

City of Port Colborne Council Meeting Minutes

Date: Tuesday, August 15, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Aquilina, Councillor
M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor
W. Steele, Mayor (presiding officer)

Staff Present: S. Lawson, Fire Chief
S. Luey, Chief Administrative Officer
S. Shypowskyj, Director of Public Works
S. Tufail, Acting Deputy Clerk (minutes)
J. Goulet, Deputy Clerk
D. Landry, Chief Planner
D. Schulz, Senior Planner
G. Long, Manager of Strategic Initiatives

1. Call to Order

Mayor Steele called the meeting to order at 6:55 p.m.

2. National Anthem

3. Land Acknowledgment

Councillor Elliott recited the Land Acknowledgement.

4. Proclamations

5. Adoption of Agenda

Moved by Councillor R. Bodner
Seconded by Councillor T. Hoyle

That the agenda dated August 15, 2023, be confirmed, as amended.

Carried

6. Disclosures of Interest

6.1 Councillor E. Beauregard - Ralph Rotella, resident, 100 Oxford Boulevard - Fee Reimbursement for 480 Northland Avenue

The Councillor declared an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the consultants who work on this property.

7. Approval of Minutes

Moved by Councillor F. Danch
Seconded by Councillor D. Elliott

Carried

7.1 Special Council Meeting (Closed Session) - July 11, 2023

7.2 Regular Meeting of Council - July 18, 2023

8. Staff Reports

Moved by Councillor G. Bruno
Seconded by Councillor M. Bagu

That items 8.1 to 8.5 be approved, and the recommendations contained therein be adopted.

Carried

8.1 Elgin Street Road Closure – Port Colborne High School 100 Year Anniversary, 2023-149

Moved by Councillor G. Bruno
Seconded by Councillor M. Bagu

That Office of the Chief Administrative Officer Report 2023-149 be received;

That the Council of The Corporation of the City of Port Colborne hereby deems the Port Colborne High School 100 Year Anniversary as a municipally significant event and supports the application to the Alcohol and Gaming Commission of Ontario for a Special Occasion Permit;

That a section of Elgin Street, between Steele Street to the west and Fielden Avenue to the east, be approved for a road closure during the following dates and times:

- September 23, 2023 from 8:00 a.m. through 11:59 p.m.
- September 24, 2023 from 12:00 a.m. through 8:00 a.m.;

That a Noise By-law Variance be approved for the Port Colborne High School 100 Year Anniversary on September 23, 2023; and

That the fees for a road closure, Noise By-law Variance, and fire prevention assistance be waived.

Carried

8.2 Sale of City property adjacent to 157 Sugarloaf Street, 2023-146

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That Chief Administrative Officer report 2023-146 be received for information; and

That Council authorize the Mayor and City Clerk to sign the Agreement of Purchase and Sale, the by-law, and the closing documentation related to the sale and disposition of City land, legally described as Part 1 on Plan 59R-17765, part of Lot 1, NS, Sugarloaf Street, Registered Plan 845, Port Colborne, part of PIN 64162-0299; and

That the Manager of Strategic Initiatives be directed to work with the City Solicitor to finalize the transaction.

Carried

8.3 Sale of City property adjacent to 216 Linwood Avenue, 2023-144

Moved by Councillor G. Bruno
Seconded by Councillor M. Bagu

That Chief Administrative Officer report 2023-144 be received for information; and,

That Council authorize the Mayor and City Clerk to sign the Agreement of Purchase and Sale, the by-law, and the closing documentation related to the sale and disposition of City land, legally described as Part 1 on Plan 59R-17525, Part of Lot 31, Concession 1, formerly of the Township of Humberstone, Part of PIN 64157-0127; and

That Council pass the By-law attached as Appendix C, deeming Lot 236 on Plan 13 to be not part of a registered Plan of Subdivision in accordance with Section 50 of the *Planning Act*; and

That the Manager of Strategic Initiatives be directed to work with the City Solicitor to finalize the transaction.

Carried

8.4 Sale of City property adjacent to 52 Elm Street, 2023-145

Moved by Councillor G. Bruno
Seconded by Councillor M. Bagu

That Chief Administrative Officer report 2023-145 be received for information; and

That Council authorize the Mayor and City Clerk to sign the Agreement of Purchase and Sale, the by-law, and the closing documentation related to the sale and disposition of City land, legally described as Part 1 on Plan 59R-17398, Part of Lot 1, NS, Sugarloaf Street, Registered Plan 845, Port Colborne, Part of PIN 64162-0299; and

That the Manager of Strategic Initiatives be directed to work with the City Solicitor to finalize the transaction.

Carried

8.5 Grant Allocation for Non-Profit Organizations, 2023-163

Moved by Councillor G. Bruno
Seconded by Councillor M. Bagu

That Corporate Services Department Report 2023-163 be received; and

That the following grants for non-profits totalling \$17,500 be approved for the second allocation of 2023;

The Wave\$2,300

Port Cares Reach Out Centre\$3,500

Port Colborne Art Club\$1,500

2nd Port Colborne Scouts\$2,400

Oak Centre Lake House\$2,300

Niagara Nutrition Partners\$4,000

Friends of Roselawn Centre\$1,500

Carried

9. Correspondence Items

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That items 9.1 to 9.9 be received for information.

Carried

9.1 The Honourable Francois-Phillippe Champagne, Minister of Innovation, Science and Industry in response to City of Port Colborne's the Right-to-Repair Movement

9.2 Niagara Region - Support for Ontario's Wine Industry

9.3 Niagara Peninsula Conservation Authority - Canada Water Agency and Canada-United States Great Lakes Water Quality Agreement Funding Opportunities

9.4 Niagara Peninsula Conservation Authority - NPCA Comments on the Proposed Provincial Planning Statement

9.5 City of Toronto - City Comments on the Proposed Provincial Planning Statement

- 9.6 **Town of Amherstburg - Support Letter: Local Emergency Response System and Gaps in Healthcare regarding Code Red and Code Black Frequency**
- 9.7 **City of Ottawa - Donation of Decommissioned Ambulance to St. John Ambulance**
- 9.8 **Township of Puslinch - Bill 3 - Special Powers and Duties of Heads of Council**
- 9.9 **Municipality of South Huron - Support Time for Change regarding Municipal Freedom of Information and Protection of Privacy Act**
- 10. **Presentations**
- 11. **Delegations**
 - 11.1 **Giacomo Parisi, resident, 333 Pleasant Beach Road - Request for Relief for Property Clean-up Fees**

Giacomo Parisi appeared before Council to request a relief for property clean-up fees.

As a result of this delegation, no action was taken by Council.
 - 11.2 **Ralph Rotella, resident, 100 Oxford Boulevard - Fee Reimbursement for 480 Northland Avenue**

Councillor E. Beauregard declared a conflict on this item. (The Councillor declared an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the consultants who work on this property.)

Councillor E. Beauregard declared a conflict on this item. (Councillor E. Beauregard is employed by Upper Canada Consultants and the delegated is a client of his employer)

Jason Rotella on behalf of his father Ralph Rotella appeared before Council to request fee reimbursement for the Committee of Adjustment application and responded to questions received by Council.

Moved by Councillor G. Bruno
Seconded by Councillor D. Elliott

That the \$7,408 fee for the Committee of Adjustment application for 480 Northland Avenue be reimbursed in full.

In Favour (4): Councillor G. Bruno, Councillor F. Danch, Councillor D. Elliott, and Mayor Steele

Opposed (4): Councillor M. Aquilina, Councillor M. Bagu, Councillor R. Bodner, and Councillor T. Hoyle

Conflict (1): Councillor E. Beauregard

Lost (4 to 4)

Amendment:

Moved by Councillor R. Bodner

Seconded by Councillor G. Bruno

That 50% of the fee for the Committee of Adjustment application for 480 Northland Avenue be reimbursed.

In Favour (6): Councillor R. Bodner, Councillor G. Bruno, Councillor F. Danch, Councillor D. Elliott, Councillor T. Hoyle, and Mayor Steele

Opposed (2): Councillor M. Aquilina, and Councillor M. Bagu

Conflict (1): Councillor E. Beauregard

Carried (6 to 2)

12. Mayor's Report

A copy of the Mayor's Report is attached.

13. Regional Councillor's Report

14. Staff Remarks

14.1 Canal Days (Luey)

This Chief Administrative Officer expressed appreciation towards staff and volunteers for their efforts in leading a successful Canal Days event. He further stated the planning for the 2024 Canal Days event has commenced.

14.2 Storm Sewer East of Neff Street (Shypowskyj)

The Director of Public Works provided a brief overview of the replacement of the storm sewer project that is currently underway.

15. Councillors' Remarks

15.1 Site Lines for Trail Crossings (Bodner)

In response to Councillor Bodner's inquiry regarding the site lines for trail crossings, the Director of Public Works advised that the inspections are completed twice a year, and the trimmings are done on an as needed basis.

15.2 King Street Flooding (Danch)

Councillor Danch expressed concern with the flooding which occurred on King Street, south of Neff Street.

15.3 Speed on Clarence Street (Elliott)

In response to Councillor Elliott's concern regarding increased speeding on Clarence Street, the Director of Public Works advised that a staff report to address these concerns will be brought at a future Council meeting. The Mayor confirmed that the request would be relayed to the Port Colborne's Staff Sergeant.

15.4 Truck Loads of Dirt from John Deere Property (Bruno)

In response to Councillor Bruno's inquiry, the Director of Public Works and Senior Planner provided an overview of the site alteration and site grading permit process to monitor soil transportation to other areas.

15.5 Clarence Street Speeding (Bagu)

Councillor Bagu requested that a speed radar be installed on Clarence Street again to gather data.

15.6 Active Transportation Advisory Committee - Public Information Centre (Bagu)

Councillor Bagu advised the Active Transportation masterplan public information session will take place on August 17, 2023, from 5:00 p.m. to 7:00 p.m. He further encouraged residents to attend.

15.7 Parking Restrictions (Bagu)

In response to Councillor Bagu's inquiry, the Chief Administrative Officer advised that the signs have been erected permanently residents are not required to pay for parking on a regular basis. He further states that there are measures in place to stop residents from paying for parking with payment is not necessary.

15.8 Canal Days (Aquilina)

Councillor Aquilina expressed appreciation towards staff and volunteers for their efforts in leading a successful Canal Days event.

15.9 Thank You (Aquilina)

Councillor Aquilina expressed gratitude towards By-law Services and Public Works staff for promptly addressing various concerns.

16. Consideration of Items Requiring Separate Discussion

16.1 Recommendation Report for Proposed Official Plan and Zoning By-law Amendment – 135 Coronation Drive, 2023-154

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That the Planning and Development Recommendation Report for Proposed Official Plan and Zoning By-Law Amendment – 135 Coronation Drive, 2023-154, be deferred to the Regular Council Meeting on October 10, 2023, in order to address various matters in the report.

Carried

- a. **Delegation from Mary Lou Tanner, Applicant, NPG Planning Solutions Inc.**
- b. **Delegation from Mark Tremblay, Resident, 91 Coronation Drive**
- c. **Delegation from Peter DiPietro, Resident, 92 Coronation Drive**
- d. **Delegation from Kelly Rohe, Resident, 83 Coronation Drive**
- e. **Delegation from Kayla White, Resident, 55 Coronation Drive**

16.2 Port Colborne and District Conservation Club and the Discharge of Firearms By-law – 2023 update, 2023-143

Moved by Councillor G. Bruno

Seconded by Councillor R. Bodner

That Community Safety and Enforcement Department - By-Law Services Report 2023-143 be received; and

That Council approve staff recommendation Option 2, to adopt the most recent schedule followed by the Club and include Schedule F to the By-law 7026/63/22, Being a by-law to regulate the discharge of firearms and bows in the City of Port Colborne; and

That the proposed amendments to the By-law 7026/63/22, Being a by-law to regulate the discharge of firearms and bows in the City of Port Colborne be brought at a future Council meeting for approval.

Amendment:

Moved by Councillor G. Bruno

Seconded by Councillor R. Bodner

That Community Safety and Enforcement Department By-Law Services Report 2023-143 be referred to the Fire Chief to provide notice to the Executives of the District Conservation Club; and

That the proposed amendments to the By-Law 7026/63/22 being a By-Law to regulate the discharge of firearms and bows in the City of Port Colborne, be brought at the September 5, 2023, Council Meeting for approval; and

That Recreational Shooting (aside from the Port Colborne and District Conservation Club) be included in the proposed amendments to the By-Law.

Carried

a. **Delegation from Anthony Harrington, District Conservation Club**

b. **Delegation from David Stanley, District Conservation Club**

16.3 Scouts Canada Lease Agreement, 2023-157

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That Corporate Services Department Report 2023-157 be received; and

That the Mayor and City Clerk be directed to execute the lease agreement attached as Appendix A.

Carried

17. Motions

18. Notice of Motions

19. Minutes of Boards & Committees

Moved by Councillor G. Bruno
Seconded by Councillor M. Bagu

That items 19.1 to 19.3 to approved, as presented.

Carried

19.1 Environmental Advisory Committee - May 10, 2023

19.2 Port Colborne Historical and Marine Museum Board - June 20, 2023

19.3 Port Colborne Public Library Board Minutes, May 3, 2023 and July 5, 2023

20. By-laws

Moved by Councillor E. Beauregard
Seconded by Councillor M. Aquilina

That items 20.1 and 20.4 to 20.6 be enacted and passed.

Carried

20.1 A By-Law to Authorize Entering into a Lease Agreement with Scouts Canada and to Repeal By-Law 6445/12/17

20.2 Being a By-law to Adopt Amendment No. 12 to the Official Plan for the City of Port Colborne

This item has been withdrawn as a result of the corresponding report's deferral.

20.3 Being a By-law to amend Zoning By-law 6575/30/18 for the lands legally known as LTS 8-13 PL 820; S/T RO139541 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 135 Coronation Drive

This item has been withdrawn as a result of the corresponding report's deferral.

20.4 By-law to Appoint a Deputy Clerk (Joanne Goulet)

20.5 By-Law to Appoint a Deputy Chief Building Official (Gary Graziani)

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

21. Procedural Motions

22. Information items

23. Adjournment

Mayor Steele adjourned the meeting at 8:51 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk