

City of Port Colborne Council Meeting Minutes

Date: Tuesday, September 26, 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
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor
W. Steele, Mayor (presiding officer)

Member(s) Absent: E. Beauregard, Councillor

Staff Present: S. Tufail, Acting City Clerk
B. Boles, Director of Corporate Services/Treasurer
S. Lawson, Fire Chief
S. Luey, Chief Administrative Officer
S. Shypowskyj, Director of Public Works

1. Call to Order

Mayor Steele called the meeting to order at 7:35pm.

2. National Anthem

3. Land Acknowledgment

4. Proclamations

4.1 Poppy Weeks, October 27 - November 11, 2023

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

That October 27 to November 11, 2023 be proclaimed as “**POPPY WEEKS**” in the City of Port Colborne.

Carried

5. Adoption of Agenda

Moved by Councillor M. Bagu

Seconded by Councillor M. Aquilina

That the agenda dated September 26, 2023 be confirmed, as amended.

Carried

6. Disclosures of Interest

6.1 Councillor R. Bodner - Recommendation Report for Proposed Official Plan and Zoning By-law Amendment – 135 Coronation Drive, 2023-154

The Councillor has an indirect pecuniary interest as the applicant supplies grocery and related products for the Councillor's business.

6.2 Councillor R. Bodner - 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

The Councillor has an indirect pecuniary interest as the applicant supplies grocery and related products for the Councillor's business.

6.3 Councillor R. Bodner - Being a By-Law to Adopt Amendment no. 12 to the Official Plan for the City of Port Colborne

The Councillor has an indirect pecuniary interest as the applicant supplies grocery and related products for the Councillor's business.

7. Approval of Minutes

Moved by Councillor R. Bodner

Seconded by Councillor T. Hoyle

That items 7.1 to 7.3, be approved, as presented.

Carried

- 7.1 **Special Council Minutes (Closed Session) - September 5, 2023**
- 7.2 **Regular Meeting of Council - September 12, 2023**
- 7.3 **Special Council Meeting (Committee of the Whole) - September 20, 2023**

8. Recommendations Arising from Committees

8.1 2024 Capital and Related Project Budget, 2023-160

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

That the Corporate Service Department, Financial Services Division,
Report No. 2023- 160 Subject: 2024 Capital and Related Projects Budget,
BE RECEIVED; and

That the 2024 Capital and Related Projects Budget as outlined in Report
No. 2023-160, **BE APPROVED** and that the projects identified in the 2024
Capital and Related Projects Budget be permitted to begin immediately
where feasible.

Carried

**a. Memorandum from Director of Corporate Services/Treasurer-
2024 Capital and Related Budget**

9. Staff Reports

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

That items 9.1 to 9.4 be approved, and the recommendations contained therein
be adopted.

Carried

**9.1 Condominium Exemption Request – 118 West Street – SouthPort
Condo, 2023-190**

That Development and Legislative Services Department – Planning
Division Report 2023-190 be received; and

That Council approve the request for exemption from draft plan of condominium for SouthPort Condos at 118 West Street; and

That the Mayor and Clerk be authorized to sign the Certificate of Exemption attached as Appendix A; and

That the Chief Planner be delegated to sign the final condominium plans once provided by the applicant.

9.2 Billing of the Bearss Drain West Branch West Municipal Drain Maintenance, 2023-184

That Corporate Services Department Report 2023-184 be received; and

That the billing of the Bearss Drain West Branch West 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 the Bearss Drain West Branch West Municipal Drain be approved.

9.3 Billing of the Bearss, Bearss WBE and Wm Michael Municipal Drain Maintenance, 2023-182

That Corporate Services Department Report 2023-182 be received; and

That the billing of the Bearss, Bearss West Branch East, and the William Michael 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 the Bearss, Bearss West Branch East, and the William Michael Municipal Drains be approved

9.4 Billing of the Oil Mill Creek Municipal Drain Maintenance, 2023-183

That Corporate Services Department Report 2023-183 be received; and

That the billing for the Oil Mill Creek Municipal Drain 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 the Oil Mill Creek Municipal Drain be approved.

10. Correspondence Items

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

That item 10.1 be received for information.

Carried

10.1 Town of Grimsby - Establishing a Guaranteed Livable Income

11. Presentations

11.1 Presentation for Grants to Non-Profit Organizations - 2023 Second Allocation

The members of the Grant Allocation Committee presented grants to various not-for-profit organizations and recipients of the 2023 second allocation.

12. Delegations

12.1 Scott Barnes, Head Coach/General Manager, Jr. B. Port Colborne Sailors - Port Colborne Team

Mayor Steele, Scott Barnes, Head Coach/General Manager of the Jr. B. Port Colborne Sailors introduced the Port Colborne Team.

13. Mayor's Report

A copy of the Mayor's Report is attached.

14. Regional Councillor's Report

15. Staff Remarks

16. Councillors' Remarks

16.1 Friendship Trail Maintenance (Danch)

Councillor Danch expressed gratitude towards staff for their work on the Friendship Trail and requested for a clean-up of bird droppings.

16.2 Thank You (Hoyle)

Councillor Hoyle expressed appreciation towards staff for addressing various issues.

17. Consideration of Items Requiring Separate Discussion

17.1 Follow-up report to 2023-143 amendments to the Discharge of Firearms By-law, 2023-175

Moved by Councillor M. Aquilina

Seconded by Councillor R. Bodner

That Community Safety and Enforcement Department - By-Law Services Report 2023-175 be received; and

That By-law 7026/63/22, Being a by-law to regulate the discharge of firearms and bows in the City of Port Colborne be amended to include the Port Colborne and District Conservation Club's Trap and Skeet Shooting Schedule as Schedule F; and

That By-law 7026/63/22, Being a By-law to regulate the discharge of firearms and bows in the City of Port Colborne be amended to allow for penalties under the Administrative Penalty System (AMPS) for non-parking offences; and

That By-law 6902/50/21, Being a By-law to establish a System for Administrative Penalties for Non-Parking Offences within The City of Port Colborne, be amended, to change Schedule 'B', as attached as Appendix C to this report, be approved.

Carried

- a. **Delegation from Stephen Ward, President, Port Colborne and District Conservation Club**
- b. **Delegation from Tom Napper, Vice President, Port Colborne and District Conservation Club**
- c. **Delegation from Janice Sammut, resident**
- d. **Delegation from Vanessa Sammut, Member, Port Colborne District Conservation Club**
- e. **Delegation from Andy Veenstra, resident**
- f. **Virtual delegation from Lorie Tokola, resident**
- g. **Written Delegation Material from Members of Public**

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

Councillor R. Bodner declared a conflict on this item. (The Councillor has an indirect pecuniary interest as the applicant supplies grocery and related products for the Councillor's business.)

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

That Development and Legislative Services Department – Planning Division Report 2023-154 be received; and

That the Official Plan Amendment attached as Appendix A of Planning Division Report 2023-154 be approved; and

That the Zoning By-law Amendment attached as Appendix B of Planning Division Report 2023-154 be approved, with the recommended Holding provision.

Lost

a. Delegation from Aaron Butler, Planner, NPG Planning Solutions

Aaron Butler, Planner of NPG Planning Solutions appeared before Council and responded to questions.

b. Delegation from Susan Pidgen, resident

c. Delegation from Kelly Rohe, resident

d. Written Delegation Materials from Melinda Day, resident

e. Written Delegation Material from Marc and Michelle Tremblay, residents

f. Written Delegation Material from Hammie Schilstra, resident

g. Written Delegation Material and Petition from Various Residents Regarding Coronation Drive

h. Written Delegation Material from Matthew Whynot, resident

i. Delegation from Peter DiPetro, resident

j. Delegation from Marc Tremblay, resident

17.3 Recommendation Report for a Draft Plan of Subdivision and Zoning By-law Amendment for Northland Estates, 2023-194

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

That Development and Legislative Services Department – Planning Division Report 2023-194 be received; and

That Council approve the Zoning By-law Amendment attached as Appendix A of Planning Division Report 2023-194, rezoning the lands from Residential Development (RD), Third Density Residential (R3) and Environmental Conservation (EC) zones to R3-73 (Third Density Residential – Special), MU-74 (Mixed-Use – Special), EC (Environmental Conservation), and P (Public and Park) zones; and

That Council approve the Draft Plan of Subdivision and associated conditions attached as Appendix B of Planning Division Report 2023-194, approving the Northland Estates Draft Plan of Subdivision, associated draft plan conditions and to set a lapsing date of September 26, 2026.

Carried

a. Written Delegation Material from Ron Rienas, resident

17.4 City of Port Colborne Growth Analysis Review, 2023-158

Kelly Martel and Antony Lorus, Consultants from Dillion Consulting provided a presentation and responded to questions received from Council.

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

That Development and Legislative Services Department – Planning Division Report 2023-158 be received for information.

Carried

a. Delegation from Kelly Martel and Antony Lorus, Consultants, Dillion Consulting

18. Motions

19. Notice of Motions

20. Minutes of Boards & Committees

Moved by Councillor F. Danch
Seconded by Councillor T. Hoyle

That items 20.1 and 20.2 be approved, as presented.

Carried

20.1 Port Colborne Public Library Board Meeting Minutes - August 2, 2023

20.2 Environmental Advisory Committee Meeting Minutes - July 12, 2023

21. By-laws

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

That items 21.1 to 21.3 and 21.6 to 21.10 be enacted, as passed.

Carried

21.1 By-Law to Amend By-Law No 7026/63/22, Being a By-Law to Regulate the Discharge of Firearms and Bows in the City of Port Colborne

21.2 By-Law to Amend By-Law No. 7026/63/22, Being a By-Law to Regulate the Discharge of Firearms and Bows

21.3 By-Law to Amend By-Law No. 6902/50/21, Being a By-Law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne

21.6 By-Law to Amend Zoning By-Law 6575/30/18 respecting Lands Legally Described as Lot 31, Concession 2, Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara

21.7 By-Law to Amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of Drainage Works known as the Bearss Drain West Branch West Municipal Drain

21.8 By-Law to Amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of Drainage Works known as the Bearss, Bearss WBE and WM. Michael Municipal Drains

21.9 By-Law to Amend the Assessment Schedule and to Levy the Costs Incurred for Maintenance of Oil Mill Creek Municipal Drain

21.10 By-Law to Adopt, Ratify, and Confirm the Proceedings of the Council of the Corporation of the City of Port Colborne at its Regular Meeting of September 26, 2023

21.4 Being a By-Law to Adopt Amendment no. 12 to the Official Plan for the City of Port Colborne

Councillor R. Bodner declared a conflict on this item. (The Councillor has an indirect pecuniary interest as the applicant supplies grocery and related products for the Councillor's business.)

This item has been defeated as a result of the vote on the corresponding report.

21.5 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

Councillor R. Bodner declared a conflict on this item. (The Councillor has an indirect pecuniary interest as the applicant supplies grocery and related products for the Councillor's business.)

This item has been defeated as a result of the vote on the corresponding report.

22. Confidential Items

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

That Council do now proceed into closed session in order to address items 22.1 to 22.3.

Carried

22.1 Minutes of the Closed Session portion of the July 18, 2023 Council Meeting

22.2 Public Works Department Report 2023-195, litigation or potential litigation and advice that is subject to solicitor-client privilege, including communications necessary for that purpose

22.3 Confidential Memorandum Human Resources - Personal matters about an identifiable individual, including municipal or local board employees.

23. Procedural Motions

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

That the rules of procedure set out in Section 20.1 of the Procedural By-law be waived to allow the meeting to extend past 11 p.m.

Carried

24. Information items

25. Adjournment

Council moved into Closed Session at approximately 11:30 p.m.

Council reconvened into Open Session at approximately 11:50 p.m.

Mayor Steele adjourned the meeting at approximately 11:51 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk