

**City of Port Colborne
Regular Meeting of Council 16-19
Minutes**

Date: June 10, 2019

Time: 9:53 p.m.

Place: Council Chambers, Municipal Offices, 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: D. Aquilina, Director of Planning and Development
B. Garrett, Director of Corporate Services
N. Giles, EA to Mayor and CAO (minutes)
A. Grigg, Director of Community and Economic Development
N. Halasz, Manager of Parks and Recreation
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
C. McIntosh, Deputy Clerk

Also in attendance were interested citizens, members of the news media and WeeStream.

1. Call to Order:

Mayor Steele called the meeting to order.

2. Introduction of Addendum Items:

Addition:

The addition of item 18, Engineering and Operations Department, Engineering Division, Report 2019-81, Subject: Schihl Municipal Drain. This item was circulated via addendum on May 7, 2019.

Withdrawal:

By-law 6693/57/19, Being a by-law to Amend Zoning By-law 6575/30/18 respecting Lands Legally Described as Part Lot 27 Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, Municipally known as 170 Welland Street, was withdrawn due to the deferral of the associated report during the Committee of the Whole meeting.

By-law 6692/56/19 Being a by-law to Adopt Amendment No. 6 to the Official Plan for the City of Port Colborne was withdrawn due to the deferral of the associated report during the Committee of the Whole meeting.

The remainder of the by-laws were renumbered to suit.

3. Confirmation of Agenda:

No. 99 Moved by Councillor M. Bagu
Seconded by Councillor R. Bodner

That the agenda dated June 10, 2019 be confirmed, as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Councillor Beauregard declared a pecuniary interest regarding item 1 as he is employed by Sullivan Mahoney, the solicitor for Rankin companies. Councillor Beauregard left the Council Chambers during discussion about Item 1 and refrained from discussing or voting on this item.

5. Adoption of Minutes:

No. 100 Moved by Councillor R. Bodner
Seconded by Councillor H. Wells

(a) That the minutes of the regular meeting of Council 15-19, June 10, 2019, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

Item 1.

7. Approval of Items Not Requiring Separate Discussion:

No. 101 Moved by Councillor H. Wells
Seconded by Councillor M. Bagu

That items 1 to 18 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:

2. Chief Administrative Officer, Economic Development Division, Report 2019-86, Subject: Update on Economic Development Initiatives

Council resolved:

That Chief Administrative Officer, Economic Development Division Report 2019-86 be received for information.

3. Chief Administrative Officer, Economic Development Division, Report 2019-87, Subject: Cruise Ship Tourism Destination

Council resolved:

That the Chief Administrative Officer, Economic Development Division Report 2019-87 and the attached Preliminary Cruise Strategy and Action Plan presentation be received for information; and

That staff be directed to continue to explore the feasibility of the creation of docking infrastructure for cruise ships and to proceed with the next steps as outlined in the preliminary cruise strategy and action plan.

4. Community and Economic Development Department, Parks and Recreation Division, Report 2019-72, Subject: Proposed New Event – 2019 Maui Jim Canal Days Walleye Tournament

Council resolved:

That the 2019 Maui Jim Canal Days Walleye Tournament be approved, with City sponsorship to be provided as follows:

- a. Waiving of park permit fees (H.H. Knoll Lakeview Park);
- b. Provision and installation of snow fencing, and waiving of associated fees;
- c. Provision of security and waiving of associated fees;
- d. Provision of portable washroom facilities and waiving of associated fees;
- e. City assistance with event promotion and marketing on social media
- f. \$5,000 in financial support; and

That approval of the above noted event and sponsorship is conditional on the Maui Jim Canal Days Walleye Tournament submitting a certificate of liability insurance in the amount of \$5,000,000, naming the City of Port Colborne as an additional insured.

5. Community and Economic Development Department, Parks and Recreation Division, Report 2019-90, Subject: Proposed Pilot Project at Nickel Beach – Ausmosis Style on Board Water Recreation Programming and Rental Services

Council resolved:

That the City of Port Colborne enter into an agreement with Ausmosis Style on Board, on a pilot project basis for the 2019 summer season, respecting the provision of water recreation programs and rental services at Nickel Beach, as outlined in Community and Economic Development, Parks and Recreation Division, Report 2019-90, Subject: Proposed Pilot

Project at Nickel Beach – Ausmosis Style on Board Water Recreation Programming and Rental Services; and

That the Director of Community and Economic Development be directed to prepare a report at the conclusion of the pilot project respecting utilization rates, overall success of the program during the 2019 season, and recommended next steps concerning the issuance of a Request for Proposals for the provision of such services in subsequent years.

6. Community and Economic Development Department, Parks and Recreation Division, Report 2019-78, Subject: 2019 Optimist Day in the Park and Canada Day Fireworks

Council resolved:

That the 2019 Optimist Day in the Park and Canada Day Fireworks Event, as requested by the Port Colborne Optimist Club, and outlined in Community and Economic Development Department, Parks and Recreation Division Report 2019-78, be approved; and

That the following roads be closed to general vehicular traffic and parking from 9:00 p.m. until 11:00 p.m., Monday, July 1, 2019:

- West Street, from the Southern limit of Charlotte Street to the Southern limit of the former Public Works Yard (11 King Street);
- Intersection of Kent Street at West Street;
- Intersection of Victoria Street at West Street;
- Intersection of Adelaide Street at West Street; and
- Intersection of Sugarloaf Street at West Street.

That City sponsorship of the 2019 Optimist Day in the Park be approved, with sponsorship to be provided as follows:

- a. Waiving of permit fees for the use of H.H. Knoll Lakeview Park;
- b. Waiving of permit fees for the use of the pavilion and the bandshell;
- c. Provision and installation of snow fencing, and waiving of associated fees;
- d. Waiving of the Noise By-law Variance Fee;
- e. Provision of portable washroom facilities and waiving of associated fees;
- f. Waiving of the parking fees in the gravel lot for the duration of the event; and
- g. City assistance with event promotion and marketing across City channels, including social media.

That the Port Colborne Optimist Club be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event; and

That the appropriate by-law be presented for approval.

7. Memorandum from Luke Rowe, Event Coordinator Re: Canal Days 2019

Council resolved:

That the Council of The Corporation of the City of Port Colborne hereby deems the annual Canal Days Marine Heritage Festival as a municipally significant event and supports the application to the Alcohol and Gaming Commission of Ontario for a Special Occasion Permit.

8. Community and Economic Development Department, Parks and Recreation Division, Report 2019-91, Subject: 41st Annual Canal Days Festival Request for Road Closures, Parking Restrictions & Patio Extensions

Council resolved:

1. That the closure to through traffic and street parking be approved and authorized for the following roads beginning at 5:00 p.m. Thursday, August 1, 2019 and ending at 6:00 a.m. on Tuesday, August 6, 2019:
 - West Street from the southern limit of Victoria Street to the southern limit of Sugarloaf Street; and
2. That the closure to through traffic and street parking be approved and authorized for the following roads beginning at 4:00 a.m. Friday, August 2, 2019 ending at 6:00 a.m. on Tuesday, August 6, 2019.”
 - West Street from the northern limit of Princess Street to the southern limit of Sugarloaf Street;
 - Princess Street from the eastern limit of King Street to the eastern limit of West Street;
 - Park Street from the eastern limit of King Street to the eastern limit of West Street;
 - Charlotte Street from the eastern limit of King Street to the eastern limit of West Street;
 - Kent Street from the eastern limit of King Street to the eastern limit of West Street;
 - Victoria Street from the eastern limit of King Street to the eastern limit of West Street;
 - Adelaide Street from the eastern limit of King Street to the eastern limit of West Street;

- Sugarloaf Street from the eastern limit of King Street to the eastern limit of West Street;
 - Clarence Street from the eastern limit of King Street to the western limit of Welland Street;
 - Municipal Parking Lot located west of King Street, east of Catharine Street and south of Princess Street; and
3. That the following areas be closed to street parking beginning at 4:00 a.m. on Friday, August 2, 2019 and ending at 6:00 p.m. on Monday, August 5, 2019:
- Northside of Kent Street between the western limit of Catharine Street and the eastern limit of Elm Street.
 - The thirteen (13) parking spaces on the west side of King Street from Sugarloaf Street to Charlotte Street;
 - The two (2) parking spaces on both east and west sides of King Street, north of the Charlotte Street limit, be closed to parking to allow for the shuttle bus stops; and
4. That the closure to street parking and through traffic be approved and authorized for the following street beginning at 6:00 p.m. on Friday, August 2, 2019 and ending at 5:00 p.m. on Monday, August 5, 2019 for the purpose of hosting the Historical & Marine Museum Canal Days Events.
- Princess Street from the western limit of King Street to the eastern limit of Catharine Street; and
5. That the closure to street parking and through traffic be approved and authorized for following roads beginning at 2:00 p.m. to 12:00 a.m. on Friday, August 2 & Saturday, August 3, 2019 for the purpose of hosting the Canal Days concerts.”
- Steele Street from the southern limit of Steele Street at Sugarloaf Street;
 - Steele Street from the eastern limit at Steele Street at Sugarloaf Street;
 - Isabel Street from the southern limit of Isabel Street at Sugarloaf Street;
 - Fielden Avenue from the northern limit of Fielden Avenue at Sugarloaf Street;
 - Fielden Avenue from the southern limit at Sugarloaf Street;

- Lighthouse Lane from the southern limit at Sugarloaf Street;
 - Elm Street from the southern limit of Elm Street at Sugarloaf;
 - Elm Street from the western limit of Elm Street at Sugarloaf Street;
 - H.H. Knoll Lakeview Parking lot south of Dawg's Burgers to Fielden Avenue; and
6. That parking restrictions be approved for certain locations on (3) main arterial roads Elm Street, Fielden Avenue, and Steele Street between Clarence and Sugarloaf street:
- Elm Street will require twenty-four (24) "no parking" signs and twelve (12) posts;
 - Fielden Avenue would require thirty-two (32) "no parking signs and sixteen (16) posts;
 - Steele Street would require sixteen (16) "no parking signs and 16 posts; and
7. That the following areas be restricted to street parking beginning at 6:00 a.m. on Friday, August 2, 2019 and ending at 5:00 p.m. on Monday, August 5:
- Lockmaster Laneway, Schooner Laneway, Harbour Laneway, Breakwater Lane, Isabel Street, Lighthouse Lane, and Foghorn Laneway; and
8. That the following areas be closed to street parking beginning at 6:00 a.m. to 11:00 p.m. on Sunday August 4, 2019 for the purposes of the Canal Days Car Show.
- The east side of Elizabeth Street from the southern limit of Main Street to the northern limit of Killaly Street; and
9. That there is no objection by the Corporation of the City of Port Colborne to the application by The Lock Wood Fired Pizza to the AGCO for a Special Occasion Permit / Liquor License Extension; and
10. That there is no objection by the Corporation of the City of Port Colborne to the application by the Port Colborne Legion and the Canadian Corps Association to the AGCO for a Special Occasion Permit/Liquor License Extension; and
11. That the following conditions will apply to The Lock Wood Fired Pizza, on Clarence Street:

- a) That on Friday, August 2, 2019 the selling and serving of alcoholic beverages to the said licensed outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 2, 2019;
 - b) That on Saturday, August 3, 2019 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 3, 2019;
 - c) That on Sunday, August 4, 2019 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 4, 2019;
 - d) That on Monday, August 5, 2019 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 5:00 p.m., and the outdoor area shall be cleared of patrons by 5:30 p.m. on August 5, 2019;
 - e) That, notwithstanding clause a, b, c and d above, the occupancy of the said outdoor licensed area shall be open only when Clarence Street is closed in accordance with City by-law;
 - f) That the applicant shall not block or occupy any street with equipment relating to the Canal Days festival & events or patio before 9:00 a.m. on Friday, August 2, 2019 and must have all equipment and supplies related to the patio extension cleared from the streets no later than 7:00 p.m. Monday, August 5, 2019; and
12. That there is no objection by The Corporation of the City of Port Colborne to the application by Canalside Restaurant Inn, Breakwall Brewery, and Walters and Neptunes to the AGCO for a Special Occasion Permit/Liquor License Extension. That Canalside Restaurant, Breakwall Brewery, and Walters and Neptunes be approved to maintain the existing patio for the 2019 Canal Days Marine Heritage Festival; and
 13. That the six (6) applicants shall provide a Certificate of Insurance (COI) with no less than \$5,000,000 general liability naming the Corporation of the City of Port Colborne as additional insured, and listing The St. Lawrence Seaway Management Corporation, Her Majesty the Queen in Right of Canada, Transport Canada, as an additional insured in accordance with the City's Festivals & Events Insurance Requirements; and

14. That Council of The Corporation of the City of Port Colborne exempt the participants of and the Canal Days Marine Heritage Festival from the Noise By-law #4588/119/04 and not be required to apply for the variance in accordance with Section 4(3) Schedule 2(2); and
15. That the appropriate by-law be prepared, authorizing the Mayor and City Clerk to execute and sign the Ontario Transfer Payment Agreement for the Celebrate Ontario 2019 Grant on behalf of The Corporation of the City of Port Colborne; and
16. That the Council of The Corporation of the City of Port Colborne hereby deems the annual Canal Days Marine Heritage Festival as a municipally significant event and supports the application to the Alcohol and Gaming Commission of Ontario for a Special Occasion Permit.

9. Planning and Development Department, Planning Division, Report 2019-89, Subject: Chippawa Estates Draft Plan of Subdivision Extension

Council resolved:

That the by-law attached as Appendix A to Planning and Development Department, Planning Division Report 2019-89, to amend by-law 6588/43/18 to set an expiration date of June 11, 2021 for the Chippawa Estates Draft Plan of Subdivision, be approved.

10. Planning and Development Department, Planning Division, Report 2019-85, Subject: Recommendation Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street

Council resolved:

That consideration of Planning and Development Department, Planning Division Report 2019-85, Recommendation Report for Official Plan Amendment D09-01-19 and Zoning By-law Amendment D14-03-19, 170 Welland Street, be deferred to the June 24, 2019 Committee of the Whole/Council meeting in order for the Director of Planning and Development to report back to Council with respect to the Ministry of Environment's D-6 Guidelines which indicate the separation distance between Class I Industries and residential properties.

11. Planning and Development Department, Planning Division, Report 2019-88, Subject: Recommendation Report on Removing 124 West Street from the Municipal Registry of Heritage Properties

Council resolved:

That Planning and Development staff be directed to remove the lands legally known as Plan Merr Survey Pt Lot 10 PT Road NP987, 988, 989, City of Port Colborne, Regional Municipality of Niagara; municipally

known as 124 West Street from the City of Port Colborne's Municipal Registry of Heritage Properties.

12. Engineering and Operations Department, Engineering Division, Report 2019-83, Subject: Project No.: 2013-09 Annual Asphalt Patching Contract, Revision to Contract Extension Report 2019-22

Council resolved:

That Asphalt Patching Contract #2013-09 with Circle P. Paving be extended for one year (2019), in accordance with Engineering and Operations Department, Engineering Division Report 2019-83; and

That staff be directed to utilise the bid items as listed within the existing Tender Document in such a manner as to complete all works as may be required for 2019, all as approved in the annual budget by Council; and

That by-law 6653/17/19 be repealed and a contract by-law, whereby the City enters into a Contract Agreement with the contractor be prepared to extend the contract as stated; and

That funding for the asphalt patching extension, be financed under the GL Account numbers for the various utility cuts and road repairs as required.

13. St. John Bosco Catholic Elementary School Re: Request for Use of Picnic Tables for the Schools Fun Night Event on June 21, 2019

Council resolved:

That the correspondence received from St. John Bosco Catholic Elementary School requesting the use of City Picnic Tables for the School's Fun Night Event on June 21, 2019, be received; and

That the picnic tables be made available for their use, with arrangements for pick-up and return be the responsibility of St. John Bosco Catholic Elementary School.

14. Motion from the Port Colborne Public Library Board Re: Resolution in Support of Restoring Funding to Ontario Library Service Agencies SOLS (Southern Ontario Library Service) and OLS-North (Ontario Library Service North)

Council resolved:

That the resolution received from the Port Colborne Public Library Board Re: Resolution in Support of Restoring Funding in Ontario Library Service Agencies SOLS (Southern Ontario Library Service) and OLS-North (Ontario Library Service North), be supported.

15. Town of Fort Erie Re: Issuance of Cannabis Licenses in Residentially Zoned Areas

Council resolved:

That the resolution received from the Town of Fort Erie Re: Issuance of Cannabis Licenses in Residentially Zoned Areas, be received for information.

16. Town of Fort Erie Re: Ash Trees in the Town of Fort Erie and Region of Niagara

Council resolved:

That the resolution received from the Town of Fort Erie Re: Ash Trees in the Town of Fort Erie, be received for information.

17. Bill 108, More Homes, More Choice Act, 2019

Council resolved:

That the resolutions received from various municipalities in opposition to Bill 108, More Homes, More Choice Act, 2019, be received for information.

18. Engineering and Operations Department, Engineering Division, Report 2019-81, Subject Schihl Municipal Drains

Council resolved:

That Engineering and Operations Department, Engineering Division Report 2019-81 with respect to the Schihl Municipal Drain, be received for information.

That staff be directed to advance the Schihl Municipal Drain Engineer's Report to that of the Meeting to Consider, as per Section 41, Chapter D.17 of the *Drainage Act R.S.O. 1990*.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

1. Motion by Councillor Bodner Re: Request for Outside Professional Assistance in the Site Alteration Permit request by Port Colborne Quarries

No. 102 Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

Council resolved:

That the Chief Administrative Officer be directed to contract an independent consultant to provide a peer review of staff's

draft recommendation report on Port Colborne Quarries' site alteration permit application including all supporting documents submitted by the applicant, outside agencies, and members of the public in order to provide a report back to staff to assist with the preparation of Planning staff's report and recommendation to Council.

CARRIED.

9. **Proclamations:**

Nil.

10. **Minutes of Boards, Commissions & Committees:**

No. 103 Moved by Councillor E. Beauregard
Seconded by Councillor F. Danch

- (a) That the minutes of the Senior Advisory Council meeting of April 18, 2019, be received.
- (b) That the minutes of the Port Colborne Historical and Marine Museum Board of Management meeting of May 22, 2019, be received.

CARRIED.

11. **Consideration of By-laws:**

No. 104 Moved by Councillor A. Desmarais
Seconded by Councillor M. Bagu

That the following by-laws be enacted and passed:

- 6689/53/19 Being a By-law to Temporarily Close sections of Various Streets to Vehicular Traffic for the Purpose of the Canada Day Fireworks
- 6690/54/19 Being a By-law to Temporarily Close Sections of Various Streets to Vehicular Traffic for the Purpose of the 41st Annual Canal Days Festival
- 6691/55/19 Being a By-law to Amend By-law 6588/43/18, Being a By-law to Approve a Draft Plan of Subdivision extension, known as Chippawa Estates
- 6692/56/19 Being a By-law to Authorize Entering Into a Contract Agreement with Circle P. Paving Re Tender 2013-09, Annual Asphalt Patching Contract, revision to Contract Extension Report 2019-22
- 6693/57/19 Being a 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 June 10, 2019

CARRIED.

12. Council in Closed Session:**Motion to go into Closed Session: 9:57 p.m.****No. 105** Moved by Councillor H. Wells
Seconded by Councillor G. Bruno

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Minutes of the closed session portion of the following Council meeting: April 23, 2019.
- (b) Planning and Development Department, Planning Division Report 2019-80, concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.
- (c) Community and Economic Development Department, Parks and Recreation Division Report 2019-79, concerning matters related to Roselawn Centre, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees.

CARRIED.

Motion to rise with report:**No. 106** Moved by Councillor A. Desmarais
Seconded by Councillor H. Wells

That Council do now rise from closed session with report at approximately 10:25 p.m.

13. Disclosures of Interest Arising from Closed Session:

Nil.

14. Reports/Motions Arising from Closed Session:

- (b) **Planning and Development Department, Planning Division Report 2019-80, concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.**

The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

- (c) **Community and Economic Development Department, Parks and Recreation Division Report 2019-79, concerning matters related to Roselawn Centre, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees.**
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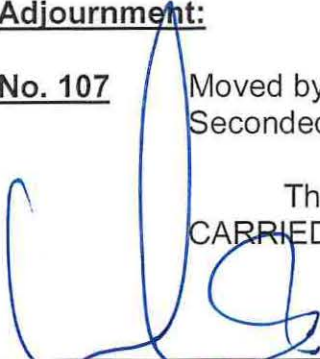
The Deputy Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

15. **Adjournment:**


No. 107

Moved by Councillor F. Danch
Seconded by Councillor E. Beauregard

That the Council meeting be adjourned at approximately 10:27 p.m.
CARRIED.



William W. Steele
Mayor



Carrie McIntosh
Deputy Clerk

CM/ng