

The "THIRTY FOURTH MEETING" (REGULAR) of the Port Colborne City Council was held at the Municipal Offices, 66 Charlotte Street, Port Colborne on Monday, August 27, 2012 commencing at approximately 8:31 p.m.

ATTENDANCE

Mayor Vance Badawey presided with the following members in attendance:

COUNCILLORS

D. Elliott
A. Desmarais
F. Danch

B. Butters

Absent: W. Steele (due to vacation), Y. Doucet (due to vacation), B. Kenny (due to vacation), R. Bodner (due to vacation)

REGIONAL COUNCILLOR:

Absent: D. Barrick

STAFF:

R. Heil, Chief Administrative Officer
A. Grigg, City Clerk
D. Aquilina, Director of Planning & Development
R. Hanson, Director of Engineering & Operations
P. Senese, Director of Community & Corporate Services
H. Hakim, Manager of Community Services
S. Thompson, General Manager & Director, Economic Development, Tourism & Marketing
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

Nil.

2. CONFIRMATION OF THE AGENDA

No. 225 Moved by Councillor B. Butters
Seconded by Councillor D. Elliott

That the Agenda dated August 27, 2012 be confirmed as circulated.
CARRIED.

3. DISCLOSURES OF INTEREST

Nil.

4. ADOPTION OF MINUTES

- (a) Minutes of the Thirtieth Meeting (Special) of Council, August 13, 2012
- (b) Minutes of the Thirty First Meeting (Regular) of Council, August 13, 2012
- (c) Minutes of the Thirty Second Meeting (Special) of Council, August 20, 2012

No. 226 Moved by Councillor D. Elliott
Seconded by Councillor F. Danch

That the Minutes of the Thirtieth Meeting (Special) of Council of August 13, 2012 be adopted as circulated;

That the Minutes of the Thirty First Meeting (Regular) of Council of August 13, 2012 be adopted as circulated;

That the Minutes of the Thirty Second Meeting (Special) of Council of August 20, 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. 227 Moved by Councillor F. Danch
Seconded by Councillor A. Desmarais

That Items 1 to 11 on the regular agenda be approved, as amended at the Committee of the Whole meeting of August 27, 2012 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 Economic Development, Tourism & Marketing, Report No. 2012-06, Subject: Incorporation of Niagara's South Coast Tourism Association Inc.

Council resolved:

That staff be directed to proceed with the necessary updates for the Niagara's South Coast Tourism Association Inc. to the Letter of Patent for the Roselawn Corporation and banking and insurance updates; and

That a special meeting of the Roselawn Board of Directors be called to appoint the new board of directors.

2. Department of the Chief Administrative Officer, Health Services Division, Report No. 2012-01, Subject: Extension of Professional Services Rendered by Dr. Jeff Remington, Primary Health Care Model Development

Council resolved:

That Council approves an extension of a contractual arrangement of one half day per week to Dr. Jeffrey Remington from September 1, 2012 – December 31, 2012 in order to complete current projects underway, and to further our efforts to secure funding for sustainability. The cost of such services would be a total of \$6,000 for the four month extension;

That the cost be funded from the medical and physician recruitment reserve; and

That the Clerk be authorized and directed to prepare and present the appropriate contract.

3. **Department of Planning & Development, Report No. 2012-68, Subject: Recommendation Report for a Zoning By-law Amendment (File No. D14-04-12) 42 & 46 McRae Avenue**

Council resolved:

1. That Council of the City of Port Colborne approve the Zoning By-law Amendment, attached hereto as Appendix "A", rezoning the land from the existing "R2" zone to the site specific "R2-45 (Private Club)", "R2-360 (Second Density Residential Special)" and "R2-361 (Second Density Residential Special)" zone.
2. That the City Clerk is hereby authorized and directed to proceed with the giving of notice of passing of the By-laws, in accordance with the *Planning Act*.
3. That pursuant to the provisions of Section 34(17) of the *Planning Act*, no further notice of public meeting be required.

4. **Department of Planning & Development, Report No. 2012-69, Subject: Amendment to Site Plan Control By-law 4248/84/02 & Designation of a Site Plan Control Area – 223 Bell Street**

Council resolved:

That the Council of the City of Port Colborne approve the By-law, attached hereto, amending By-law 4248/84/02 thereby requiring Site Plan Control for future development of the property at 223 Bell Street (including Parcels 1 and 4 which are to be merged with the property).

5. **Department of Planning & Development Report No. 2012-70, Subject: Sign Variance Request and Encroachment 220 King Street**

Council resolved:

1. That the Council of the City of Port Colborne approves the encroachment request on the proviso that the encroachment agreement is signed by all parties.
2. That the Council of the City of Port Colborne approve the sign variance request, and advise the Building Division that a building permit can be issued.

6. **Department of Engineering & Operations, Engineering Division, Report No. 2012-26, Subject: Project 2012-18 – Request for Proposal – Qualification of Consulting Services for an Owner Advocate/Project Manager for the Port Colborne Operations Centre Design-Bid build Project**

Council resolved:

- A. That the Council of the City of Port Colborne award the Request for Proposal – Qualification of Consulting Services for an Owner Advocate/Project Manager for the Port Colborne Operations Centre Design-Bid-Build Project to PRISM Partners Inc. of Burlington, Ontario for the total proposed price including Optional Services of \$191,000 plus applicable taxes;

- B. That the project be debentured in the amount of \$191,000 excluding taxes through the Infrastructure Ontario Loan Program for a period of 30 years; and
 - C. That the appropriate By-laws be drafted and submitted for execution by the Mayor and City Clerk.
7. **Department of Engineering & Operations, Engineering Division, Report No. 2012-27, Subject: Authorization to Award Contract for Tender 2012-17 – Water System Leak Detection Services**

Council resolved:

- A. That the Council of the City of Port Colborne award Tender 2012-17 Water System Leak Detection Services to the Ontario Clean Water Agency of Toronto, Ontario for the total bid price of \$7,375.00 plus applicable taxes and;
 - B. That Council approve the quoted prices for the provisional items: Leak Detection activities in Zones 2, 3a/3b and 4 and;
 - C. That funding for Project 2012-17 be financed under G.L. 6-595-76345-3319
 - D. That a contract by-law, whereby the City enters into a contract agreement with the Contractor, be prepared.
8. **Department of Community & Corporate Services, Clerk's Division, Report No. 2012-29, Subject: Appointment to Accessibility Advisory Committee**

Council resolved:

That Bobbie Broughton be appointed to the Accessibility Advisory Committee for a term ending December 31, 2016.

That the City Clerk be directed to bring forward the necessary by-law for approval.

9. **Memorandum from Ashley Grigg, City Clerk, dated August 20, 2012, Re December 2012 Meeting Schedule**

Council resolved:

That the regular meeting of Committee/Council for the month of December 2012 be scheduled for Monday, December 10, 2012 and the Clerk be authorized and instructed to give public notice accordingly.

Miscellaneous Correspondence

10. **John Veselisin, Stoney Creek Branch Manager, Orkin Services Re Request to Temporarily Close King Street, Friday, September 21, 2012, to Sunday, September 23, 2012 for ADM Fumigation**

Council resolved:

That the Council of The Corporation of the City of Port Colborne approve the request of John Veselisin, Branch Manager, Orkin Services, for the temporary closing of King Street from 5:00 p.m., Friday, September 21 to

11:30 p.m. Sunday, September 23, 2012 for purposes of the fumigation of the ADM Milling Company and the Clerk be directed to present the necessary by-law and to notify emergency services; and,

That such approval be subject to the ADM Milling Company or Orkin notifying in advance, the owners of the property served by the section of roadway that will be temporarily closed for the proposed closing.

11. **Scott Wolfe, Re Request for the City of Port Colborne to Obtain Two Lighthouses Located in Port Colborne Harbour**

Council resolved:

That, whereas at its meeting of March 12, 2012 Council approved Chief Administrative Officer Report 2012-1, in respect of the Federal Heritage Designation of the main lighthouse, and resolved that no further action be taken by the City on this matter, Mr. Wolfe be so notified and sent a copy of the above referenced report.

CARRIED.

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

Nil.

8. **PROCLAMATIONS**

Nil.

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

Nil.

10. **NOTICE OF MOTION**

Nil.

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

By-laws for Three Readings

No. 228 Moved by Councillor F. Danch
Seconded by Councillor B. Butters

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

- 5846/100/12 Being a By-law to Amend Zoning By-law 1150/97/81, as Amended, Respecting Lands Known as Part of Park Lot 2, South Side of Bell Street and Part of Park Lot 2, North Side of Frazer Street, Plan 849 in the City of Port Colborne, Regional Municipality of Niagara, Municipally Known as 42 and 46 McRae Avenue
- 5847/101/12 Being a By-law to Amend By-law 4248/84/02, Being a By-law of The Corporation of the City of Port Colborne Designating Land Zoned within the City of Port Colborne as a Site Plan Control Procedure and Establishing the Composition and Duties of the Manager of Planning and Development Services and the Planning and Development Committee
- 5848/102/12 Being a By-law to Authorize Entering into an Encroachment Agreement with Jane Parr Re 220 King Street, Port Colborne

- 5849/103/12 Being a By-law to Authorize Entering into an Agreement with PRISM Partners Inc. Re the Port Colborne Operations Centre Design – Bid Build Project
- 5850/104/12 Being a By-law to Authorize Entering into a Contract Agreement with Ontario Clean Water Agency Re Tender 2012-17 Water System Leak Detection Services
- 5851/105/12 Being a By-law to Appoint Bobbie Broughton to the Accessibility Advisory Committee
- 5852/106/12 Being a By-law to Temporarily Close a Section of King Street to Vehicular Traffic September 21, 2012 to September 23, 2012

CARRIED.

12. CONFIRMATORY BY-LAW

No. 229 Moved by Councillor A. Desmarais
Seconded by Councillor D. Elliott

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

- 5853/107/12 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 August 27, 2012

CARRIED.

13. COUNCIL IN CLOSED SESSION – 8:36 P.M.

No. 230 Moved by Councillor A. Desmarais
Seconded by Councillor F. Danch

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

- (a) Minutes of the Closed Session portions of the August 13, 2012 Special Council meeting and the August 20, 2012 Special Council meeting.
- (b) Confidential verbal report from the General Manager and Director, Economic Development, Tourism & Marketing concerning the potential sale 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) Confidential memorandum from the Chief Administrative Officer, dated August 27, 2012, concerning matters related to the Overholt Cemetery, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.

CARRIED.

No. 231 Moved by Councillor A. Desmarais
Seconded by Councillor D. Elliott

That Council do now rise from closed session without report at approximately 9:39 p.m.

CARRIED.

14. DISLOSURES OF INTEREST ARISING FROM CLOSED SESSION

Nil.

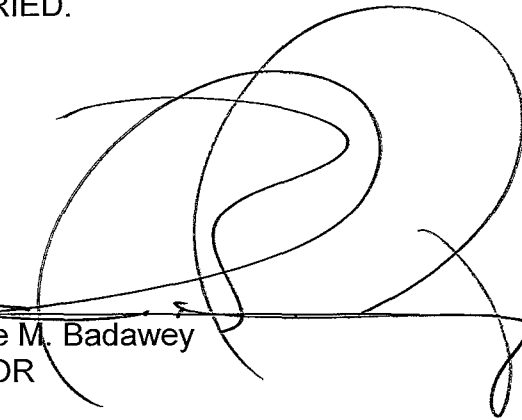
15. MOTIONS ARISING FROM CLOSED SESSION


Nil.

16. ADJOURN

No. 232 Moved by Councillor B. Butters
Seconded by Councillor D. Elliott

That there being no further business, the Council meeting be adjourned at approximately 9:40 p.m.
CARRIED.


Vance M. Badawey
MAYOR


Ashley Grigg
CITY CLERK

AG/sm