

City of Port Colborne

Council Meeting Minutes

Date: Monday, June 14, 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: 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
S. Lawson, Fire Chief

1. Call to Order

Mayor Steele called the meeting to order.

2. National Anthem

3. Proclamations

3.1 Seniors' Month

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

That June 1 – 30, 2021 be proclaimed as “Seniors’ Month” in the City of Port Colborne and that all citizens be encouraged to recognize and celebrate the accomplishments of our seniors.

Carried

4. Adoption of Agenda

Moved by Councillor E. Beauregard
Seconded by Councillor A. Desmarais

That the agenda dated June 14, 2021 be confirmed, as circulated.

Carried

5. Disclosures of Interest

6. Approval of Minutes

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

- a. That the minutes of the regular meeting of Council held on May 25, 2021, be approved as circulated.
- b. That the minutes of the special meeting of Council held on June 7, 2021, be approved as circulated.

Carried

6.1 Regular Meeting of Council - May 25, 2021

6.2 Special Meeting of Council - June 7, 2021

7. Staff Reports

Moved by Councillor F. Danch
Seconded by Councillor G. Bruno

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 D14-02-21, 3288 Second Concession, 2021-173

That Planning and Development Department Report 2021-173 be received; and

That the Zoning By-law Amendment attached as Appendix A of Planning and Development Report 2021-173 be approved, rezoning the property from Agricultural (A) to Agricultural Purposes Only (APO) and AR-63; and

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

7.2 Transit Agreement to December 2021, 2021-167

That Corporate Services Department Report 2021-167 be received;

That the transit agreement with the City of Welland attached as Appendix A of Corporate Services Department Report 2021-167, be approved; and

That a by-law to enter into a transit agreement with the City of Welland be brought forward.

8. Correspondence Items

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That items 8.1 to 8.4 be received for information.

Carried

8.1 Township of Wainfleet - Niagara Central Dorothy Rungeling Airport Commission

8.2 Various Municipalities - Declaration of National Emergency on Mental Health

8.3 Various Municipalities - City of Port Colborne resolution regarding Cannabis Licensing and Enforcement

8.4 Niagara Regional Housing - Quarterly Report January 1 to March 31, 2021

9. Presentations

10. Delegations

10.1 Jesse Boles, Downtown BIA - Rainbow Crosswalk Request

Jesse Boles, Downtown BIA, responded to questions received from Council.

Moved by Councillor A. Desmarais

Seconded by Councillor R. Bodner

That Council Direct the Director of Public Works to work with the Downtown BIA to create a plan to recognize and show support of the LGBTQ community and other marginalized peoples with a focus of the plan to be inclusive and illustrate that the City of Port Colborne is a safe place where all are wanted, welcome and respected in our community; and

That the plan and related recommendations be brought forward in the 2022 draft budget for Council consideration, if required; and

If approved in the 2022 budget, the implementation of the recommendations occur before June 1st, 2022.

Amendment:

Moved by Councillor E. Beauregard

Seconded by Councillor R. Bodner

That Council Direct the Director of Public Works to work with the Downtown BIA to create a plan to recognize and show support of the LGBTQ community and other marginalized peoples with a focus of the plan to be inclusive and illustrate that the City of Port Colborne is a safe place where all are wanted, welcome and respected in our community; and

That Council approve the budget funding for this project come from the Capital Contingency Reserve; and

That the Director of Public Works be directed to work alongside the Downtown BIA and move forward in implementing and installing one crosswalk.

Carried

10.2 Kate Brown - Downtown BIA Crosswalk Request

10.3 OUTniagara - Downtown BIA Crosswalk Request

11. Mayor's Report

A copy of the Mayor's report is attached.

12. Regional Councillor's Report

13. Staff Remarks

13.1 Beaches Update (Boles)

The Director of Corporate Services/Treasurer updated Council on the Centennial Park - Cedar Bay Beach and Nickel Beach activity over the past few weekends.

13.2 2022 Budget Dates (Boles)

The Director of Corporate Services/Treasurer informed Council that the 2022 budget dates would be brought forward to Council at the next meeting on June 28, 2021.

14. Councillors' Remarks

14.1 Traffic Issues at Beaches (Wells)

Councillor Wells reported that there have been traffic issues with speeding and golf carts at the beaches and road ends. He further indicated that the issue has been brought forward to the Niagara Regional Police to ensure safety and control of traffic.

14.2 Cedar Bay Beach Fencing (Wells)

In response to Councillor Wells' concern regarding some fencing located on Cedar Bay Beach, the Chief Administrative Officer confirmed that he will investigate this matter.

14.3 Traffic on Clarence Street and Stanley Street (Bagu)

In response to Councillor Bagu's request for an update on traffic calming measures for Clarence Street and Stanley Street, the Director of Public Works informed Council that speed limit signs have been installed, lines will be painted on these streets and staff are investigating the potential for specific lines to be painted near Sunset Park. Additionally, the Director noted that staff will be working with CAA to investigate other signs that can be installed in these areas such as "Children at Play" signs.

14.4 Golf Carts (Desmarais)

Councillor Desmarais informed Council that she has received reports of golf carts operating along the Friendship Trails. The Mayor reported that off-road policing and stepped-up patrols will be occurring in these areas

and encouraged the public to please report to the Niagara Regional Police if they witness this happening.

14.5 Beaches - Public Comments (Desmarais)

Councillor Desmarais reported that she has received mixed reviews from the public regarding the residency restrictions on the beaches.

14.6 Water Bills (Desmarais)

Councillor Desmarais reported that she has received many public inquiries regarding the cause of the high water bills as well as the action being taken by the City to remedy the high water prices. The Chief Administrative Officer provided an outline of how the water budget is used, noting that there is no profit and that all is put towards the cost of providing safe and clean water to each resident's home. He further noted that he will investigate ways of communicating this information to the public.

14.7 Water Station on Elm Street (Bodner)

In response to Councillor Bodner's inquiry regarding whether the water station on Elm Street is fully operational, the Director of Public Works indicated that the City has received a second sampling indicating the water is safe but there is one flexible hose piece not yet delivered. The Director further noted that the manufacturer indicated that it should be delivered in 1-2 weeks.

14.8 Missing Garbage Can (Danch)

In response to Councillor Danch's inquiry regarding a garbage can that has gone missing at the corner of Main Street West and Fielden Avenue, the Director of Public Works reported that he would ensure the garbage can would be returned to this location.

14.9 Bike Rack (Danch)

In response to Councillor Danch's inquiry regarding a bike rack at the corner of Main Street West and King Street, the Director of Public Works informed Council that he would investigate this matter.

14.10 Line Painting (Bruno)

In response to Councillor Bruno's request to have the road line paintings improved in the area of Hawthorne Heights, the Director of Public Works informed Council that he would investigate this matter.

14.11 Water Billing (Bruno)

In response to Councillor Bruno's inquiry regarding whether staff could prepare a cross-departmental Council update with respect to water/wastewater infrastructure and billing, the Chief Administrative Officer confirmed that he will arrange for this to happen.

15. Consideration of Items Requiring Separate Discussion

15.1 Niagara Living Wage Certification, 2021-166

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

That Corporate Services Department Report 2021-166 be received;

That Council endorse the commitment to become a Certified Living Wage Employer at the Leader level as of June 20, 2021; and

That Council endorse the commitment to reaching the Champion level by June 30, 2023.

Lost

15.2 2020 Year End Review – Fire and Emergency Services, 2021-161

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

That Community Safety and Enforcement Department Report 2021-161, be received for information purposes.

Carried

15.3 2020 Year End Review – By-law Enforcement Services, 2021-159

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

That Community Safety and Enforcement Department Report 2021-159 be received for information.

Carried

15.4 Core Services and By-law for By-law Enforcement Policy, 2021-155

Moved by Councillor R. Bodner

Seconded by Councillor D. Kalailieff

That Community Safety and Enforcement Department Report 2021-155 be received;

That Council adopt the Core Services as outlined in Appendix A to Community Safety & Enforcement Department Report 2021-155; and

That Council approve the draft By-law and Schedule “A” By-law Enforcement Policy attached as Appendix B to Community Safety & Enforcement Department Report 2021-155.

Carried

15.5 2020 Consolidated Financial Statements, 2021-76

Moved by Councillor H. Wells

Seconded by Councillor D. Kalailieff

That Corporate Services Department Report 2021-76 be received;

That the reserve transfers proposed in this report and included in the consolidated financial statements, be approved;

That the consolidated financial statements attached as Appendix A to Corporate Services Department Report 2021-76, be approved; and

That Grant Thornton be reappointed as the auditors of the City of Port Colborne for the fees as outlined in Appendix C to Corporate Services Department Report 2021-76.

Carried

15.6 Centennial Park - Cedar Bay Beach Residency Exceptions, 2021-165

Moved by Councillor G. Bruno

Seconded by Councillor H. Wells

That Corporate Services Department Report 2021-165 be received as information.

In Favour (7): Councillor E. Beauregard, Councillor R. Bodner, Councillor G. Bruno, Councillor F. Danch, Councillor A. Desmarais, Mayor Steele, and Councillor H. Wells

Opposed (2): Councillor M. Bagu, and Councillor D. Kalailieff

Carried (7 to 2)

Amendment:

Moved by Councillor R. Bodner

Seconded by Councillor H. Wells

That Corporate Services Department Report 2021-165 be received as information;

That the Director of Corporate Services be directed to implement an amended version of Option 1 as outlined on page 2 of Corporate Services Department Report 2021-165, with the Director administering exemptions to residency restrictions with discretion;

That successful exemptions be treated as Niagara residents by paying a fee to access the beach (\$25 weekday/ \$35 weekend); and

That the Director of Corporate Services notify Council when an exemption to residency restrictions is granted.

In Favour (4): Councillor R. Bodner, Councillor A. Desmarais, Mayor Steele, and Councillor H. Wells

Opposed (5): Councillor E. Beauregard, Councillor M. Bagu, Councillor G. Bruno, Councillor F. Danch, and Councillor D. Kalailieff

Lost (4 to 5)

15.7 Recommendation Report for Zoning By-law Amendment D14-08-21, Vacant Lot on Neff Street, 2021-168

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That Planning and Development Department Report 2021-168 be received;

That the Zoning By-law Amendment attached as Appendix A to Planning and Development Report 2021-168 be approved; and

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

Carried

15.8 Follow-up Proposed Draft By-law Non-Parking Administrative Penalty System, 2021-170

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That Community Safety and Enforcement Department Report 2021-170 be received; and

That the draft Non-Parking Administrative Monetary Penalty System By-law attached as Appendix A to Community Safety and Enforcement Report 2021-170, be approved.

Carried

15.9 Project No.: 2021-17 RFP Erie Street Watermain Replacement, 2021-158

Moved by Councillor G. Bruno

Seconded by Councillor H. Wells

That Council award the Project for the Design of Replacing Watermain on Erie Street to Associated Engineering Ltd. (the Consultant), for the amount of \$118,210.00, plus applicable taxes;

That a provisional item of \$100,034.00 for Contract Administration and Inspection be awarded on a later date at the discretion of the Director of Public Works, and be approved for use, if necessary, to supplement City staff resources;

That staff prepare the Contract By-law, and the City Clerk and Mayor be authorized to execute the Contract Agreement; and

That the funding for the Project be financed under Account 20C-PW-L43.

Carried

15.10 Nickel Beach Lease Agreement, 2021-133

Moved by Councillor G. Bruno
Seconded by Councillor A. Desmarais

That Corporate Services Department Report 2021-133, Nickel Beach Lease Agreement be received;

That Council approve the lease agreement attached as Appendix A to Corporate Services Department Report 2021-133, between the City of Port Colborne and Vale Canada Limited for the purposes of leasing the premises at Nickel Beach; and

That a by-law to enter into a lease agreement with Vale Canada Limited be brought forward.

Carried

15.11 Port Colborne Municipal Drain, 2021-148

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

That Public Works Department Report 2021-148 be received; and

That staff be directed to advance the Port Colborne Municipal Drain Engineer's Report to a 'Meeting to Consider', under Section 41, Chapter D.17 of the *Drainage Act*.

Carried

15.12 Big Bass Champion Fishing Tournament 2021, 2021-154

Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

That Chief Administrative Office Report 2021-154 be received;

That City sponsorship of the 2021 Big Bass Champion Fishing Tournament be approved, with \$4,000 in financial support from the City, City assistance with event promotion and marketing on social media, and waiving the permit fees for the use of H.H. Knoll Park; and

That approval of the above-noted event and sponsorship is conditional on the Big Bass Champion Fishing Tournament submitting a certificate of

liability insurance in the amount of \$2,000,000 naming the City of Port Colborne as additional insured.

Carried

15.13 Town of Fort Erie - Capital Gains Tax on Primary Residence

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That correspondence from the Town of Fort Erie regarding Capital Gains Tax on Primary Residence, be supported.

Carried

15.14 Correspondence from Steven Soos - Request to Endorse Petition Declaring National Emergency on Mental Health

Moved by Councillor A. Desmarais

Seconded by Councillor D. Kalailieff

Whereas:

Several provinces have declared emergencies on various circumstances over time, and whereas Canada is allowed to declare national emergencies under the Emergencies Act, 1985;

Approximately 1 in 5 Canadians will experience a mental health problem or illness and whereas the economic burden of mental illness in Canada is estimated at 51 billion dollars per year (including healthcare costs, lost productivity, and reductions in health-related quality of life) (CAMH), and whereas not addressing mental health issues/illness is costly in the long-term to Canada's economy;

According to a recent Morneau Shephard poll, 50% of Canadians reported that their mental health has worsened with the COVID-19 pandemic, with mental health related hospitalizations, crisis-line use, and addiction rates skyrocketing;

We, the undersigned, Citizens of Canada, call upon the House of Commons to Launch a federal study in the Standing Committee on Health (HESA) on the merits of declaring a national emergency on mental health.

11/12 of Niagara's-area municipalities already supported the request for Niagara Regional Council to declare a state of emergency on mental health, homelessness, and addiction;

Be it Resolved That the City of Port Colborne endorse Petition E-3351 calling upon the House of Commons to Launch a federal study in the Standing Committee on Health (HESA) on the merits of declaring a national emergency on mental health.

That all Niagara-area MP's/MPP's, the Prime Minister of Canada, the federal Minister of Health, and all members of the federal HESA (Standing committee on health), Premier of Ontario, and the President of AMO be copied on this motion.

Carried

16. Motions

17. Notice of Motions

18. Minutes of Boards & Committees

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That item 18.1 be approved, as presented.

Carried

18.1 Main Street BIA Minutes - November 21, 2019 and January 20, 2020

19. By-laws

Moved by Councillor M. Bagu

Seconded by Councillor E. Beauregard

That items 19.1 to 19.8 be enacted and passed

Carried

19.1 By-law to Adopt a Municipal By-law Enforcement Policy

19.2 By-law to Amend Zoning By-law 6575/30/18 Respecting 3288 Second Concession

- 19.3 By-law to Amend Zoning By-law 6575/30/18 Respecting a Vacant Lot on the North Side of Neff Street**
- 19.4 By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne**
- 19.5 By-law to Authorize Entering into a Contract Agreement with Associated Engineering Ltd. regarding Project 2021-17**
- 19.6 By-law to Authorize Entering into an Agreement with Vale Canada Limited Regarding the Lease of Nickel Beach**
- 19.7 By-law to Authorize Entering into a Transit Agreement with the City of Welland**
- 19.8 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne**

20. Confidential Items

Moved by Councillor G. Bruno
Seconded by Councillor F. Danch

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 May 10, 2021 Council Meeting

20.2 Chief Administrative Office Report 2021-157, Nyon Energy Lands and the Nyon Tank Farm property

21. Procedural Motions

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

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

Council moved into Closed Session at approximately 11:26 p.m.

Council reconvened into Open Session at approximately 12:49 a.m.

Mayor Steele adjourned the meeting at approximately 12:50 a.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk