

## **City of Port Colborne**

### **Council Meeting Minutes**

**Date:** Tuesday, November 14, 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:** B. Boles, Director of Corporate Services/Treasurer  
S. Luey, Chief Administrative Officer  
S. Shypowskyj, Director of Public Works  
S. Tufail, Acting City Clerk  
D. Vasu, Acting Deputy Clerk (minutes)

#### **1. Call to Order**

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

#### **2. National Anthem**

#### **3. Land Acknowledgment**

Councillor Elliott recited the Land Acknowledgement.

#### **4. Proclamations**

#### **5. Adoption of Agenda**

Moved by Councillor M. Aquilina  
Seconded by Councillor M. Bagu

That the agenda dated November 14, 2023, be confirmed, as amended.

Carried

**6. Disclosures of Interest**

**7. Approval of Minutes**

**7.1 Regular Meeting of Council - October 24, 2023**

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

That the minutes of the regular meeting of Council, held on October 24, 2023, be approved as presented.

Carried

**8. Staff Reports**

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

That items 8.1 and 8.2 be approved, and the recommendations contained therein be adopted.

Carried

**8.1 Request for Parkland Dedication Reduction, 2023-235**

That Chief Administrative Officer Report 2023-235 be received; and

That the Council establish a Parkland Dedication Fee for the application at 60 Adelaide Street of \$6,904.00.

**8.2 Establishment of and Appointments to the Official Plan Technical Advisory Committee, 2023-237**

That Corporate Services Department Report 2023-237 be received; and

That the Official Plan Technical Advisory Committee be established; and

That Councillor G. Bruno and Councillor E. Beauregard be appointed as the Council representatives on the Official Plan Technical Advisory Committee for a term ending November 14, 2026.

**9. Correspondence Items**

Moved by Councillor F. Danch

Seconded by Councillor T. Hoyle

That items 9.1 to 9.4 and 9.6 be received for information.

Carried

**9.1 Niagara Transit Commission - OnDemand Service Statistics (Jan-Aug 2023)**

**9.2 Niagara Transit Commission - 2024 Proposed Operating and Capital Budget Submission and Requisition - Niagara Transit Commission**

**9.3 Town of Aurora - Cannabis Retail Applications for the Town of Aurora**

**9.4 Township of Terrace Bay in Support of the Township of Aurora regarding Council Opposition to Strong Mayor Powers in Aurora**

**9.5 Municipality of Wawa - Water Treatment Training Resolution**

**10. Presentations**

**10.1 Christine Clark Lafleur, Chief Executive Officer, Port Cares- Update on the Chestnut Street Affordable Housing project**

Christine Clark Lafleur, Chief Executive Officer of Port Cares, provided an update on the Chestnut Street Affordable Housing project.

**11. Delegations**

**12. Mayor's Report**

A copy of the Mayor's Report is attached.

**13. Regional Councillor's Report**

**14. Staff Remarks**

**14.1 Private Water/Wastewater Warranty Letters (Luey)**

The Chief Administrative Officer clarified that the letters residents are receiving in the mail from Service Line Warranties Canada offering private water and wastewater line insurance are legitimate and authorized by the

City, though mailing information on the letters may be inaccurate as the City did not provide the company with any mailing information. The insurance offered by Service Line Warranties Canada is optional and the letters require no response from recipients.

## **15. Councillors' Remarks**

### **15.1 Elm Street Leash-Free Dog Park (Bruno)**

In response to Councillor Bruno's request for the maintenance of the entranceway of the Niagara regional Leash-Free Dog Park located on Elm Street, the Mayor confirmed that he will relay this to Niagara Region.

### **15.2 Highway 140 (Danch)**

In response to Councillor Danch's inquiry, the Mayor stated that Highway 140 is under the jurisdiction of Ministry of Transportation and is expected to re-open in the near future.

### **15.3 Site Alteration By-law (Bodner)**

In response to Councillor Bodner's inquiry, the Chief Administrative Officer advised that the current Site Alteration By-law is outdated and City staff from various departments are currently working on updating the by-law. He further stated that the Chief Planner will be provide a status update at the November 28, 2023 Council Meeting.

### **15.4 Municipal Drain Information (Bodner)**

In response to Councillor Bodner's request, the Director of Corporate Services/Treasurer confirmed that he will work with the Drainage Superintendent to ensure that, when lawyers request information on properties prior to a sale, that those lawyers be notified whether the subject property is on a municipal drain.

### **15.5 Chestnut Street Affordable Housing Project (Hoyle)**

Councillor Hoyle expressed excitement for the Chestnut Street Affordable Housing project and the future educational component.

### **15.6 West Street (Hoyle)**

Councillor Hoyle asked when West Street will be reopened, to which the Director of Public Works responded that an update will be provided when available.

### **15.7 Removal from Mailing List (Bruno)**

Councillor Bruno asked whether the City can offer residents assistance in being removed from the Service Line Warranties Canada mailing list, the Chief Administrative Officer confirmed that he will investigate and provide an update at a future Council meeting.

#### **15.8 Updated Parkland Dedication Fees (Bruno)**

Councillor Bruno requested that the updated parkland dedication charges be brought forward sooner than scheduled and a chart be prepared which compares the parkland dedication fees charged by other local area municipalities. The Chief Administrative Officer stated that he will investigate and report back when possible.

#### **15.9 Painting Poppies on Crosswalks (Bagu)**

Councillor Bagu asked that Public Works staff work with local veterans' associations to discuss whether it would be appropriate for poppies to be painted across a crosswalk in the City in honour of Remembrance Day next year, to which the Chief Administrative Officer responded that this request will be discussed at the Remembrance Day ceremony debrief.

#### **15.10 Water Maintenance Notification Request (Bagu)**

Councillor Bagu requested that residents be notified of scheduled water line flushing activities in their area, to which the Director of Public Works responded that staff are working on creating new door hangers for this purpose with information regarding what to do if water becomes discoloured during these maintenance activities.

#### **15.11 Remembrance Day Ceremony (Aquilina)**

Councillor Aquilina provided details regarding the Remembrance Day Ceremony at Centennial Park.

#### **15.12 Ward 4 - Meet and Greet (Aquilina)**

Councillor Aquilina explained that the Ward 4 residents meet and greet was well attended and it was a great opportunity for residents to provide feedback.

### **16. Consideration of Items Requiring Separate Discussion**

#### **16.1 Request for Fence Variance - 57 Renfield Street, 2023-225**

Moved by Councillor M. Aquilina  
Seconded by Councillor M. Bagu

That Community Safety and Enforcement Department Report 2023-225, be received for information; and

That the owner of 57 Renfield Street be granted variance to allow for sections of the fence to be built at a height of 2.43 m (7.97 ft), whereas 3.04 metres (9.97ft) is proposed and the City's Fence By-law permits a height of 2 metres (6.56 ft) in residential areas.

Lost

**a. Virtual delegation from Anna Lasko, applicant**

**16.2 Recommendation Report for Official Plan and Zoning By-law Amendment – Port Colborne Quarries Pit 3 Expansion – Files: D09-02-21 & D14-09-21, 2023-229**

Moved by Councillor D. Elliott

Seconded by Councillor G. Bruno

That Development and Legislative Services Department – Planning Division Report 2023-229 be received; and

That the Official Plan Amendment attached as Appendix A of Planning Division Report 2023-229 be approved; and

That Council direct staff to circulate a copy of Report 2023-229 to the Niagara Region advising of its adoption of Official Plan Amendment 13; and

That City Council requests that the Niagara Region Council approve Official Plan Amendment 13 for the City of Port Colborne; and

That the Zoning By-law Amendment attached as Appendix B of Planning Division Report 2023-229 be approved, rezoning the lands from Agricultural to MAO-75; and

That Council require no further public notice in accordance with Section 34(17) of the Planning Act; and

That the City Clerk be directed to issue the Notices of Adoption and Passing in accordance with the Planning Act.

In Favour (7): Councillor M. Bagu, Councillor R. Bodner, Councillor G. Bruno, Councillor F. Danch, Councillor D. Elliott, Councillor T. Hoyle, and Mayor Steele

Opposed (1): Councillor M. Aquilina

Carried (7 to 1)

- a. **Delegation from Josef van Ruyven, resident**
- b. **Delegation from Gary Gaverluk, resident**
- c. **Delegation from Gail Babion, resident**
- d. **Delegation from Sharon Ladd and Kevin Ladd, resident**
- e. **Delegation from Barb Butters, resident**
- f. **Delegation from Melissa Bigford, resident**
- g. **Delegation from Robert Henderson, resident**
- h. **Delegation from David Klingspor, Austin Powder Ltd.**
- i. **Delegation from Dale Thompson, resident**
- j. **Delegation from Rob Carter, resident**
- k. **Delegation from Kevin Fitzpatrick, WSP Canada Inc.**
- l. **Delegation from Harry Wells, resident**
- m. **Delegation from Jack S Hellinga, resident**
- n. **Delegation from Lynne Scace, resident**

**16.3 Stop and Close By-law – Laneway between Jefferson Avenue and Homewood Avenue, 2023-210**

Moved by Councillor M. Bagu

Seconded by Councillor D. Elliott

That Chief Administrative Officer Report 2023-210 be received; and

That the Stop-Up and Close By-law, being a By-law to stop-up and close the laneway between Jefferson Avenue and Homewood Avenue described as the public highway lying between Jefferson Avenue (west) and Homewood Avenue (east) north of Sugarloaf Street be approved; and

That the Mayor and Acting City Clerk be authorized to execute any documents that may be required for the purpose of carrying out the intent of this by-law.

Carried

#### **16.4 Annual Lighted Santa Claus Parade, 2023-202**

Moved by Councillor T. Hoyle

Seconded by Councillor F. Danch

That Corporate Services Department Report 2023-202 be received; and

That the proposed road closures and parking restrictions provided in Appendix B – Proposed Santa Claus Parade Route for the purposes of the Port Colborne Lighted Santa Claus Parade be approved.

##### **Amendment:**

Moved by Councillor F. Danch

Seconded by Councillor T. Hoyle

That Corporate Services Department Report 2023-202 be received; and

That the **traditional road closures and parking restrictions provided in Appendix A – Traditional Santa Claus Parade Route** for the purposes of the Port Colborne Lighted Santa Claus Parade be approved.

Carried

#### **16.5 Delegation of Powers and Duties, 2023-201**

Moved by Councillor G. Bruno

Seconded by Councillor T. Hoyle

That Chief Administrative Office Report 2023-201 be received; and

That Council consider the Draft Delegation of Powers and Duties By-law and associated schedules outlining the administrative powers and duties delegated to various municipal staff positions as detailed therein; and

That Staff be directed to present the By-law for Council approval at the next regular meeting.

Carried

#### **16.6 Niagara Region - Areas of Strategic Focus for Shared Services**

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu



That the correspondence from Niagara Region regarding Areas of Strategic Focus for Shared Services, be received.

Carried

**16.7 Town of Plympton-Wyoming in Support of the Township of McKellar regarding Call for an Amendment to the Legislation Act, 2006 to Include Digital Publications as Acceptable means of Publication**

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

That the correspondence from Town of Plympton-Wyoming in Support of the Township of McKellar regarding Call for an Amendment to the Legislation Act, 2006 to Include Digital Publications as Acceptable means of Publication, be supported.

Carried

**17. Motions**

**18. Notice of Motions**

**19. Recommendations Arising from Boards and Committees**

**19.1 Memorandum- 2023-2026 Appointments to the Downtown Port Colborne Business Improvement Area (BIA) Board of Management**

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

That Council appoint the following members to the Downtown BIA for a term ending November 14, 2026, or until their successors are appointed:

- Bennet Terreberry
- Sarah Nunziato
- Jenni Darlow
- Sarah Gillardi Armstrong

Carried

**a. Delegation from Rick Hall, resident**

**20. Minutes of Boards & Committees**

Moved by Councillor R. Bodner

Seconded by Councillor T. Hoyle

That items 20.1 and 20.2 be approved, as presented.

Carried

**20.1 Environmental Advisory Committee Meeting Minutes - September 13, 2023**

**20.2 Heritage Advisory Subcommittee Meeting Minutes, September 18, 2023**

**21. By-laws**

Moved by Councillor F. Danch

Seconded by Councillor D. Elliott

That items 21.2 to 21.6 be enacted and passed.

Carried

**21.2 By-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lots 17, 18 and 19, Concession 2, formerly in the Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara**

**21.3 By-law to Stop Up and Close for the laneway between Jefferson Avenue and Homewood Avenue**

**21.4 By-law to Appoint a Member to the Downtown Port Colborne Business Improvement Area Board of Management to repeal By-law No. 7133/75/23**

**21.5 By-law to Establish an Official Plan Technical Advisory Committee**

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

**21.1 By-law to Adopt Amendment no. 13 to the Official Plan for the City of Port Colborne**

**a. By-law to Adopt Amendment no. 13 to the Official Plan for the City of Port Colborne**

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

That item 21.1 (a) be enacted and passed.

Carried

**22. Procedural Motions**

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

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 11:00 p.m.

Carried

**23. Information items**

**24. Adjournment**

Mayor Steele adjourned the meeting at approximately XX.

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William C. Steele, Mayor

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Saima Tufail, Acting City Clerk