

City of Port Colborne
Council Meeting Minutes

Date: Tuesday, August 23, 2022
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: S. Luey, Chief Administrative Officer
B. Boles, Director of Corporate Services/Treasurer
S. Lawson, Fire Chief
N. Rubli, Acting City Clerk
S. Shypowskyj, Director of Public Works

1. Call to Order

Mayor Steele called the meeting to order at 6:30 p.m.

2. National Anthem

3. Land Acknowledgment

4. Proclamations

5. Adoption of Agenda

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

That the agenda dated August 23, 2022 be confirmed, as circulated.

Carried

6. Disclosures of Interest

7. Approval of Minutes

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

1. That the minutes of the Regular Meeting of Council held on August 9, 2022, be approved as presented.
2. That the minutes of the Public Meeting held on July 19, 2022, be approved as presented.

Carried

7.1 Regular Meeting of Council- August 09, 2022

7.2 Public Meeting - July 19, 2022

8. Staff Reports

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That items 8.1 to 8.3 be approved, and the recommendations contained therein be adopted.

8.1 Recommendation Report for a Zoning By-law Amendment at 1498 Wilhelm Road, 2022-188

That Development and Legislative Services Department Report 2022-188 be received; and;

That Council approve the Zoning By-law Amendment attached as Appendix C, to amend the zoning for the subject lands from Agricultural to Agricultural Residential 'AR-56' (Part 1) and from Agricultural 'A' Zone to Agricultural Purposes Only 'APO' (Part 2);

8.2 Recommendation Report for Development Agreement D11-05-22, 954 Wyldewood Road, 2022-190

That Development and Legislative Services Department -Planning Division Report 2022-190 be received; and

The execution of a Development Agreement with Plamen and Elizabeth Dimitrov be approved; and

That the Bylaw authorizing entering into the Development Agreement for 954 Wyldewood Road with Plamen and Elizabeth Dimitrov, attached as Appendix A of Development and Legislative Services Report 2022-190 be approved.

8.3 Canal Days Funding – Reconnect Ontario Grant, 2022-193

That Corporate Services Department – Recreation Division Report 2022-193 be received; and

That the Chief Administrative Officer and Director of Corporate Services/Treasurer be authorized to execute the transfer payment agreement and any related documents for the Reconnect Ontario grant program.

9. Correspondence Items

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That item 9.1 be received for information.

Carried

9.1 Niagara Peninsula Conservation Authority Board Meeting Minutes, July 15, 2022

10. Presentations

11. Delegations

12. Mayor's Report

A copy of the Mayor's Report is attached.

13. Regional Councillor's Report

Regional Councillor Butters provided an update to City Council.

14. Staff Remarks

15. Councillors' Remarks

15.1 Ward 4 Polling Location (Bodner and Bruno)

In response to Councillor Bodner's inquiry regarding a change to the election polling locations for Ward 4, the Acting City Clerk advised Council under the Municipal Elections Act the Clerk is responsible for ensuring that the polling locations are accessible for all voters. Saint Thérèse Catholic Elementary School and Bethel United Church have been established as the polling locations for Ward 4 as they meet the accessibility criteria. The change in polling locations was due to the Clerk's responsibility under the Act and supports the City's strategic plan for inclusivity to ensure that each location was accessible.

In response to Councillor Bruno's inquiry regarding whether the Acting City Clerk will review the decision and change the polling location, the Acting City Clerk stated that the polling locations have been finalized and will not be changed.

15.2 Erie Street Watermain Break/Construction (Bruno)

In response to Councillor Bruno's request for a progress update on the Erie Street construction the Director of Public Works provided a brief update on the project and advised that he will reach out to the residents along Erie Street and advise them of the Grant program for the laterals. A report will come before Council at the September 13, 2022 Council meeting with further updates on the project.

15.3 Sewage Pumps- King Street and Neff Street (Bruno)

In response to Councillor Bruno's inquiry regarding sewage pumps, the Director of Public Works advised Council that the new pumps have been ordered and are scheduled to arrive in Fall of 2022.

15.4 Bike Lane on Welland Street (Desmarais)

In response to Councillor Desmarais' request for an update in regards to the proposed bike lane on Welland Street and funding for the project, the Director of Public Works advised Council that there is an on-going conversation with the Province of Ontario for the funding and relayed that the project is still on track.

15.5 Chippawa Road (Desmarais)

In response to Councillor Desmarais' request for an update on the status of traffic study on Chippawa Road, the Director of Public Works advised Council that a report will be brought to Council which will provide the results of the traffic study/survey and address residents' concerns.

16. Consideration of Items Requiring Separate Discussion

16.1 2021 Development and Legislative Services Department Annual Report, 2022-197

Moved by Councillor D. Kalailieff

Seconded by Councillor M. Bagu

That 2021 Development and Legislative Services Department Report 2022-197 be received.

Carried

16.2 Application for Expropriation – PIN 64164-0405, 2022-181

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That Chief Administrative Officer – Economic Development and Tourism Division Report 2022-181 be received; and

That Council direct staff to engage the City Solicitor to prepare an application for approval to expropriate PIN 64164-0405 legally described as Reserve A PI 871 Port Colborne.

Carried

16.3 Billing of the Indian Creek, Haun, and Wagner Branch Drains Maintenance, 2022-175

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That Public Works Department Report 2020-175 be received; and

That the billing for the Indian Creek, Haun, and Wagner Branch Municipal Drains be invoiced in accordance with the *Drainage Act*; and

That the By-law to Amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of Drainage Works Known as the Indian Creek, Haun, and Wagner Branch Municipal Drains be approved.

Carried

16.4 Billing of the St. John's Marsh Municipal Drain, 2022-187

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

That Public Works Department – Water/Wastewater Division Report 2022-187 be received; and

That the billing for the St. John's Marsh Municipal Drain be invoiced in accordance with the Drainage Act, as outlined in Appendix C of Public Works Department Report 2022-187 be approved.

That the St. John's Marsh Drain Levy By-law and Schedule A found in Appendix B and C be approved.

Carried

16.5 Haney Street Road Allowance – Stop Up and Close By-law and Surplus Declaration, 2022-186

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

That Chief Administrative Officer - Economic Development and Tourism Division Report 2022-186 be received; and

That the Stop Up and Close By-law, being a By-law to stop up and close the Haney Street Road Allowance, legally described as Haney St. PI 765 Humberstone Lying East Of King St. Except VH2791 PIN 64149-0024 be approved; and

That the Haney Street Road Allowance, legally described as Haney St. PI 765 Humberstone Lying East of King St. Except VH2791 be declared surplus.

Carried

16.6 Declaration of Surplus Land – PIN 64141-0386, 2022-184

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

That Chief Administrative Office - Economic Development and Tourism Division Report 2022-184 be received; and

That Council declare the City owned property legally described as Pt Lt 29 Con 2 Humberstone, P1 1 59R10207, PIN 64141-0386, shown in Appendix A, as surplus.

Carried

16.7 Declaration of Surplus Land - PIN 64156-0026, 2022-183

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

That Chief Administrative Office Economic Development and Tourism Division Report 2022-183 be received; and

That Council declare the City owned property legally described as Lt 28 Con 1 Humberstone; S/T PC14323 Port Colborne, PIN 64156-0026 and shown in Appendix A, as surplus.

Amendment:

Moved by Councillor R. Bodner

Seconded by Councillor E. Beauregard

That Chief Administrative Office - Economic Development and Tourism Division Report 2022-183 be referred back to staff in order to investigate and bring a report back to Council with further details.

Carried

16.8 Olde Humberstone (Main St.) CIP Expansion Request, 2022-189

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

That Chief Administrative Officer- Economic Development and Tourism Report 2022-185 be received; and

That Council direct staff to initiate the process for amending the Olde Humberstone (Main Street) Community Improvement Plan (CIP) under Section 28 of the Planning Act.

Carried

16.9 Marina Capital Project Update – Telehandler Purchase, 2022-198

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

That Corporate Services Department – Recreation Division Report 2022-198 be received; and

That Council approve a re-allocation of \$70,000 from the Sugarloaf Marina NRBN Wi-Fi Capital Project to fund additional cots associated with the purchase of the new telehandler and accessory equipment.

Carried

17. Motions

18. Notice of Motions

19. Minutes of Boards & Committees

20. By-laws

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

That items 20.1 to 20.6 be enacted and passed.

20.1 By-law to amend the assessment schedule and to levy the actual costs incurred for the maintenance of drainage works known as the Indian Creek, Wagner and Haun Municipal Drains

20.2 By-law to Levy the Actual Costs Incurred in Constructing a Drainage Works Known as the St. John's Marsh Municipal Drain

20.3 By-law to Stop and Close for Haney Street Road Allowance, of PIN 64149-0024

20.4 By-law to amend Zoning By-law 6575/30/18 respecting the lands legally known as Lot 5 on Concession 2, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 1498 Wilhelm Road

20.5 By-law to authorize entering into an agreement regarding 954 Wyldewood Road

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

21. Confidential Items

22. Procedural Motions

23. Information items

24. Adjournment

Mayor Steele adjourned the meeting at approximately 8:25 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk