Bagu)

In response to Councillor Bagu's request for an update on the Vale Health and Wellness Centre gutter covers installment, the Director of Public Works informed Council that staff are waiting for a third quote before work can begin.

14.6 Refuse Area at Pleasant Beach (Wells)

In response to Councillor Wells' expressed concern regarding the over-use and abuse of the refuse area at Pleasant Beach, the Director of Public Works indicated that he would contact the Niagara Region to discuss potential solutions to this issue.

14.7 Stopping the Growing Operation (Wells)

Councillor Wells expressed appreciation to all those involved in stopping the growing operation at a particular property.

14.8 Street Signs (Danch)

In response to Councillor Danch's request for an update on various street signs, the Director of Public Works confirmed that he will follow-up with the Niagara Region again to determine when they plan to complete this request.

14.9 Beach Passes for Port Colborne Residents (Danch)

In response to Councillor Danch's inquiry, the Director of Corporate Services confirmed that beach passes will be free of charge for Port Colborne residents and a report will be brought forward to Council explaining how residents can sign up for passes in the near future.

14.10 Fence off of King Street (Danch)

In response to Councillor Danch's concern regarding a broken fence on King Street by the Friendship Trail, the Mayor and Director of Public Works confirmed they would investigate this issue.

15. Consideration of Items Requiring Separate Discussion

15.1 Edie's Café and Bar – Pilot Project 2022, 2021-114

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

That Chief Administrative Office Department Report 2021-114 be received; and

That Council direct the Manager of Strategic Initiatives to enter into negotiations with Lively Media regarding a lease to operate Edie's Café and Bar on City property from June 2022 to September 2022.

Carried

15.2 Year End Surplus/(Deficit) and Closeout Report, 2021-74

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

That Corporate Services Department Report 2021-74 be received; and

That the recommendations set out in the Discussion section and Appendix D of Corporate Services Department Report 2021-74 be approved.

Carried

15.3 Parking and Traffic – Access to Lake from Road Ends, 2021-109

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP., the City's solicitor, and they have provided legal advice with respect to the Firelanes.)

The recommendation was split into two separate votes to account for Councillor Beauregard's Disclosure of Interest.

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That Community Safety and Enforcement Department Report 2021-109 be received;

That Council approve moving forward with Option 3 identified under the Financial Implications section of Community Safety and Enforcement Department Report 2021-109.

Amendment:

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That Community Safety and Enforcement Department Report 2021-109 be received;

That Council approve moving forward with Option 3 identified under the Financial Implications section of Community Safety and Enforcement Department Report 2021-109; and

That the Director of Public Works and Director of Community Safety & Enforcement be directed to investigate cost for signage past the Friendship Trail and provide a report to Council on their findings in preparation of the 2022 budget process.

Carried

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That the Parking Prohibition Certificate attached as Appendix A to Community Safety and Enforcement Department Report 2021-109 be approved; and

Amendment:

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That the Parking Prohibition Certificate attached as Appendix A to Community Safety and Enforcement Department Report 2021-109 be approved; and

That the Parking Prohibition Certificate attached as Appendix A to Community Safety and Enforcement Department Report 2021-109 be amended by deleting "September 30, 2021" and adding "October 31, 2021" thereto.

Carried

15.4 Proposed Draft Discharge of Firearms By-law, 2021-104

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, who has provided legal advice on this item.)

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

That Community Safety & Enforcement Department Report 2021-104 be received; and

That the proposed Discharge of Firearms and Bows By-law be approved, as presented.

Amendment:

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Community Safety & Enforcement Department Report 2021-104 be received; and

That section 10 of the proposed Discharge of Firearms and Bows By-law be amended by deleting the following therefrom:

a) where the *Firearm* is a shotgun, it is of no greater calibre than No. 2 Shot

That section 10 of the proposed Discharge of Firearms and Bows By-law be amended by adding the following thereto:

a) where the *Firearm* is a shotgun, that it have a shell size no greater than a No. 2 Shot

Carried

Amendment:

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Community Safety & Enforcement Department Report 2021-104 be received; and

That section 10 of the proposed Discharge of Firearms and Bows By-law be amended by deleting the following therefrom:

a) where the Firearm is a shotgun, it is of no greater calibre than No. 2 Shot

That section 10 of the proposed Discharge of Firearms and Bows By-law be amended by adding the following thereto:

a) where the Firearm is a shotgun, that it have a shell size no greater than a No. 2 Shot; and

That the proposed Discharge of Firearms and Bows By-law be approved, as amended, with the exception of section 14.

Carried

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That section 14 of the Discharge of Firearms and Bows By-law be referred back to staff to investigate options for a public process when considering an application for exemption.

Carried

15.5 Roselawn Theatre Management Agreement, 2021-115

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That Chief Administrative Office Report 2021-115 be received; and

That the Mayor and Clerk be authorized to enter into an agreement with Lighthouse Festival Theatre Corporation for the management of the theatre at the Roselawn Centre.

Carried

15.6 Public Boat Ramp – Operation Plans 2021, 2021-111

Moved by Councillor M. Bagu

Seconded by Councillor G. Bruno

That Corporate Services Department Report 2021-111 be received; and

That the day pass fee at the Public Boat Ramp be set at \$14.00 when purchased through the HonkMobile App.

Carried

15.7 Awarding Food Vendor Contracts for H.H. Knoll Lakeview Park – 2021 Season, 2021-112

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That Chief Administrative Office Department Report 2021-112 be received; and

That the City of Port Colborne enter into agreements with Big Momma's Fresh Cut Fries and Heavenly Dreams Ice Cream at H.H. Knoll Lakeview Park for the 2021 season for the provision of food and beverage services.

Carried

15.8 Fence Variance Request 5521 Firelane 22, 2021-102

Moved by Councillor M. Bagu

Seconded by Councillor A. Desmarais

That Community Safety & Enforcement Department Report 2021-102 be received;

That the fence variance application for 5521 Firelane 22 as set out in Appendix A of Community Safety & Enforcement Department Report 2021-102 be approved to allow 2 m high cedar trees to be planted in the front yard and to waive the 4.5 m setback requirement from the driveway; and

That the Tree Planting By-law setback of 4.5 m be waived for coniferous trees.

Carried

a. Amended Appendix A to Community Safety & Enforcement Department Report 2021-102

15.9 Town of Lincoln - Support for McNally House Hospice

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That correspondence from the Town of Lincoln regarding Support for McNally House Hospice, be received for information.

Carried

15.10 Township of Brock - Cannabis Licensing and Enforcement

Moved by Councillor R. Bodner

Seconded by Councillor E. Beauregard

That correspondence from the Township of Brock regarding Cannabis Licensing and Enforcement, be supported.

Carried

15.11 Debbie France - Health Canada Cannabis Consultations

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That correspondence from Debbie France regarding Health Canada Cannabis Consultations be received for information.

Amendment:

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That correspondence from Debbie France regarding Health Canada Cannabis Consultations be received for information; and

That the Director of Community Safety & Enforcement be directed to investigate this matter and prepare a report to bring forward to Council on April 26, 2021.

Carried

16. Motions

17. Notice of Motions

17.1 Councillor Wells - Parking Stalls at Road Junctions along Friendship Trail

Councillor Wells provided notice of his intention to introduce a motion at the April 26, 2021 Council meeting with respect to directing staff to investigate parking areas along the Friendship Trail at road junctions and provide a report back to Council on these findings.

18. Minutes of Boards & Committees

Moved by Councillor F. Danch

Seconded by Councillor R. Bodner

That items 18.1 to 18.4 be approved, as presented.

Carried

18.1 Port Colborne Historical and Marine Museum Board Meeting Minutes - January 19 and February 16, 2021

18.2 Port Colborne Public Library Board Meeting Minutes - February 2 and February 9, 2021

18.3 Port Colborne Economic Development Advisory Committee Meeting Minutes - February 19, 2020

18.4 Canal Days Advisory Committee Meeting Minutes - February 2, 2021

19. By-laws

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That items 19.2, 19.3, and 19.4 be enacted and passed.

Carried

19.2 By-law to Authorize Entering into an Agreement with Lighthouse Festival Theatre Corporation to Manage the Theatre at Roselawn Centre

19.3 By-law to Amend By-law No. 89-2000, Being a By-law Regulating Traffic and Parking on City Roads (Fares St)

19.4 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 Regulate the Discharge of Firearms and Bows in the City of Port Colborne

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP., the City's solicitor, and they have provided legal advice on this item.)

This item has been withdrawn as a result of the referral of section 14.

20. Confidential Items

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

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

Amendment:

Moved by Councillor E. Beauregard

Seconded by Councillor F. Danch

That items 20.1 to 20.4 be deferred to a Council Meeting to be scheduled for April 19, 2021 immediately after the Statutory Public Meeting.

Carried

- 20.1 Minutes of the closed session portion of the March 22, 2021 Council Meeting**
- 20.2 Chief Administrative Office Report 2021-86, Potential Disposition of Land**
- 20.3 Chief Administrative Office Report 2021-99, Potential Disposition and Acquisition of Land**
- 20.4 Chief Administrative Office Report 2021-98, Potential Acquisition of Land**

21. Procedural Motions

Moved by Councillor M. Bagu

Seconded by Councillor A. Desmarais

That the rules of procedure set out in Section 4.1 of the Procedural By-law be waived to allow the meeting to extend past 11 p.m.

Carried

22. Information items

23. Adjournment

Mayor Steele adjourned the meeting at approximately 11:05 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk