

The "THIRTY EIGHTH MEETING" (REGULAR) of the Port Colborne City Council was held at the Municipal Offices, 66 Charlotte Street, Port Colborne on Tuesday, October 9, 2012 commencing at approximately 8:50 p.m.

ATTENDANCE

Mayor Vance Badawey presided with the following members in attendance:

COUNCILLORS

D. Elliott
A. Desmarais
F. Danch B. Kenny
R. Bodner

Absent: W. Steele (due to illness), Y. Doucet (due to a prior commitment), B. Butters (due to vacation)

REGIONAL COUNCILLOR:

D. Barrick

STAFF:

R. Heil, Chief Administrative Officer
A. Grigg, City Clerk
D. Aquilina, Director of Planning & Development
J. Huppunen, Manager of Engineering
P. Senese, Director of Community & Corporate Services
H. Hakim, Manager of Community Services
T. Cartwright, Fire Chief
C. Vincent, Manager of Strategic Projects & Corporate Strategic Initiatives
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. 260 Moved by Councillor B. Kenny
 Seconded by Councillor F. Danch

That the Agenda dated October 9, 2012 be confirmed as circulated.
CARRIED.

3. DISCLOSURES OF INTEREST

Nil.

4. ADOPTION OF MINUTES

(a) Minutes of the Thirty Seventh Meeting (Regular) of Council of September 24, 2012

No. 261 Moved by Councillor R. Bodner
 Seconded by Councillor D. Elliott

That the Minutes of Minutes of the Thirty Seventh Meeting (Regular) of Council of September 24, 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. 262 Moved by Councillor F. Danch
Seconded by Councillor D. Elliott

That Items 1 to 19 on the regular agenda be approved, as amended at the Committee of the Whole Meeting of October 9, 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 Chief Administrative Officer, Health Services Division, Report No. 2012-02, Subject: Current Physician Recruitment Incentive & Future Incentive Funding

Council resolved:

That Council approves an immediate \$10,000 Capital Incentive Grant to Mapleview Medical Clinic for the outfitting and infrastructure improvements needed for two examination rooms for the Memory Clinic opening, and touring optics for physician recruitment purposes; and

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.

2. Department of Community & Corporate Services, Report No. 2012-31, Subject: Cancellation, reduction or refund of Realty Tax for 2012 taxation year for the address of 3403 Yager Rd

Council resolved:

That application pursuant to Section 357, numbered 2012-02 to write off taxes in the total amount of \$9,127.24 be approved.

3. Department of Community & Corporate Services, Corporate Services Division, Report No. 2012-33, Subject: Municipal Infrastructure Investment Initiative Funding for Asset Management – Expression of Interest

Council resolved:

1. That Council of the City of Port Colborne directs the City Treasurer to submit an Expression of Interest for the Municipal Infrastructure Investment Initiative Funding for Asset Management; and

2. That the City Treasurer certifies that the information in the Expression of Interest is factually accurate and that the development of an asset management plan will include all of the information and analysis described in the Building

Together: Guide for Municipal Asset Management Plans;
and

3. That this funding for the Asset Management Plan is a priority for the City of Port Colborne to ensure a sustainable asset management planning policy.
4. **Department of Community & Corporate Services, Community Services Division, Report No. 2012-29, Subject: Contract 11-01R West Side Arena Concession Operations**

Council resolved:

1. That the Council of The Corporation of the City of Port Colborne approves the contract extension for Toffolo Enterprises to continue to operate the West Side Arena concession operations for the period September 01, 2012 to December 31, 2012; and provides staff the authority to continue with this agreement into 2013 and or until such time that the closing of West Side Arena operations coincides with the opening of the Vale Health and Wellness Centre (VHWC).
2. That the Council approves the prorated rental agreement from September 1, 2012 to December 31, 2012 of \$1332.00 + HST; and provides staff the authority to continue with a prorated rental agreement into 2013 and or until such time that the closing of West Side Arena operations coincided with the opening of the VHWC.
3. That Council approves of staff to administer the payment schedule for this extension period September 1, 2012 to December 31, 2012 in accordance with Appendix "B" of the rental agreement; and provides staff the authority to amend Appendix "B" as necessary and continue to administer a payment schedule into 2013 and or until such time that the closing of West Side Area operations coincides with the opening of the VHWC.
5. **Department of Chief Administrative Officer, Special Projects & Corporate Strategic Initiatives, Report No. 2012-07, Subject: Recommendations for issuance of a RFP for P3 operations of a "Full Service Marine Supply Centre" at Sugarloaf Harbour Marina and a Short Term extension of the current P3 contract to Provide staff with additional time to Address issues which have been identified in the Transfer of operations between Successive P3 operators**

Council resolved:

That City Council approves the issuance of a RFP call based upon the general terms outlined in Special Projects & Corporate Strategic Initiatives, Report No. 2012-07; and

That Council approves the changes proposed to procedures at the Marina and with subsequent lease operations as detailed in this report; and further

That Council approves the extension of the Port Colborne Marine lease until June 30, 2013.

That the Manager of Special Projects and Corporate Strategic Initiatives be directed to present the draft RFP for Council's review and consideration prior to the issuance of the RFP.

6. **Department of Planning & Development – Chief Building Official, Report No. 2012-75, Subject: 9-1-1 Public Emergency Report Service (9-1-1 PERS)**

Council resolved:

That the report of the Chief Building Official in respect of road naming and street addressing and the new 9-1-1 Public Emergency Report Service (9-1-1 PERS) be received for information.

Miscellaneous Correspondence

7. **Sheila Nicholas, Chair, Teachers of English as a Second Language Association of Ontario Re Request for Proclamation of English as a Second Language Week, November 4 – 10, 2012**

Council resolved:

That the week of November 4 – 10, 2012 be declared as English as a Second Language Week in the City of Port Colborne in accordance with the request received from Sheila Nicholas, Chair, Teachers of English as a Second Language Association.

8. **Memorandum from Janice Peyton, Executive Assistant to the Director of Engineering and Operations, Re Environmental Advisory Committee – Resolution regarding Renewable Energy Possibilities in Port Colborne**

Council resolved:

That the request from the Environmental Advisory Committee recommending that renewable energy possibilities be investigated in conjunction with the East Side Community Improvement Plan and with all future developments within Port Colborne, be referred to the Director of Planning and Development and the Director of Engineering and Operations for report.

9. **Region of Niagara Re Bill 51 and the Right to Appeal Land Use Planning Decisions (ICP Report 81-2012)**

Council resolved:

That the correspondence received from the Region of Niagara Re Bill 51 and the Right to Appeal Land Use Planning Decisions (ICP Report 81-2012), be received for information.

10. **Region of Niagara Re Best Practices Research Paper (ICP Report 82-2012) – Implementing Agricultural Value-Added Activities Policies**

Council resolved:

That the correspondence received from the Region of Niagara Re Best Practices Research Paper (ICP Report 82-2012) – Implementing Agricultural Value-Added Activities Policies, be received for information.

11. **Tamara Coleman-Lawrie, Manager, Autism Ontario – Niagara Region Chapter Re Request for Proclamation of October 2012 is Autism Awareness Month**

Council resolved:

That the month of October 2012 be proclaimed as Autism Awareness Month in the City of Port Colborne in accordance with the request received from Tamara Coleman-Lawrie, Manager, Autism Ontario – Niagara Region Chapter.

12. **Memorandum from Thomas B. Cartwright, City Fire Chief, Re Request for Proclamation Fire Prevention Week, October 7 – 13, 2012**

Council resolved:

That the week of October 7 – 13, 2012 be proclaimed as Fire Prevention Week in the City of Port Colborne in accordance with the request received from Thomas B. Cartwright, City Fire Chief.

13. **Region of Niagara Re Niagara Escarpment Crossing Study – Niagara Region – Notice of Study Commencement Class Environmental Assessment**

Council resolved:

That Councillor David Elliott be recommended for appointment to the Technical Advisory Group for the Niagara Escarpment Crossing Study – Niagara Region.

14. **Region of Niagara Re Greater Niagara Circle Route Committee Re Request for an Appointment to the Advisory Committee**

Council resolved:

That Councillor Angie Desmarais be appointed to the Greater Niagara Circle Route Committee in accordance with the request received from D. Bruce Timms, Regional Councillor, Chair of the Greater Niagara Circle Route Committee.

15. **Niagara Regional Housing Re NRH 2012 2nd Quarter Report to Council**

Council resolved:

That the correspondence received from Lora Beckwith, General Manager, Niagara Regional Housing, Re NRH 2012 2nd Quarter Report to Council, be received for information.

Outside Resolutions – Requests for Endorsement

16. **Region of Niagara Re 2014 Federation of Canadian Municipalities Conference and Tradeshow**

Council resolved:

That the resolution received from the Region of Niagara Re 2014 Federation of Canadian Municipalities Conference and Tradeshow, be received for information.

17. **Town of Fort Erie Re Opposition to Proposed Federal Electoral Boundary Revisions**

Council resolved:

That the resolution from the Town of Fort Erie regarding opposition to the proposed Federal Electoral Boundary Revisions be received and filed.

18. **City of Mississauga Re Banning the Sale of Cats and Dogs in Pet Stores**

Council resolved:

That the resolution received from the City of Mississauga Re Banning the Sale of Cats and Dogs in Pet Stores, be received for information.

19. **Town of Fort Erie Re Town of Fort Erie Urgent Care Centre and Support of New South Niagara Hospital**

Council resolved:

That the resolution received from the Town of Fort Erie Re Urgent Care Centre and Support of New South Niagara Hospital, be received and filed.
CARRIED.

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

Nil.

8. **PROCLAMATIONS**

(a) **English as a Second Language Week, November 4 – 10, 2012**

No. 263 Moved By Councillor B. Kenny
Seconded by Councillor A. Desmarais

WHEREAS Ontario has been the destination of choice for many immigrants who have added to the diversity of the province by bringing their culture, customs and language, even as they endeavour to acquire the ability to communicate in English;

AND WHEREAS the community of English as a Second Language learners are represented in all aspects of society. They are students, volunteers and workers, employees and business owners, labourers and professionals, neighbours and friends;

AND WHEREAS the professional organization Teachers of English as a Second Language Ontario hosts a conference in Toronto each year to maintain and expand the skills and abilities of its members.

NOW THEREFORE, I, Vance M. Badawey, Mayor of the City of Port Colborne, do hereby proclaim November 4th – 10th, 2012 as “English as a Second Language Week” in the City of Port Colborne.
CARRIED.

(b) **October 2012 is Autism Awareness Month**

No. 264 Moved by Councillor D. Elliott
Seconded by Councillor B. Kenny

WHEREAS Autism Spectrum Disorders (ASD) have seen a 600% increase in their diagnoses over the last 20 years, and currently affects the lives of 80,000 Ontarians, including an estimated group of over 5,000 Niagara Region individuals and their families;

AND WHEREAS ASD affects 1 in every 110 children born, as well as their families, friends and communities;

AND WHEREAS ASD is a spectrum disorder, which means that it not only presents differently in every individual, but its characteristics will change over the life of each individual as well;

AND WHEREAS a child with ASD will become an adult with ASD;

AND WHEREAS Autism Ontario – Niagara Region Chapter is the strongest and most active chapters across Ontario;

AND WHEREAS the mission of Autism Ontario is to ensure that each individual with ASD is provided the means to achieve quality of life as a respected member of society;

AND WHEREAS the Niagara Region Chapter of Autism Ontario encourages and invites all Niagara Region members to observe October as Autism Awareness Month in an effort to raise public awareness and support;

NOW THEREFORE, I, Mayor, Vance M. Badawey, proclaim October, 2012 as “Autism Awareness Month” in the City of Port Colborne.
CARRIED.

(c) Fire Prevention Week, October 7 – 13, 2012

No. 265 Moved by Councillor R. Bodner
Seconded by Councillor B. Kenny

WHEREAS many dedicated citizens have joined with volunteer, professional and industrial fire safety personnel as “Partners in Fire Prevention” in a relentless effort to minimize loss to life, destruction of property and damage to the environment;

AND WHEREAS fire losses in Canada remain unacceptably high in comparison with those in other industrialized nations thereby necessitating improved fire prevention measures;

AND WHEREAS it is desirable that information on fire causes and recommended preventative measures be disseminated during a specific period of the year;

AND WHEREAS the 2012 fire prevention theme for this period is: Have 2 Ways Out”

“When the smoke alarm sounds, everyone must know where to go – that is why it is so important for everyone to have working smoke alarms and to develop and practice a home fire escape plan”.

NOW THEREFORE, I, Vance M. Badawey, Mayor of the City of Port Colborne do hereby proclaim the week of October 7th – 13th, 2012 as “Fire Prevention Week” in the City of Port Colborne.
CARRIED.

9. MINUTES OF BOARDS, COMMISSIONS & COMMITTEES

- (a) Minutes of the Port Colborne Historical & Marine Museum Board of Management Meeting of July 17, 2012**
- (b) Minutes of the Downtown Port Colborne BIA General Meeting of June 19, 2012**
- (c) Minutes of the Seniors Advisory Council Meeting of June 21, 2012**
- (d) Minutes of the Canal Days Advisory Committee Meeting of July 18, 2012**

No. 266 Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

- (a) That the Minutes of the Port Colborne Historical & Marine Museum Board of Management Meeting of July 17, 2012 be received.**
- (b) Minutes of the Downtown Port Colborne BIA General Meeting of June 19, 2012 be received.**

- (c) Minutes of the Seniors Advisory Council Meeting of June 21, 2012 be received.
- (d) Minutes of the Canal Days Advisory Committee Meeting of July 18, 2012 be received.

CARRIED.

10. NOTICE OF MOTION

Nil.

11. INTRODUCTION, CONSIDERATION AND PASSGE OF BY-LAWS

By-laws for Three Readings

No. 267 Moved by Councillor B. Kenny
Seconded by Councillor D. Elliott

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

- 5862/116/12 Being a By-law to Authorize Entering into a Letter of Agreement with Mapleview Medical Clinic concerning Examination Room Capital Improvements and Equipment
- 5863/117/12 Being a By-law to Authorize Entering Into a Contract Agreement With Toffolo Enterprises Re Contract 11-01R West Side Arena Concession Operations
- 5864/118/12 Being a By-law to Authorize Entering Into a Lease Agreement Extension with Port Colborne Yacht Harbour and Marine Ltd. Respecting the Provision of Full Service Marine Service Shop at Sugarloaf Marina

CARRIED.

12. CONFIRMATORY BY-LAW

No. 268 Moved by Councillor B. Kenny
Seconded by Councillor D. Elliott

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

- 5865/119/12 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 Regular Meeting of Council of October 9th, 2012

CARRIED.

13. COUNCIL IN CLOSED SESSION – 8:59 P.M.

No. 269 Moved by Councillor A. Desmarais
Seconded by Councillor B. Kenny

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

- (a) Minutes of the closed session portion of the September 24, 2012 Regular Council meeting
- (b) Confidential Community and Corporate Services Department, Clerk's Division Report No. 2012-34, Subject: Application for Appointment to the Accessibility Advisory Committee, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(d) 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. 2012-6, regarding the potential purchase of industrial land and legal advice concerning same, 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

CARRIED.

No. 270 Moved by Councillor B. Kenny
Seconded by Councillor D. Elliott

That Council do now rise from closed session with report at approximately 9:21 p.m.

CARRIED.

14. DISCLOSURES OF INTEREST ARISING FROM CLOSED SESSION

Nil.

15. MOTIONS ARISING FROM CLOSED SESSION

(b) | **Confidential Community and Corporate Services Department, Clerk's Division Report No. 2012-34, Subject: Application for Appointment to the Accessibility Advisory Committee, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(d) personal matters about an identifiable individual, including municipal or local board employees**

No. 271 Moved by Councillor B. Kenny
Seconded by Councillor D. Elliott

That the City Clerk be directed to bring forward a report in open session with respect to appointments to boards and committees as recommended by Council, as follows:

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

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

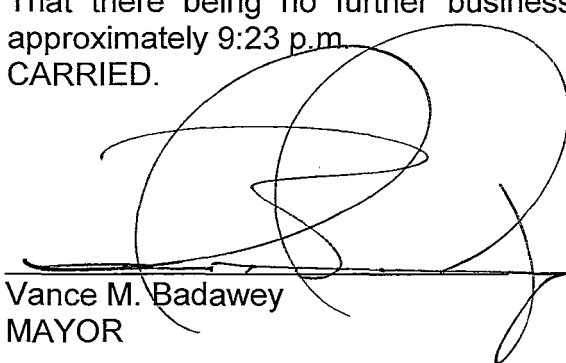
CARRIED.

16. ADJOURN

No. 272 Moved by Councillor F. Danch
Seconded by Councillor A. Desmarais

That there being no further business, the Council meeting be adjourned at approximately 9:23 p.m.

CARRIED.


Vance M. Badawey
MAYOR


Ashley Grigg
CITY CLERK