The "THIRD MEETING" (REGULAR) of the Port Colborne City Council was held at the Municipal Offices, 66 Charlotte Street, Port Colborne on Monday, February 10, 2014 commencing at approximately 7:54 p.m.

ATTENDANCE

Mayor Vance Badawey presided with the following members in attendance:

COUNCILLORS

D. Elliott        W. Steele
A. Desmarais      Y. Doucet
R. Bodner         B. Kenny
W. Steele         B. Butters

Absent: F. Danch (due to vacation)

REGIONAL COUNCILLOR:

Absent: D. Barrick

STAFF:

A. Grigg, City Clerk
D. Aquilina, Director of Planning & Development
R. Hanson, Director of Engineering & Operations
P. Senese, Acting Chief Administrative Officer/Director of Community & Corporate Services
T. Cartwright, Fire Chief
H. Hakim, Manager of Community Services
D. D'Innocenzo, Recording Clerk

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

CALL MEETING TO ORDER – MAYOR VANCE BADAWEY

1. INTRODUCTION OF ADDENDUM ITEMS

Nil.

2. CONFIRMATION OF THE AGENDA

No. 20 Moved by Councillor D. Elliott
Seconded by Councillor Y. Doucet

That the agenda dated February 10, 2014 be confirmed as circulated.
CARRIED.

3. DISCLOSURES OF INTEREST

Councillor Bodner declared an indirect pecuniary interest with regard to item 18, Re Request for Permission to hold Weekly Fireworks Display Events for 2014, as he owns a business in Sherkston Shores. Councillor Bodner refrained from discussing or voting on this item.

Councillor Elliott declared a direct pecuniary interest with regard to Closed Session item (b), Confidential Community and Corporate Services, Clerk’s Division, Report No. 2014-4, Subject: Recommendation for Appointment to the Niagara Peninsula Conservation Authority, as he is an applicant for appointment. Councillor Elliott left the room during consideration of this item and refrained from discussing or voting on this matter.
4. ADOPTION OF MINUTES

(a) Minutes of the Second Meeting (Regular) of Council of January 27th, 2014

No. 21 Moved by Councillor B. Butters
Seconded by Councillor R. Bodner

(a) That the Minutes of the Second Meeting (Regular) of Council of January 27, 2014 be adopted as circulated.
CARRIED.

5. DETERMINATION OF COUNCIL ITEMS REQUIRING SEPARATE DISCUSSION

The following item was identified for separate discussion:

Item 18

6. ADOPTION OF COUNCIL ITEMS NOT REQUIRING SEPARATE DISCUSSION

No. 22 Moved by Councillor A. Desmarais
Seconded by Councillor W. Steele

That Items 1 to 21 on the regular agenda be approved, as amended at the Committee of the Whole Meeting of February 10, 2014 with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendations contained therein adopted.

ITEMS:

1. Department of Special Projects & Corporate Strategic Initiatives, Report No. 2014-01, Subject: Update on Ministry of Transportation – Nyon Marine Fuelling Corporation negotiations respecting a proposed closure of Kleinsmith Road access to Highway 140 and its replacement

Council resolved:

That Council receives this report for information and that the Ministry of Transportation conditions be added to the City's Website under the NYON file for full public disclosure.

2. Department of Community & Corporate Services, Clerk’s Division, Report No. 2014-2, Subject: Application for Public Garage Licence – Midtown Automotive Repair, 212 Melianby Avenue

Council resolved:

That the City Clerk be authorized to issue a 2014 Business Licence to Wayne Phillips, Midtown Automotive Repair, respecting the operation of a public garage at 212 Melianby Avenue; and

That on application for renewal of the Licence in future years, subject to continued compliance with zoning and licensing regulations, the City Clerk be authorized to renew the Business Licence.

3. Department of Community & Corporate Services, Corporate Services Division, Report No. 2014-03, Subject: Cancellation, Reduction or
Refund of Realty tax for 2013 taxation year for the address of 614 Holloway Bay Rd. and 602 Pinecrest Rd.

Council resolved:

The Council approves the applications pursuant to Section 357, numbered 2013-06 and 2013-08 to write off taxes in the total amount of $222.16 be approved.

4. Department of Community & Corporate Services, Clerk’s Division, Report No. 2014-5, Subject: Appointments to Boards and Committees, Heritage Port Colborne

Council resolved:

That Deborah Wright be appointed to the Heritage Port Colborne Committee for a term ending December 31, 2016.

That the necessary by-law be presented for approval.


Council resolved:

That Council receives this report for informational purposes and continues to support Sportsfest, Festival of Sports™ as a municipally significant event that contributes to the overall health and wellbeing of Port Colborne residents and guests.


Council resolved:

That Council approve the City’s membership in Ontario One Call, in accordance with the requirements of the Underground Infrastructure Notification System Act, 2012, and;

That Council enter into a standard contract agreement with Ontario One Call by directing the Mayor and Clerk to sign the Ontario One Call Service Agreement.

7. Department of Engineering & Operations, Engineering Division, Report No. 2014-6, Subject: Zavitz Municipal Drain-Sherkston North & Trail Branch Drains Court of Revision

Council resolved:

A. That Council receive this report as information.

B. That Council appoint Councillor Ron Bodner as a member of the Zavitz Municipal Drain-Sherkston North and East & West Trail Branch Drains Court of Revision, and Councillor Barb Butters as an alternate.

8. Department of Planning & Development, Report No. 2014-6, Subject: Illegal Dumping

Council resolved:
That Council endorses and that the City participates in the Regional illegal dumping initiative.


Council resolved:

That Council receive this report for information purposes and that Council request that both parties attend a meeting on a “without prejudice” basis to discuss outstanding invoice payments.

10. Department of Planning & Development, Report No. 2014-12, Subject: Medical Marihuana Production Facilities

Council resolved:

That Council receive this report for information purposes and that staff be directed to proceed to amend the provisions of the Zoning By-law, Site Plan Control By-law, and policies of the Official Plan to regulate and provide provisions related to Medical Marihuana Production Facilities; and

That staff be directed to proceed in two phases: first, to amend the provisions respecting the Agricultural/Rural Zones; and second, to amend the provisions respecting the Industrial Zones and the Official Plan.


Council resolved:

That Council directs that Sullivan Mahoney be engaged to defend the Zoning By-law Amendment decision at the Ontario Municipal Board hearing from appeals lodged by Joe Pinelli for property on the north side of unopened Franklin Avenue east of West Side Road.

12. Department of Planning & Development, Report No. 2014-14, Subject: City of Port Colborne Zoning By-law Review and Update

Council resolved:

That Council receive this report for information purposes.


Council resolved:

1. That Council approve the terms of reference for a Request for Proposal for a Background Study and update to the Development Charges By-law.

2. That planning staff obtain proposals from qualified consulting firms and advise on a preferred consulting firm for subsequent Council approval.

Council resolved:

A. That the Council of the City of Port Colborne approve an amendment to By-law 69-2000 being a By-law regulating traffic and parking on City roads as follows:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
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<tbody>
<tr>
<td>Highway</td>
<td>Side</td>
<td>From</td>
<td>To</td>
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<tr>
<td>Fielden Avenue</td>
<td>West</td>
<td>18 m south of Killaly Street West</td>
<td>61.5 m south of Killaly Street West</td>
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B. That this By-law amendment supersede By-law 4579/110/04 and By-law 4496/27/04 until June 30, 2014; and further

C. That the ‘No Standing’ provision become effective upon installation of the regulatory signs.

Miscellaneous Correspondence


Council resolved:

That April 2, 2014 be proclaimed as World Autism Awareness Day, in the City of Port Colborne in accordance with the request received from Natasha Bowes, Fundraising Coordinator of Autism Ontario; and

That the City of Port Colborne participate in the Autism Ontario’s “Raise the Flag” Campaign; and that the request for the flag raising be referred to the Mayor’s Office.


Council resolved:

That Wednesday, February 12, 2014 be proclaimed as Doctors With a Heart Day in the City of Port Colborne in accordance with the request received from Dr. David Salanki & Associates of Chiropractic Associates of Port Colborne.

17. Memorandum from Michelle Cuthbert-Idzenga, Administrative Assistant to the Manager of Community Services, Re Seniors Advisory Council – Request to Modify Name

Council resolved:
That the memorandum received from Michelle Cuthbert-ldzenga, Administrative Assistant to the Manager of Community Services on behalf of the Seniors Advisory Council Re Seniors Advisory Council – Request to Modify Name, be received for information, and

That the request to change the Committee's name from “Seniors Advisory Council” to “Senior Citizen Advisory Council” (SCAC), be approved.

Outside Resolutions – Requests for Endorsement

19. **Town of Fort Erie Re Support Resolution to Petition the Municipal Property Assessment Corporation to Assess Properties Developed or Improved Without a Building Permit**

Council resolved:

That the resolution received from the Town of Fort Erie supporting the resolution of the Township of Mulmur to petition the Municipal Property Assessment Corporation to Assess properties Developed or Improved Without a Building Permit, be received and filed.

20. **Town of Fort Erie Re Niagara Region Water and Wastewater Service Delivery Review**

Council resolved:

That the resolution received from the Town of Fort Erie Re Niagara Region Water and Wastewater Service Delivery Review, be received for information.


Council resolved:

That the resolution received from the Town of Grimsby in support of the resolution from the City of St. Catharines regarding Ontario Power Generation’s Plans to Build a Nuclear Waste Repository, be received for information.

CARRIED.

7. **CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION**

18. **Sherkston Shores Re Request for Permission to hold Weekly Fireworks Display Events for 2014**

Moved by Councillor W. Steele
Seconded by Councillor A. Desmarais

That pursuant to Section 6.1.1 of By-law 4989/45/07, the Council of The Corporation of the City of Port Colborne authorize Sherkston Shores to hold Display Fireworks Events on the following dates:

- Saturday, June 14th, 2014
- Saturday, June 21st, 2014
- Saturday, June 28th, 2014
- Saturday, July 5th, 2014
• Saturday, July 12th, 2014
• Saturday, July 19th, 2014
• Saturday, July 26th, 2014
• Saturday, August 2nd, 2014
• Saturday, August 9th, 2014
• Saturday, August 16th, 2014
• Saturday, August 23rd, 2014
• Saturday, August 30, 2014

That such approval be conditional on the issuance of a permit by the Fire Chief, in compliance with By-law 4989/45/07 and payment of applicable fees;

That the following information be submitted to the Port Colborne Fire & Emergency Services for review a minimum of two weeks prior to the holding of the first event:

• A fireworks site plan including but not limited to, separation distances to the public and vulnerable areas, location from where the fireworks are being fired, fallout zone, and direction of firing.

• Information concerning the floating platform from which the fireworks are to be fired, including the platform size.

• Event description information is required including description of fireworks, type, size and quantity.
  - firing procedures, manual or electric
  - emergency procedures
  - traffic control plans

That, Sherkston Shores be advised that as the Authority Having Jurisdiction, Port Colborne Fire & Emergency Services will conduct spot site inspections and may revoke approval for any violation of the Ontario Fire Code or the Explosives Act prior to or during any one of the scheduled events.

CARRIED.

8. PROCLAMATIONS

(a) Doctor's With a Heart Day, February 12, 2014

No. 23 Moved by Councillor B. Butters
Seconded by Councillor A. Desmarais

WHEREAS Wednesday, February 12th, 2014 is recognized as "Doctor's With A Heart Day";

AND WHEREAS following this long established annual tradition, Dr. David Salanki & Associates of Chiropractic Associates of Port Colborne, will examine and treat all members of the local community at no charge on Wednesday, February 12th, 2014;

AND WHEREAS Dr. Salanki and his staff will waive all treatment fees this day and in lieu of charging any patient fees will invite members of the community to bring in donations for the Port Colborne Humane Society. The Humane Society provides shelter and emergency services to animals in crisis that have been victims of abuse and neglect.
NOW THEREFORE, I, Mayor, Vance M. Badawey, proclaim Wednesday, February 12th, 2014 as "Doctor's With A Heart Day" in the City of Port Colborne.

CARRIED.

(b) World Autism Awareness Day, April 2, 2014

No. 24 Moved by Councillor Y. Doucet
Seconded by Councillor W. Steele

WHEREAS World Autism Awareness Day will be recognized for the second year in Canada on April 2nd, 2014;

AND WHEREAS as a means of increasing public awareness about Autism Spectrum Disorder (ASD) and the day-to-day issues faced by people with autism and their families, Autism Ontario is inviting municipalities across the province to raise awareness of ASD by participating in the 2014 "Raise the Flag" campaign;

AND WHEREAS ASD affects more than 100,000 Ontarians and is recognized as the most common neurological disorder affecting 1 in every 94 children, as well as their friends, family and community;

AND WHEREAS ASD is a spectrum disorder, which means it not only manifests itself differently in every individual in whom it appears, but its characteristics will change over the life of each individual as well.

AND WHEREAS Autism Ontario is the leading source of information on autism and is one of the largest collective voices representing the autism community in Ontario;

AND WHEREAS Autism Ontario is dedicated to increasing public awareness about autism and the issues faced by individuals with autism, their families, and the professionals with whom they interact. The association and its chapters share the common goals of providing information and education, supporting research, and advocacy;

NOW THEREFORE, I, Mayor Vance M. Badawey, proclaim April 2nd, 2014 as "World Autism Awareness Day" in the City of Port Colborne.

CARRIED.

9. MINUTES OF BOARDS, COMMISSIONS & COMMITTEES

(a) Minutes of the Port Colborne Historical & Marine Museum Meeting of November 19, 2013
(b) Minutes of the Seniors Advisory Council Meeting of December 19, 2013
(c) Minutes of the Port Colborne Transit Advisory Committee Meeting of November 27, 2013
(d) Minutes of the Port Colborne Gateway Business Improvement Area Board of Management Meeting of September 17, 2013

No. 25 Moved by Councillor W. Steele
Seconded by Councillor R. Bodner

(a) That the Minutes of the Port Colborne Historical & Marine Museum Meeting of November 19, 2013 be received;
(b) That the Minutes of the Seniors Advisory Council Meeting of December 19, 2013 be received;
(c) That the Minutes of the Port Colborne Transit Advisory Committee Meeting of November 27, 2013 be received;
(d) That the Minutes of the Port Colborne Gateway Business Improvement Area Board of Management Meeting of September 17, 2013 be received. CARRIED.

10. **NOTICE OF MOTION**

Nil.

11. **INTRODUCTION, CONSIDERATION AND PASSAGE OF BY-LAWS**

*By-laws for Three Readings*

**No. 26** Moved by Councillor D. Elliott  
Seconded by Councillor Y. Doucet

That the following by-laws be read a first, second and third time and passed:

- **6043/09/14** Being a By-law to Provide for an Appointment to the Heritage Port Colborne Committee  
- **6044/10/14** Being a By-law to Enter into a Standard Contract Agreement with Ontario One Call (ON1Call) for Membership Services  
- **6045/11/14** Being a By-law to Amend By-law No. 89-2000, As Amended, Being a By-law Regulating Traffic and Parking on City Roads (Fielden Avenue)  
- **6046/12/14** Being a By-law to Change the Name of the Port Colborne Seniors Advisory Council, and Amend By-law 5328/83/09, Being a By-law to Establish a Committee Known as the “Port Colborne Seniors Advisory Council” and to Provide for the Appointment of Members Thereto

CARRIED.

12. **CONFIRMATORY BY-LAW**

**No. 27** Moved by Councillor R. Bodner  
Seconded by Councillor D. Elliott

That the following by-law be read a first, second and third time and passed:

- **6047/13/14** 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 February 10, 2014

CARRIED.

13. **COUNCIL IN CLOSED SESSION – 8:03 P.M.**

**No. 28** Moved by Councillor R. Bodner  
Seconded by Councillor A. Desmarais

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

(a) Minutes of the Closed Session portion of January 27, 2014 Regular Council Meeting

(b) Confidential Community and Corporate Services, Clerk's Division, Report No. 2014-4, Subject: Recommendation for Appointment to the Niagara Peninsula Conservation Authority, pursuant to the Municipal Act, 2001, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees
(c) Confidential Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives, Report No. 2014-2, concerning matters impacting the Port Colborne Energy Park, 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

(d) Confidential Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives, Report No. 2014-3, concerning a potential acquisition of land by the municipality, pursuant to the Municipal Act, 2001, Subsection 239(2)(c) a proposed or pending acquisition of land by the municipality or local board

CARRIED.

14. DISCLOSURES OF INTEREST ARISING FROM CLOSED SESSION

Councillor Elliott declared a direct pecuniary interest with regard to Closed Session item (b), Confidential Community and Corporate Services, Clerk's Division, Report No. 2014-4, Subject: Recommendation for Appointment to the Niagara Peninsula Conservation Authority, as he is an applicant for appointment. Councillor Elliott left the room during consideration of this item and refrained from discussing or voting on this matter.

15. MOTIONS ARISING FROM CLOSED SESSION

(b) Confidential Community and Corporate Services, Clerk's Division, Report No. 2014-4, Subject: Recommendation for Appointment to the Niagara Peninsula Conservation Authority, pursuant to the Municipal Act, 2001, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees

No. 30 Moved by Councillor Y. Doucet
Seconded by Councillor A. Desmarais

That Mark Bagu be recommended to fill the vacancy and serve as the City of Port Colborne's representative on the Niagara Peninsula Conservation Authority Board for a term ending November 30, 2014.

CARRIED.

16. ADJOURN

No. 31 Moved by Councillor W. Steele
Seconded by Councillor A. Desmarais

That there being no further business, the Council meeting be adjourned at approximately 8:30 p.m.

CARRIED.

Vance M. Badawey
MAYOR

Ashley Grigg
CITY CLERK