

The "FORTY SECOND MEETING" (REGULAR) of the Port Colborne City Council was held at the Municipal Offices, 66 Charlotte Street, Port Colborne on Tuesday, November 13, 2012 commencing at approximately 7:45 p.m.

### ATTENDANCE

Mayor Vance Badawey presided with the following members in attendance:

### COUNCILLORS

D. Elliott	W. Steele
A. Desmarais	Y. Doucet
F. Danch	B. Kenny
	B. Butters

Absent: R. Bodner (due to vacation)

### REGIONAL COUNCILLOR:

D. Barrick

### STAFF:

R. Heil, Chief Administrative Officer  
A. Molenaar, Deputy 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  
T. Cartwright, Fire Chief  
J. Peyton, 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. 296** Moved by Councillor A. Desmarais  
Seconded by Councillor W. Steele

That the Agenda dated November 13, 2012 be confirmed as circulated.  
CARRIED.

#### **3. DISCLOSURES OF INTEREST**

Mayor Badawey declared an indirect pecuniary interest with regard to item 11, memorandum from Robert J. Heil, Chief Administrative Officer Re Entering into an Agreement for sponsorship of the Skateboard/BMX Park, and By-law 5876/130/12, Being a By-law to Authorize Entering into Gifting Agreements for the Sponsorship of the Skateboard/BMX Park Located at Lock 8 Park, as his family business will be a sponsor of the Skateboard and BMX Park. Deputy Mayor Barbara Butters assumed the chair during the consideration of these items. Mayor Badawey refrained from discussing or voting on these items.

**4. ADOPTION OF MINUTES**

- (a) **Minutes of the Fortieth Meeting (Special) of Council, October 22<sup>nd</sup>, 2012**
- (b) **Minutes of the Forty First Meeting (Regular) of Council, October 22<sup>nd</sup>, 2012**

**No. 297** Moved by Councillor Y. Doucet  
 Seconded by Councillor F. Danch

That the Minutes of the Fortieth Meeting (Special) of Council of October 22, 2012 be adopted as circulated;  
 That the Minutes of the Forty First Meeting (Regular) of Council of October 22, 2012 be adopted as circulated.  
 CARRIED.

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

The following item was identified for separate discussion:

Item 11.

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

**No. 298** Moved by Councillor B. Kenny  
 Seconded by Councillor A. Desmarais

That Items 1 to 21 on the regular agenda be approved, as amended at the Committee of the Whole Meeting of November 13, 2012 with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendations contained therein adopted.

**Motions Arising from Committee of the Whole Councillor's Items/New Business:**

**Request to Canadian Niagara Power for Additional Lighting at the Unopened Portion of Alma Street**

That a letter be sent to Canadian Niagara Power requesting they provide a cost concerning the installation of additional lighting on the existing light standard on the unopened portion of Alma Street, North of Fraser Street and West of Welland Street, as recommended by the Niagara Regional Police due to a number of recent break-ins in the area.

**ITEMS:**

- 1. **Department of Community & Corporate Services, Special Events Division, Report No. 2012-30, Subject: 2012 Santa Claus Parade Request for Road Closures**

Council resolved:

That Council hereby approves and authorizes the closure of the following roads for the purpose of the Santa Claus Parade by prohibiting general vehicular traffic and parking by the public, with the exemption of: ambulance, police or fire department vehicles or any other vehicles required in the case of an emergency, public work vehicles, public utility vehicles or authorized by permit only beginning at 4:00 p.m. Saturday, December 1, 2012 until 6:30 p.m. for the assembly of the Parade Entrants:

Fielden Avenue from the southern limit of Killaly Street to the southern limit of Elgin Street.

Elgin Street from the eastern limit of Fielden Avenue to the eastern limit of Steele Street.

That Council hereby approves and authorizes the prohibition of street parking for the purpose of the Santa Claus Parade beginning at 4:00 p.m. Saturday December 1, 2012 until 9:00 p.m. to allow for safe viewing of the parade from sidewalks:

Clarence Street from the western limit of Fielden Avenue to the eastern limit of West Street.

Charlotte Street from the western limit of Elm Street to the eastern limit of West Street.

2. **Department of Community & Corporate Services, Community Services Division, Report No. 2012-32, Subject: Roselawn Centre Complex/Theatre Operations Request for Proposal**

Council resolved:

That Council approves staff to proceed with the Request for Proposal for the Roselawn Centre / Theatre Operations.

3. **Department of Community & Corporate Services, Community Services Division, Report No. 2012-33, Subject: Skateboard and BMX Park Marine Structure**

Council resolved:

That the Council of the City of Port Colborne approves staff to further investigate the construction of a marine themed structure at Lock 8 for the purpose of the Mayor's Youth Advisory Council, and that the condition of approval be contingent on securing sponsorship funding that would cover all construction costs at no capital expense to the City of Port Colborne.

4. **Department of Community & Corporate Services, Corporate Services Division, Report No. 2012-38, Subject: 2011 Audited Financial Statements**

Council resolved:

That the Council of the City of Port Colborne approves the 2011 draft audited Financial Report for the year ended December 31, 2011.

5. **Department of Engineering & Operations, Engineering Division, Report No. 2012-34, Subject: 2012-14 Watermain Rehabilitation**

Council resolved:

a. That the Council of the City of Port Colborne award Project 2012-14 Watermain Rehabilitation to Peters Excavating of Stevensville, Ontario, for the total tendered price of \$591,953.80 plus applicable taxes.

b. That funding for Project 2012-14 be financed under Accounts:

3-595-33476-3328 Clarence Street from Fielden to Steele

3-595-33477-3328 Snider Street from Elm to Fielden

3-595-33478-3328 Elm Street from Main to Rosedale

0-600-33580-3328 550 Elizabeth Street off Wellington Street

- c. That a contract by-law, where by the City enters into a contract agreement with the Contractor be prepared.

6. **Department of Engineering & Operations, Public Works & Parks Division, Report No. 2012-35, Subject: Information Report – T.A. Lannan Complex Storage Building**

Council resolved:

That the Council of the City of Port Colborne approves the proposed location for the storage building and directs City staff to proceed with the project at the site south of the Vale Health and Wellness Centre as recommended.

7. **Department of Engineering & Operations, Engineering Division, Report No. 2012-36, Subject: Request for Stop Sign Installation – Woodside Drive at Franklin Avenue**

Council resolved:

The Council of the City of Port Colborne approves an amendment to By-law 89-2000, being a By-law Regulating Traffic and Parking on City roads, as follows:

- 1. That Schedule "P" Stop Sign Locations, to By-law 89-2000, as amended, be amended by adding thereto the following:

Column 1	Column 2	Column 3
Highway	At	Facing Traffic
Woodside Drive	Franklin Avenue	Northbound

- 2. That the stop control become effective upon installation of the regulatory signs and that staff notify the Niagara Regional Police of the change in stop control at this location.

8. **Department of Planning & Development, Report No. 2012-79, Subject: Short Form Wording and Set Fines, Parking and Traffic By-law 89-2000**

Council resolved:

That the Council of The Corporation of the City of Port Colborne receives this report as information.

9. **Department of Engineering & Operations, Operations Division, Report No. 2012-33, Subject: Public Health Directive for the Private Drinking water System on Wyldewood Road Allowance – Update**

Council resolved:

That Council direct staff to proceed with removing the existing well(s) and treatment building from the road allowance on or before May 1, 2013, once it has been confirmed all residences have disconnected from the system and;

That the Treasurer include the estimated removal cost of \$8,000.00 in the 2013 budget.

10. **Department of Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives, Report No. 2012-08, Purchase of Land from Babcock Wilcox**

Council resolved:

That City Council approves the recommendation to purchase the property described as the Babcock Wilcox lands, north of Invertose Drive and east of Elm Street, as described in this report; and

That staff be directed to report back to Council as soon as a final transfer is concluded; and

That the appropriate by-law be prepared approving the purchase.

**Miscellaneous Correspondence**

12. **Greater Niagara Chamber of Commerce Re Council Support Regarding the Installation of Rooftop Solar Panels**

Council resolved:

That the correspondence received from the Greater Niagara Chamber of Commerce requesting Council Support regarding the Installation of Rooftop Solar Panels, be referred to staff to include in the report currently in preparation.

13. **Provincial Offences Court Administration Re Request for Staff Appointment to the Joint Board of Management, Niagara Region Courts**

Council resolved:

That Sherry Hanson, Senior Municipal Law Enforcement Officer, be appointed to the Joint Board of Management, Niagara Region Courts for the period of January 1, 2013 to December 13, 2013 in accordance with the request received from Joanne Spriet, Associate Director, Provincial Offences Administration Court Services.

14. **Region of Niagara Re Great Lakes and St. Lawrence Cities Initiative Annual Meeting Summary (Report ICP 83-2012)**

Council resolved:

That the correspondence received from the Region of Niagara Re Great Lakes and St. Lawrence Cities Initiative Annual Meeting Summary (Report ICP 83-2012), be received for information.

15. **Region of Niagara Re Policy Initiation Report – Housekeeping Amendments to Regional Policy Plan (RPPA 2-2012) – Niagara Gateway Economic Zone and Centre Policies (Report ICP 89-2012)**

Council resolved:

That the correspondence received from the Region of Niagara Re Policy Initiation Report – Housekeeping Amendment to Regional Policy Plan (RPPA 2-2012) – Niagara Gateway Economic Zone and Centre Policies, be received for information.

16. **Region of Niagara Re Environmental Impact Study Guidelines (Report ICP 87-2012)**

Council resolved:

That the correspondence received from the Region of Niagara Re Environmental Impact Study Guidelines (Report ICP 87-2012), be received for information.

17. **Niagara Industrial Association Re Niagara Gateway Economic Zone and Community Improvement Plan**

Council resolved:

That the correspondence received from the Niagara Industrial Association Re Niagara Gateway Economic Zone and Community Improvement Plan, be received for information.

**Outside Resolutions – Requests for Endorsement**

18. **Region of Niagara Request for Endorsement Re Memorandum of Understanding for the Study of the Welland Canal Corridor and Federal Heritage Designation of the Selected portions of the Welland Canal Corridor**

Council resolved:

That the Council of The Corporation of the City of Port Colborne endorses the Memorandum of Understanding for the study of the Welland Canal Corridor and Federal Heritage Designation of the selected portions of the Welland Canal Corridor.

That the Mayor and Clerk are authorized to sign and execute the Memorandum of Understanding.

19. **Town of Fort Erie Re Municipal Infrastructure Strategy**

Council resolved:

That the resolution received from the Town of Fort Erie Re Municipal Infrastructure Strategy, be received for information.

20. **City of Welland Re the Southwestern Ontario Development Fund and Inclusion of Niagara in the Area for Eligibility of Investment**

Council resolved:

That the resolution received from the City of Welland Re the Southwestern Ontario Development Fund and Inclusion of Niagara in the Area for Eligibility of Investment, be received for information, as Niagara has since been included.

21. **Region of Niagara - Public Health and Social Services Committee Report 13-2012 Re Contraband Tobacco**

Council resolved:

That the resolution received from the Region of Niagara, Public Health and Social Services Committee Report 13-2012 Re Contraband Tobacco, be received for information.

CARRIED.

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

**11. Memorandum from Robert J. Heil, Chief Administrative Officer Re Entering into an Agreement for sponsorship of the Skateboard/BMX Park**

**No. 299** Moved by Councillor W. Steele  
Seconded by Councillor B. Kenny

That the memorandum from Robert J. Heil, Chief Administrative Officer regarding entering into an agreement for sponsorship of the Skateboard/BMX Park, be received; and

That Council authorize the Mayor and Clerk to enter into Gifting Agreements for the Sponsorship of the Skateboard/BMX Park Located at Lock 8 Park, Port Colborne.

CARRIED.

**8. PROCLAMATIONS**

Nil.

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

- (a) Minutes of the Seniors Advisory Council Meeting of September 20, 2012
- (b) Minutes of the Port Colborne Historical and Marine Museum Board of Management Meeting of September 18, 2012
- (c) Minutes of the Port Colborne Transit Advisory Committee Meeting of August 22, 2012
- (d) Minutes of the Joint Board of Management, Niagara Region Courts of September 19, 2012

**No. 300** Moved by Councillor F. Danch  
Seconded by Councillor B. Butters

- (a) That the Minutes of the Seniors Advisory Council Meeting of September 20, 2012 be received.
- (b) That the Minutes of the Port Colborne Historical and Marine Museum Board of Management Meeting of September 18, 2012 be received.
- (c) That the Minutes of the Port Colborne Transit Advisory Committee Meeting of August 22, 2012 be received.
- (d) That the Minutes of the Joint Board of Management, Niagara Region Courts of September 19, 2012 be received.

CARRIED.

**10. NOTICES OF MOTION**

Nil.

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

**By-laws for Three Readings**

**No. 301** Moved by Councillor W. Steele  
Seconded by Councillor Y. Doucet

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

- 5871/125/12 Being a By-law to Close Temporarily to Vehicular Traffic Sections of Various Streets for Purposes of the 2012 Santa Claus Parade
- 5872/126/12 Being a By-law to Authorize Entering Into a Contract Agreement with Peters Excavating Re Project 2012-14 Watermain Rehabilitation
- 5873/127/12 Being a By-law to Amend By-law 89-2000, Being a By-law Regulating Traffic and Parking on City Roads (Woodside Drive)
- 5874/128/12 Being a By-law to Authorize Entering Into an Agreement of Purchase and Sale Between The Corporation of the City of Port Colborne and Babcock & Wilcox Canada Ltd. Respecting Vacant Lands Located at the East Side of Elm Street and the North Side of Invertose Road, Port Colborne

CARRIED.

### **By-laws for Three Readings**

**No. 302** Moved by Councillor Y. Doucet  
Seconded by Councillor W. Steele

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

- 5875/129/12 Being a By-law to Authorize Entering into Gifting Agreements for the Sponsorship of the Skateboard/BMX Park Located at Lock 8 Park, Port Colborne

CARRIED.

### **12. CONFIRMATORY BY-LAW**

**No. 303** Moved by Councillor Y. Doucet  
Seconded by Councillor F. Danch

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

- 5876/130/12 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 November 13, 2012

CARRIED.

### **13. COUNCIL IN CLOSED SESSION – 7:50 P.M.**

**No. 304** Moved by Councillor B. Butters  
Seconded by Councillor W. Steele

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

- (a) Minutes of the Closed Session portion of the October 22, 2012 Council Meeting
- (b) Confidential memorandum from the Director of Planning and Development, dated November 2, 2012, concerning the potential disposition of municipal property located on Oakridge Crescent, 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 Community and Corporate Services Report, Corporate Services Division Report 2012-36 concerning the sale of land for tax arrears, 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 Community and Corporate Services Report, Corporate Services Division Report 2012-37 concerning the sale of land for tax arrears, 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
- (e) Confidential verbal report from the Mayor concerning a human resource matter, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees, and 239(2)(d) labour relations or employee negotiations

CARRIED.

**No. 305** Moved by Councillor A. Desmarais  
Seconded by Councillor B. Kenny

That Council do now rise from closed session with report at approximately 9:23 p.m.

CARRIED.

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

Nil.

**15. MOTIONS ARISING FROM CLOSED SESSION**

- c) Confidential Community and Corporate Services Report, Corporate Services Division Report 2012-36 concerning the sale of land for tax arrears, 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**

**No. 306** Moved by Councillor A. Desmarais  
Seconded by Councillor B. Kenny

That, pursuant to the provisions of the *Municipal Act*, the Treasurer be directed to:

1. Vest the property at 90 Fraser Street in the City's name for default of taxes.
2. That taxes, penalties, interest and other charges be written off, the appropriate share of Regional and Education taxes charged back to those agencies.
3. The property be brought up to compliance with Property Standards, demolition required, with costs to be covered by the 2013 levy.
4. Declare the property as surplus.

CARRIED.

- d) Confidential Community and Corporate Services Report, Corporate Services Division Report 2012-37 concerning the sale of land for tax arrears, 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**

**No. 307** Moved by Councillor A. Desmarais  
Seconded by Councillor B. Kenny

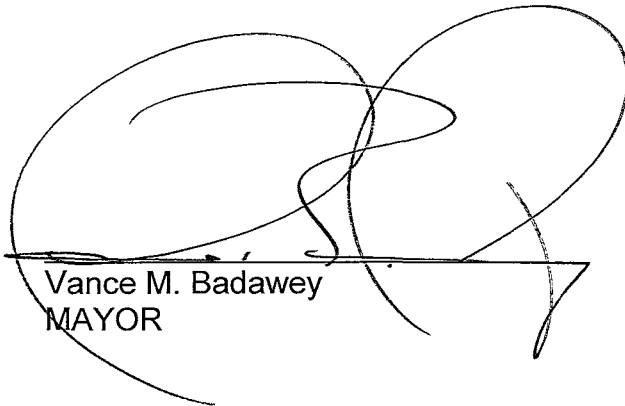
That, pursuant to the provisions of the *Municipal Act*, the Treasurer be directed to:

1. Vest the property at 133 Durham Street in the City's name for default of taxes.
  2. That taxes, penalties, interest and other charges be written off, the appropriate share of Regional and Education taxes charged back to those agencies.
  3. The property be brought up to compliance with Property Standards, with costs to be covered by the 2013 levy.
  4. Declare the property as surplus.
- CARRIED.

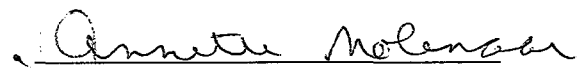
16. **ADJOURN**

**No. 308** Moved by Councillor B. Butters  
Seconded by Councillor Y. Doucet

That there being no further business, the Council meeting be adjourned at approximately 9:25 p.m.  
CARRIED.



Vance M. Badawey  
MAYOR



Annette Molenaar  
DEPUTY CITY CLERK

AM/jp