

The "TWENTY SEVENTH MEETING" (REGULAR) of the Port Colborne City Council was held at the Municipal Offices, 66 Charlotte Street, Port Colborne on Monday, July 23, 2012 commencing at approximately 10:33 p.m.

**ATTENDANCE:**

Mayor Vance Badawey presided with the following members in attendance:

**COUNCILLORS:**

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

Absent: D. Elliott (due to vacation), F. Danch (due to a prior commitment)

**REGIONAL COUNCILLOR:**

D. Barrick

**STAFF:**

R. Heil, Chief Administrative Officer  
A. Grigg, City Clerk  
D. Aquilina, Director of Planning & Development  
R. Hanson, Director of Engineering & Operations  
S. McIntyre, 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**

**Withdrawn:**

Item 1, regarding the Notion of Motion concerning an amendment to the City's Alcohol Management Policy, was withdrawn at the request of Councillor Steele. The motion will be brought forward at the August 13, 2012 Committee of the Whole meeting.

**2. CONFIRMATION OF THE AGENDA**

**No. 179** Moved by Councillor R. Bodner  
Seconded by Councillor B. Kenny

That the Agenda dated July 23, 2012 be confirmed as circulated.  
CARRIED.

**3. DISCLOSURES OF INTEREST**

Nil.

**4. ADOPTION OF MINUTES**

- (a) Minutes of the Twenty Fourth Meeting (Special) of Council of July 9, 2012
- (b) Minutes of the Twenty Fifth Meeting (Regular) of Council of July 9, 2012

**No. 180** Moved by Councillor A. Desmarais  
Seconded by Councillor Y. Doucet

That the Minutes of the Twenty Fourth Meeting (Special) of Council of July 9, 2012 be adopted as circulated; and,  
That the Minutes of the Twenty Fifth Meeting (Regular) of Council of July 9, 2012 be adopted as circulated.  
CARRIED.

**5. DETERMINATION OF COUNCIL ITEMS REQUIRING SEPARATE DISCUSSION**

Nil.

**6. ADOPTION OF COUNCIL ITEMS NOT REQUIRING SEPARATE DISCUSSION**

**No. 181** Moved by Councillor Y. Doucet  
Seconded by Councillor B. Kenny

That Items 1 to 15 on the regular agenda be approved, as amended at the Committee of the Whole meeting of July 23, 2012 with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendations contained therein adopted.

**ITEMS:**

**1. Notice of Motion, Councillor Steele Re Amendment to the City's Alcohol Management Policy concerning the Two Drink Limit on Alcoholic Beverages per Patron at Special Events**

This item was withdrawn.

**2. Department of Engineering & Operations, Operations Division, Report No. 2012-23, Subject: Participation in the Blue Communities Project**

Council resolved:

- a. That Council recognizes and affirms that access to clean water is a fundamental human right and calls on the Federal and Provincial Governments to enshrine water as a human right in Federal and Provincial law and calls on the government of Canada to support the recognition of water as a human right in international law, and;
- b. That Council strongly supports the supply of public drinking water by primarily government entities; however, council also supports focusing on the provision and implementation of clearly defined and controlled standards for how drinking water is provided and ensuring there are severe consequences for non-compliance; and also calls on the Federal government to fulfill its responsibility to support municipal infrastructure by investing in a national water infrastructure fund that would address the growing need to renew existing water and wastewater infrastructure and build new systems, and;
- c. That Council recognizes that water provides a healthy alternative to most other beverages, and as such, to ensure residents and visitors to the City will have the option of making a healthy choice when in attendance at City facilities,

will whenever possible, provide easy access to municipal tap water.

- d. That the Environmental Advisory Committee be directed to investigate and report back on methods of diverting plastic water bottles used during special events from the landfill.

3. **Department of Engineering & Operations, Engineering Division, Report No. 2012-24, Subject: Information Report – Killaly Street West Reconstruction**

Council resolved:

That report is presented for the information of Council and no further action is required at this time.

4. **Department of Planning & Development, Report No. 2012-56, Subject: Recommendation Report: By-law to Require Pre-Consultation for Planning Applications**

Council resolved:

That the Council of the City of Port Colborne adopts the attached draft by-law to require pre-consultation for all planning applications.

5. **Department of Planning & Development, Report No. 2012-58, Subject: Community Improvement Plans – Planning and Building Fees Grant Programs**

Council resolved:

1. That Council authorize the waiving of 50% of the planning and building permit application fees as established in By-laws 5718/149/11 (Planning Fees) and 5817/72/12 (Building By-law) for properties within the Main Street Community Improvement Plan project area, the Downtown Central Business District Community Improvement Plan project area, and the East Village Community Improvement Plan project area, as amended.
2. That Council authorize the waiving of 50% of the building permit application fees as established in By-law 5817/72/12 (Building By-law) for all properties designated under the Brownfield Community Improvement Plan.
3. That staff be directed prepare a report that outlines to the Region of Niagara, the City of Port Colborne's desire to align all local level incentive programs with the Region of Niagara and to therefore have continuity with respect to incentives.

6. **Department of Planning & Development, Report No. 2012-60, Subject: Proposed Swimming Pool By-law Amendment**

Council resolved:

That the Council of the City of Port Colborne approves the proposed amendment to By-law 4843/68/06, Being a By-law to Regulate Privately Owned Swimming Pools, as follows:

1. That Section 4.1.1(ii) to By-law 4836/68/06, as amended, be amended by deleting the following:

“An in-ground pool may be located in an exterior side yard.”

2. That Section 5.1.1 to By-law 4843/68/06, as amended, be amended by deleting the following:

“as outlined on Schedule “A” to this by-law and shall be payable prior to permit issuance.”

and replacing it with the following:

“in accordance with By-law 5817/72/12.”

3. That Schedule “A” Fees, to By-law 4843/68/06, as amended, be deleted.

7. **Department of Planning & Development, Report No. 2012-61, Subject: Beer Store Trailer – Lease of 105 Main Street West**

Council resolved:

That Council enters into a one month lease agreement with the Beer Store for the temporary placement of a mobile trailer at 105 Main Street West.

That the Mayor and Clerk be authorized to execute such lease agreement once prepared.

8. **Department of Planning & Development, Report No. 2012-52, Subject: Parking Control Devices**

Council resolved:

That the Director of Planning and Development Services be directed to meet with the Downtown Business Improvement Area Board of Management and report back on the cost and implementation methods for the provision of two hour free parking in the downtown core, on a one year trial basis, including the installation of appropriate signage.

**Miscellaneous Correspondence**

9. **Ontario Municipal Board Re Memorandum of Oral Decision Delivered by J.V. Zuidema on May 28, 2012 and Directions of the Board – Nyon Oil Inc.**

Council resolved:

That the correspondence received from the Ontario Municipal Board Re Memorandum of Oral Decision Delivered by J.V. Zuidema on May 28, 2012 and Directions of the Board – Nyon Oil Inc., be received for information.

10. **Region of Niagara Re Complete Streets for Niagara (ICP Report 67-2012)**

Council resolved:

That the correspondence received from the Region of Niagara Re Complete Streets for Niagara (ICP Report 67-2012), be received for information.

11. **The Music Depot Open House and Street Party, Sunday, August 12, 2012 Re Request for Road Closure**

Council resolved:

That the Council of The Corporation of the City of Port Colborne approve the request of Morgan Whelan, The Music Depot, for the temporary closing of Fraser Street from 10:00 a.m. to 8:00 p.m. on Sunday, August 12, 2012, for purposes of The Music Depot Open House and Street Party Event and the City Clerk be directed to present the necessary by-law and to notify emergency services;

That such approval be subject to The Music Depot providing advance written notice to the owners of the properties served by the section of roadway that will be temporarily closed;

The applicant shall not block or occupy the street with any equipment related to the event before 10:00 a.m. on Sunday, August 12, 2012 and must have all related equipment and supplies cleared from the streets no later than 8:00 p.m.;

That a certificate of Insurance showing a minimum of \$5,000,000 general liability coverage and the City of Port Colborne as an additional insured for purposes of the event, be filed with the City Clerk;

That a temporary Noise By-law exemption be issued by the By-law Enforcement Division for the emission of sound arising from the entertainment/activities for the Open House and Street Party Event on August 12, 2012;

That the applicant enters into an encroachment agreement with the City for the purposes of the use of City property by obtaining a general encroachment permit issued by the By-law Enforcement Division;

That the applicant work with by Building Division to obtain any permits that may be required;

That The Music Depot be responsible for coordinating, attaining and setting up barricades and signage relative to the street closure to the satisfaction of the Superintendent of Public Works;

That the applicant be responsible for any costs related to the supply, installation and removal of barricades, signage or other traffic control devices by Public Works;

That should there be any damage incurred to the grass, parking lot, road, sidewalk, curbs, or other City property, the applicant shall be responsible to pay for any repairs necessary to reinstate the area to its original condition;

That the applicant shall comply with all health regulations and obtain approval from the Niagara Region Public Health Department for the serving of food at the event;

That the applicant shall ensure that portable fire extinguishers are on site and accessible for purposes of cooking;

That the selling, serving and/or consumption of alcohol at the event be strictly prohibited;

That the applicant shall comply with all other relevant By-laws of the City of Port Colborne.

12. **New Humberstone Speedway Request for Temporary Extension of Current Liquor Licence Re The Molson All Canadian Championship, August 5, 2012**

Council resolved:

That the Council of The Corporation of the City of Port Colborne not object to an application for a temporary extension of the proposed licenced area by Bob Davidson, General Manager, New Humberstone Speedway for The Molson All Canadian Championship Event, on August 5, 2012, all as described in the correspondence from the New Humberstone Speedway;

That the event be approved, subject to the following conditions;

- a) That the applicant work with the Building and By-law Divisions to obtain any permits that may be required related to the event.
- b) That the Tent must comply with the requirements of the Ontario Building Code.
- c) That portable extinguishers must be present whenever cooking is involved.

13. **Memorandum from Robert Heil, Chief Administrative Officer, Re Entering into an Agreement for Naming Rights for the Skateboard/BMX Park, Lock 8 Park**

Council resolved:

That the Council of The Corporation of the City of Port Colborne enter into an agreement with Algoma Central Corporation for the Naming Rights for the Skateboard/BMX Park, located at Lock 8 Park, Port Colborne; and

That the City Clerk be authorized to present the appropriate by-law at the Council Meeting of July 23, 2012.

**Outside Resolutions – Requests for Endorsement**

14. **Town of Tillsonburg Re Business Tax Capping Reform**

Council resolved:

That the resolution received from the Town of Tillsonburg Re Business Tax Capping Reform, be referred to the City Treasurer to provide advice concerning the impact on Commercial and Industrial Properties in the City of Port Colborne.

15. **Town of Niagara-On-The-Lake Re Request to Investigate Creation of a Municipal Conflict of Interest Commissioner**

Council resolved:

That the resolution received the Town of Niagara-On-The-Lake Re Request to Investigate Creation of a Municipal Conflict of Interest Commissioner, be received for information.

CARRIED.

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

Nil.

**8. PROCLAMATIONS**

Nil.

**9. MINUTES OF BOARDS, COMMISSIONS & COMMITTEES**

- (a) **Minutes of the Mayor's Youth Advisory Council of May 15, 2012**
- (b) **Minutes of the Heritage Port Colborne Meeting of May 9, 2012**
- (c) **Minutes of the New Community Centre Advisory Committee Meeting of May 15, 2012**

**No. 182** Moved by Councillor A. Desmarais  
Seconded by Councillor B. Butters

- (a) That the Minutes of the Mayor's Youth Advisory Council of May 15, 2012 be received.
- (b) That the Minutes of the Heritage Port Colborne Meeting of May 9, 2012 be received.
- (c) That the Minutes of the New Community Centre Advisory Committee Meeting of May 15, 2012 be received.

CARRIED.

**10. NOTICE OF MOTION**

Nil.

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

**By-laws for Three Readings**

**No. 183** Moved by Councillor Y. Doucet  
Seconded by Councillor B. Kenny

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

- 5831/85/12 Being a By-law to Require Pre-Consultation for Planning Applications
- 5832/86/12 Being a By-law to Amend By-law 5718/149/11, Being a By-law to Establish Fees for Various Planning and Development Services/Applications
- 5833/87/12 Being a By-law to Amend By-law 5817/72/12, Being a By-law Respecting Permits for Construction, Demolition, Occupancy and Change of Use, Transfer of Permits, and Inspections
- 5834/88/12 Being a By-law to Amend By-law 4843/68/06, Being a By-law to Regulate Privately Owned Swimming Pools
- 5835/89/12 Being a By-law to Authorize Entering into a Lease Agreement with the Beer Store for the Temporary Placement of a Mobile Trailer at 105 Main Street West, Port Colborne
- 5836/90/12 Being a By-law to Temporarily Close a Section of Fraser Street to Vehicular Traffic for Purposes of The Music Depot Open House and Street Party Event, August 12, 2012
- 5837/91/12 Being a By-law to Authorize Entering Into an Agreement for Naming Rights for the Skateboard/BMX Park Located at Lock 8 Park, Port Colborne

CARRIED.

**12. CONFIRMATORY BY-LAW**

**No. 184** Moved by Councillor W. Steele  
Seconded by Councillor B. Kenny

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

- 5838/92/12 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 Special and Regular Meetings of Council of July 23, 2012.

CARRIED.

**13. COUNCIL IN CLOSED SESSION – 10:42 P.M.**

**No. 185** Moved by Councillor W. Steele  
Seconded by Councillor Y. Doucet

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

- (a) Minutes of the Closed Session portion of the June 25, 2012 Council meeting
- (b) PowerPoint presentation from Cecil Vincent, Manager of Special Projects and Corporate Strategic Initiatives, concerning matters impacting the Sugarloaf Marina, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(a) the security of the property of the municipality or local board
- (c) Correspondence from Monique Atherton, Solicitor, Sullivan Mahoney LLP, dated July 6, 2012 providing legal advice concerning Nyon Fuelling Inc. 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 and Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose
- (d) Confidential Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives, Report 2012-4, Subject: Legal Matters Concerning Correspondence received from Nyon Oil Inc. in Respect of Direct Access to Highway 140 for the Northern property, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
- (e) Verbal report from the Director of Planning and Development regarding the sale of a portion of the former Humberstone Shoe Park lands, 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

CARRIED.

**No. 186** Moved by Councillor B. Kenny  
Seconded by Councillor A. Desmarais

That Council do now rise from closed session without report at approximately 12:19 a.m.

CARRIED.

**14. DISCLOSURES OF INTEREST ARISING FROM CLOSED SESSION**

Mayor Badawey declared an indirect pecuniary interest with regard to item (c), correspondence from Monique Atherton, Solicitor, Sullivan Mahoney LLP, dated July 6, 2012 providing legal advice concerning Nyon Fuelling Inc., as customers



of his business may use this fuelling facility if and when it becomes operational. Mayor Badawey left the room during consideration of this item. Agenda material related to item (c) was not circulated to Mayor Badawey. Deputy Mayor Butters assumed the Chair during these proceedings.

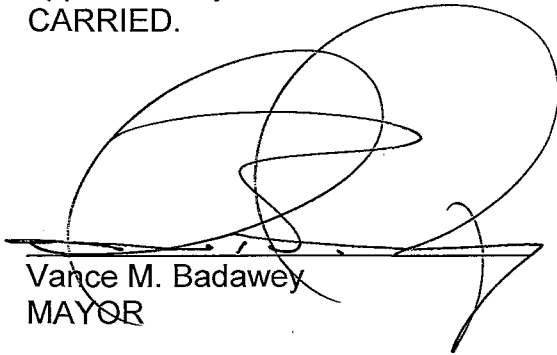
**15. MOTIONS ARISING FROM CLOSED SESSION**

Nil.

**16. ADJOURN**

**No. 187** Moved by Councillor R. Bodner  
Seconded by Councillor A. Desmarais

That there being no further business, the Council Meeting be adjourned at approximately 12:20 a.m.  
CARRIED.



Vance M. Badawey  
MAYOR



Ashley Grigg  
CITY CLERK

AG/sm