

City of Port Colborne

Council Meeting Minutes

Date: Monday, May 10, 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
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Staff Present: 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
S. Lawson, Fire Chief

1. Call to Order

Mayor Steele called the meeting to order.

2. National Anthem

3. Proclamations

4. Adoption of Agenda

Moved by Councillor D. Kalailieff
Seconded by Councillor E. Beauregard

That the agenda dated May 10, 2021 be confirmed, as circulated.

Carried

5. Disclosures of Interest

6. Approval of Minutes

6.1 Regular Meeting of Council - April 26, 2021

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That the minutes of the regular meeting of Council, held on April 26, 2021, be approved as presented.

Carried

7. Staff Reports

Moved by Councillor A. Desmarais

Seconded by Councillor R. Bodner

That items 7.1 to 7.5 be approved, and the recommendations contained therein be adopted.

Carried

7.1 Farmers' Market MOU and Amended By-law, 2021-100

That Chief Administrative Office Report 2021-100 be received; and

That Council approve a Memorandum of Understanding (MOU) between the City of Port Colborne and the Downtown Business Improvement Area (Downtown BIA) regarding the Port Colborne Farmers' Market Operations; and

That a by-law to enter into a MOU with the Downtown BIA and a by-law amending By-Law No. 6500/67/17 Being a By-law to Establish and Regulate the Port Colborne Farmers' Market, be brought forward.

7.2 2021 Property Tax and Storm Sewer By-Laws, 2021-139

That Corporate Services Department Report 2021-139 be received; and

That the 2021 property tax rates outlined in Appendix A of Corporate Services Department Report 2021-139, be approved.

7.3 Canal Days Committee Recommendation for Canal Days 2021, 2021-38

That Chief Administrative Office Report 2021-38 be received;

That, in order to safeguard the health and safety of the community, volunteers, artists, festival partners/vendors, visitors and staff, the 2021 Canal Days Marine Heritage Festival is hereby cancelled;

That staff, in conjunction with the Canal Days Advisory Committee, be directed to commence planning a smaller event, or series of events, to take place in the 2021 fall season, that would take place once the public health crisis is contained and economic recovery efforts are underway.

7.4 Petition for Drainage on Weaver Road, 2021-138

That Public Works Department Report 2021-138 be received; and

That Council allow Paul Marsh of EWA Engineering Inc. to investigate the validity of the petition and proceed, if valid, under the previous appointment and By-law No. 6602/57/18 for the Beaver Dam drain.

7.5 By-law Appointment of Municipal Law Enforcement Officer Ian Roberts, 2021-141

That Community Safety and Enforcement Department Report 2021-141 be received; and

That the recommendations outlined in Appendix A of Community Safety and Enforcement Department Report 2021-141, be approved.

8. Correspondence Items

Moved by Councillor A. Desmarais

Seconded by Councillor R. Bodner

That items 8.1 to 8.3 be received for information.

Carried

8.1 Niagara Region - 2021 Property Tax Policy, Ratios and Rates

8.2 Niagara Region - Support Local Journalism and News Media

8.3 City of Brantford - Prohibition on Golfing

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 PORTicipate Passes (Boles)

The Director of Corporate Services/Treasurer provided Council with an update on the PORTicipate passes, noting that staff have received approximately 2000 applications and that the passes will be mailed out at the end of the week.

13.2 Sugarloaf Marina Business Plan (Boles)

The Director of Corporate Services/Treasurer informed Council that the business plan for Sugarloaf Marina will be coming forward to Council in August 2021 in advance of the budget process.

14. Councillors' Remarks

14.1 Paraphernalia along Paths and at Parks (Desmarais)

In response to Councillor Desmarais' concern regarding drug and other paraphernalia along City paths and parks, the Chief Administrative Officer advised that if the public or Councillors witness any drug paraphernalia along City property, they should call either the Niagara Region's Waste Info line or the City's Customer Service representatives.

14.2 Increased Criminal Activity (Desmarais)

In response to Councillor Desmarais' concern regarding the increased criminal activity occurring in the City, the Mayor advised Council that if the matter is not urgent, to call the Niagara Regional Police at 905-688-4111, fill out a report on the Niagara Regional Police Service website, or call Crime Stoppers.

14.3 Large Waste Items on Roadsides (Desmarais)

Councillor Desmarais informed Council that there have been multiple complaints regarding large waste items sitting on roadsides for long

periods of time. The Chief Administrative Officer advised that if anyone witnesses a large waste item at the side of the road, to call the City's Customer Service representatives who will enter a CityWide service request.

14.4 Chicane/Wig Wags on Friendship Trail at Pinecrest Road (Wells)

In response to Councillor Wells' concern regarding the large space between the chicanes/wig wags located on the Friendship Trail at Pinecrest Road, the Director of Public Works informed Council that he would investigate.

14.5 Mineral Aggregate Operation Zoning Update (Wells)

In response to Councillor Wells' request for an update on the Mineral Aggregate Operation zoning, the Chief Administrative Officer informed Council that planning consultants have recently been obtained by the City in order to work on a few outstanding matters, one in particular being the Mineral Aggregate Operation Zoning.

14.6 Thank You to Staff - Graffiti (Bagu)

Councillor Bagu expressed appreciation towards Public Works and Community Safety & Enforcement staff for taking care of a recent complaint regarding graffiti.

14.7 Thank You to Staff - Trees and Street Cleaning (Bruno)

Councillor Bruno expressed gratitude towards Public Works staff who had recently handled multiple matters including tree inquiries and street cleaning.

14.8 Large Item Pickups (Bruno)

In response to Councillor Bruno's inquiry regarding whether City staff could pick up large items placed on the side of the road, the Chief Administrative Officer informed Council that if a large item is witnessed to be on the side of the road, that a call should be made to the City's Customer Service representatives who will enter a CityWide service request and then the responsible level of government will be notified to investigate. The Chief Administrative Officer added that Communications staff will provide this information to the public through the City's social media channels.

14.9 Thank You to Staff - Grass Clippings (Beauregard)

Councillor Beauregard expressed appreciation towards Public Works staff for clearing the grass clippings that were left near Chippawa Road and Berkley Avenue.

14.10 Sidewalks on Clarence Street (Kalailieff)

Councillor Kalailieff commended Public Works staff for installing the sidewalks on Clarence Street.

14.11 Train Cars (Kalailieff)

Councillor Kalailieff informed the public that train cars are not a good place for children to play. The Chief Administrative Officer confirmed that a message will be sent out to the public regarding this matter.

15. Consideration of Items Requiring Separate Discussion

15.1 Museum 2020 Annual Report and 2021 Update, 2021-125

Stephanie Powell Baswick, Director/Curator of the Port Colborne Historical Museum, provided a presentation and responded to questions received from Council.

Moved by Councillor D. Kalailieff
Seconded by Councillor R. Bodner

That Chief Administrative Office Report 2021-125, be received for information.

Carried

15.2 Community Survey Results, 2021-137

Moved by Councillor G. Bruno
Seconded by Councillor H. Wells

That Chief Administrative Office report 2021-137 and accompanying presentation be received for information; and

That the Manager of Strategic Initiatives be directed to bring forward the final draft of the Strategic Plan as well as the detailed Implementation Plan for Council's final review and approval at the May 25, 2021 Council meeting.

15.3 Recommendation Report for OPA and ZBA Killaly Street East and Welland Street, File No.: D09-01-21 & D14-05-21, 2021-136

a. Memo from D. Schulz, Planner - Revised Recommendation for Report 2021-136, OPA and ZBA for Killaly Street East and Welland Street

Moved by Councillor H. Wells

Seconded by Councillor D. Kalailieff

That Planning and Development Department Report 2021-136 be received; and

That the Official Plan Amendment attached as Appendix A to Planning and Development Report 2021-136 be approved; and

That the Zoning By-law Amendment attached as Appendix B to Planning and Development Report 2021-136 be approved, as amended, further removing a Transportation Depot as a permitted use and increasing the permitted height from 8m to 14.5m; and

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

Amendment:

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That Planning and Development Department Report 2021-136 be received; and

That the Official Plan Amendment attached as Appendix A to Planning and Development Report 2021-136 be approved; and

That the Zoning By-law Amendment attached as Appendix B to Planning and Development Report 2021-136 be approved, as amended, further removing a Transportation Depot as a permitted use and increasing the permitted height from 8m to 14.5m; and

That Planning staff be directed to circulate the Notice of Adoption and Passing in accordance with the *Planning Act*;

That delegated authority for site plan control be removed for this property; and

That Planning staff be directed to notify interested residents when the report pertaining to site plan control is being brought forward for Council's consideration.

Carried

Amendment:

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That Planning and Development Department Report 2021-136 be received; and

That the Official Plan Amendment attached as Appendix A to Planning and Development Report 2021-136 be approved; and

That the Zoning By-law Amendment attached as Appendix B to Planning and Development Report 2021-136 be approved, as amended, further removing a Transportation Depot as a permitted use and increasing the permitted height from 8m to **11m**; and

That Planning staff be directed to circulate the Notice of Adoption and Passing in accordance with the *Planning Act*;

That delegated authority for site plan control be removed for this property; and

That Planning staff be directed to notify interested residents when the report pertaining to site plan control is being brought forward for Council's consideration.

Carried

- b. Delegation material from Melissa and Mary Bigford, residents**
- c. Correspondence from L. Fontaine, property owner**
- d. Staff responses to delegation material**
- e. Additional delegation material from Melissa and Mary Bigford, residents**
- f. Delegation material from Collette and Allan Lacroix, residents**

15.4 Management of Roselawn Centre, 2021-108

Moved by Councillor H. Wells

Seconded by Councillor E. Beauregard

That Chief Administrative Office Report 2021-108 be received;

That Council direct the Manager of Strategic Initiatives to stop the Port Colborne Innovation, Creativity and Culinary Incubator;

That Council appoint a member of the Friends of Roselawn Centre to The Port Colborne Historical and Marine Museum Board; and

That the Director/Curator of the Port Colborne Historical & Marine Museum be responsible for the general management of Roselawn Centre.

Amendment:

Moved by Councillor R. Bodner

Seconded by Councillor H. Wells

That Chief Administrative Office Report 2021-108 be received;

That Council direct the Manager of Strategic Initiatives to stop the Port Colborne Innovation, Creativity and Culinary Incubator;

That Council appoint a member of the Friends of Roselawn Centre to The Port Colborne Historical and Marine Museum Board;

That the Director/Curator of the Port Colborne Historical & Marine Museum be responsible for the general management of Roselawn Centre; and

That a staff update pertaining to the management of Roselawn Centre be provided to Council in October of 2022.

Carried

15.5 Status Update for Niagara's South Coast Tourism Association, 2021-123

Moved by Councillor H. Wells

Seconded by Councillor D. Kalailieff

That Chief Administrative Office Report 2021-123 be received for information purposes.

Carried

15.6 Fort Erie - Source Water Protection Legislation

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That correspondence from the Town of Fort Erie regarding Source Water Protection Legislation, be supported.

Carried

15.7 Town of Pelham - Request to Delay Official Plan Review

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That correspondence from the Town of Pelham regarding Request to Delay Official Plan Review, be supported.

Carried

15.8 West Lincoln - Beds of Navigable Waters Act

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That correspondence from the Township of West Lincoln regarding Beds of Navigable Waters Act, be supported.

Carried

15.9 Niagara Peninsula Conservation Authority (NPCA) - Trails Network

Moved by Councillor M. Bagu

Seconded by Councillor D. Kalailieff

That correspondence from the Niagara Peninsula Conservation Authority regarding Trails Network, be supported.

Carried

15.10 Niagara Peninsula Conservation Authority (NPCA) - 2 Billion Trees

Moved by Councillor M. Bagu

Seconded by Councillor A. Desmarais

WHEREAS the federal government has announced the “Growing Canada’s Forests” program as part of its 2 Billion Trees initiative, making substantial matching funding available to support reforestation efforts across the country;

WHEREAS this is a timely opportunity to attract federal investment towards implementing nature-based climate solutions in our communities through a strong and coordinated multi-partner approach across the Niagara Peninsula watershed;

WHEREAS the Niagara Peninsula Conservation Authority (NPCA) is convening partners and collaborators towards a 10-year planning program for a Request for Information submission in application to Growing Canada’s Forest Funding Program due May 27th 2021;

WHEREAS the NPCA has a well-established track record of reforestation with private and public landowners, non-governmental organizations, nature clubs, academic institutions and community groups, has the scientific know-how to identify land and tree species with the biggest ecological and climate benefits, and has partnerships in place to mobilize volunteers to plant and monitor trees;

AND WHEREAS the proposed opportunity aligns with the Municipal objectives, has the potential to provide multiscale benefits;

IT IS RECOMMENDED THAT the Council endorse the attached letter in support of NPCA’s Request for Information submission in application to Growing Canada’s Forests 2 Billion Trees initiative; and

AND FURTHER THAT staff continue to collaborate with NPCA and other partners in identifying planting opportunities and programs aligned with municipal priorities to be included in the full funding application should the Request for Information submission as an expression of interest be successful.

Carried

16. Motions

17. Notice of Motions

18. Minutes of Boards & Committees

Moved by Councillor M. Bagu

Seconded by Councillor E. Beauregard

That items 18.1 and 18.2 be approved, as presented.

Carried

18.1 Canal Days Advisory Committee Meeting Minutes - March 2, 2021

18.2 Port Colborne Public Library Board Meeting Minutes - April 6, 2021

19. By-laws

Moved by Councillor F. Danch

Seconded by Councillor A. Desmarais

That items 19.1, 19.2, and 19.5 to 19.9 be enacted and passed.

Carried

19.1 By-law to Amend By-law No. 6500/67/17 Being a By-law to Establish and Regulate the Port Colborne Farmers' Market

19.2 By-law to Authorize Entering into a Memorandum of Understanding with the Downtown BIA Regarding the Farmers' Market Operations

19.5 By-Law to Set and Levy the Rates of Taxation for City Purposes for the Year 2021

19.6 By-law to Appoint a Municipal Law Enforcement Officer

19.7 By-law to Authorize Entering into a Lease Agreement with Big Momma's Fresh Cut Fries Regarding Food Vending Operations at H.H. Knoll Lakeview Park

19.8 Being a By-law to Authorize Entering into a Lease Agreement with Heavenly Dreams Ice Cream Regarding Food Vending Operations at H.H. Knoll Lakeview Park

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

19.3 By-law to Adopt Amendment No. 8 to the Official Plan for the City of Port Colborne

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

19.4 By-law to Amend Zoning By-law 6575/30/18 Respecting 72 Killaly Street East and Vacant Lands to the North and East

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

20. Confidential Items

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 and 20.2.

Carried

20.1 Minutes of the closed session portion of the April 26, 2021 Council Meeting

20.2 Corporate Services Department Report 2021-143, Performance Review and Goals of the Chief Administrative Officer

21. Procedural Motions

22. Information items

23. Adjournment

Council moved into Closed Session at approximately 9:51 p.m.

Council reconvened into Open Session at approximately 10:29 p.m.

Mayor Steele adjourned the meeting at approximately 10:30 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk