

The "TWENTY FIFTH MEETING" (REGULAR) of the Port Colborne City Council was held at the Municipal Offices, 66 Charlotte Street, Port Colborne on Monday, July 9, 2012 commencing at approximately 8:33 p.m.

**ATTENDANCE:**

Mayor Vance Badawey presided with the following members in attendance:

**COUNCILLORS:**

D. Elliott	W. Steele
A. Desmarais	
F. Danch	B. Kenny
R. Bodner	B. Butters

Absent: Y. Doucet (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  
G. Makins, Manager of Community Services  
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**Withdrawn:**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 9, concerning the request from Untitled Films for permission to film a Kia Commercial at the south-east shore off of Lake Road, was withdrawn at the request of the applicant.

**Correction:**

The first paragraph of the recommendation associated with item 14, Department of Community & Corporate Services, Community Services, Report No. 2012-25, Subject: Request from Royal Canadian Legion for Road Closures and Noise By-law Exemption to Host a Street Dance on August 11, 2012, was corrected to remove reference to Sunday, August 13, 2012 and replaced with Sunday, August 12, 2012.

**Correction:**

Item (b) under Minutes of Boards, Commissions and Committees on the Council agenda was corrected to read "Minutes of the Canal Days Advisory Committee Meeting of May 23, 2012."

**2. CONFIRMATION OF THE AGENDA**

**No. 169** Moved by Councillor A. Desmarais  
Seconded by Councillor D. Elliott

That the Agenda dated July 9, 2012 be confirmed as amended.  
CARRIED.

**3. DISCLOSURES OF INTEREST**

Councillor Elliott declared an indirect pecuniary interest with regard to item 4, Department of the Chief Administrative Officer, Report No. 2012-07, Subject: Use of City Parking Lots for Large Vehicles; trucks, buses, as he is employed by First Student Canada. Councillor Elliott refrained from discussing or voting on this item.

**4. ADOPTION OF MINUTES**

- (a) **Minutes of the Twenty Second Meeting (Special) of Council of June 25, 2012**
- (b) **Minutes of the Twenty Third Meeting (Regular) of Council of June 25, 2012**

**No. 170** Moved by Councillor R. Bodner  
Seconded by Councillor A. Desmarais

That the Minutes of the Twenty Second Meeting (Special) of Council of June 25, 2012 be adopted as circulated; and,  
That the Minutes of the Twenty Third Meeting (Regular) of Council of June 25, 2012 be adopted as circulated.  
CARRIED.

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

The following items were identified for separate discussion:

Item 4.

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

**No. 171** Moved by Councillor A. Desmarais  
Seconded by Councillor B. Kenny

That Items 1 to 14 on the regular agenda be approved, as amended at the Committee of the Whole meeting of July 9, 2012 with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendations contained therein adopted.

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

**Amendment to Site Plan Control By-law**

Council resolved:

That staff be directed to report back regarding an amendment to the Site Plan Control By-law that gives the Director of Planning and Development the discretion to exempt development where there is an existing Site Plan Agreement in place.

**ITEMS:**

- 1. **Department of Planning & Development, Report No. 2012-54, Subject: Request to Purchase the Franklin Avenue Road Allowance**

Council resolved:

That Council declines the request to purchase the Franklin Avenue Road Allowance from Mr. Joe Pinelli.

That Council advises Mr. Joe Pinelli, that staff will no longer review or comment on any other matter until such time a formal planning application and development plan for all remaining lands be received.

2. **Department of Engineering & Operations, Operations Division, Report No. 2012-21, Subject: Port Colborne Distribution System Drinking Water System Inspection Report**

Council resolved:

That Council accept report 2012-21, Port Colborne Distribution System Drinking Water System Inspection Report, for information.

3. **Department of Engineering & Operations, Operations Division, Report No. 2012-22, Subject: Authorization to Award Contract for RFQ 2012-11, Consulting Services for a Hydrogeological Study for the Scholfield Avenue Groundwater Pumping Station Permit to Take Water**

Council resolved:

- A. That the Council of the City of Port Colborne enter into an agreement with Coffey Geotechnics Inc., of Burlington, Ontario, for project 2012-11 – Hydrogeological Study for the Scholfield Avenue Groundwater Pumping Station Permit to Take Water, for the total bid price of \$12,885.00 plus applicable taxes and;
- B. That funding for Project 2012-11 be financed under the 2013 Extraneous Flows budget;
- C. That a contract by-law, whereby the City enters into a contract agreement with the Consultant, be prepared.

5. **Department of the Chief Administrative Officer, Report No. 2012-08, Subject: Volunteer Policies and Guidelines**

Council resolved:

That in accordance with the recommendation of the Volunteer Coordinating Committee, the Volunteer Policy and Guidelines as appended to this report be approved.

6. **Memorandum from Darlene Suddard, Environmental Compliance Supervisor Re Appointment of a Member to the Backflow Committee**

Council resolved:

That Councillor Elliott be appointed to the Backflow Committee.

7. **Region of Niagara Re Policy – Receipt and Consideration of Unsolicited Proposals (Report CSD 70-2012)**

Council resolved:

That the correspondence received from the Region of Niagara Re Policy - Receipt and Consideration of Unsolicited Proposals (Report CSD 70-2012), be referred to the Chief Administrative Officer for the preparation of a report concerning the adoption of a City policy concerning the receipt and consideration of unsolicited proposals.

8. **Region of Niagara Re Great Lakes and St. Lawrence Cities Initiative, Annual Meeting – Draft Resolutions**

Council resolved:

That the correspondence received from the Region of Niagara Re Great Lakes and St. Lawrence Cities Initiative, Annual Meeting – Draft Resolutions, be supported; and

That the above noted correspondence, and the draft resolutions contained therein, be referred to the City's Storm Water Management Committee and the Director of Engineering and Operations for review and report; and that preparation of said report include consultation with the urban and rural stormwater management teams of the Towns of Ajax and Goderich.

**Miscellaneous Correspondence**

9. **Untitled Films Re Request for filming a Kia Commercial at the south-east shore off of Lake Road (mid-July)**

This item was withdrawn.

10. **Canadian Corps, Unit 43 Re Request to Waive a Building Permit Fee for the Construction of a Stage during Canal Days**

Council resolved:

That the request received from the Canadian Corps, Unit 43 Re Request to Waive a Building Permit Fee for the Construction of a Stage during Canal Days, similar to other non-profit permissions, that the permit fee of \$100.00 be waived.

**Outside Resolutions – Requests for Endorsement**

11. **Town of Caledon Re Aggregate Resources Act**

Council resolved:

That the resolution received from the Town of Caledon Re *Aggregate Resources Act*, be received for information.

12. **Municipality of Lambton Shores Re Health Concerns Re Electromagnetic Radiation from Close Proximity to Cellular Towers**

Council resolved:

That the resolution received from the Municipality of Lambton Shores Re Health Concerns - Electromagnetic Radiation from Close Proximity to Cellular Towers, be received for information.

13. **Municipality of Grey Highlands Re Green Energy Act and the loss of municipal rights over the control of road allowances (request for reimbursement of legal fees)**

Council resolved:

That the resolution received from the Municipality of Grey Highlands Re *Green Energy Act* and the loss of municipal rights over the control of road allowances (request for reimbursement of legal fees), be received for information.

**14. Department of Community & Corporate Services, Community Services, Report No. 2012-25, Subject: Request from Royal Canadian Legion for Road Closures and Noise By-law exemption to host a street dance on August 11, 2012**

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Council resolved:

1. That Council hereby approves and authorizes the closure of the following roads for the purposes of controlling traffic for the Royal Canadian Legion Street Dance from 5:00 p.m. on Saturday, August 11, 2012 until 1:00 a.m. on Sunday, August 12, 2012.

Catherine Street from the northernmost part of Clarence Street to the southernmost limit of the intersection of the alley behind Matheson's Drug Store.

2. That a temporary Noise By-law exemption be issued by the City Clerk for the street dance on Saturday, August 11, 2012.

CARRIED.

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

**4. Department of the Chief Administrative Officer, Report No. 2012-07, Subject: Use of City Parking Lots for Large Vehicles: trucks, buses**

**No. 172** Moved by Councillor W. Steele  
Seconded by Councillor F. Danch

That Department of Chief Administrative Officer, Report No. 2012-07, Subject: Use of City Parking Lots for Large Vehicles: Trucks, Buses, be referred to the Chief Administrative Officer report back on further options concerning large vehicle parking, and that preparation of said report include consideration of the disposition of the West Side Arena, and be received for Council's consideration before the commencement 2012/2013 school year.

CARRIED.

**8. PROCLAMATIONS**

Nil.

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

- (a) Minutes of the Environmental Advisory Committee Meeting of May 2, 2012
- (b) Minutes of the Canal Days Advisory Committee Meeting of May 23, 2012
- (c) Minutes of the Seniors Advisory Council Meeting of May 17, 2012
- (d) Minutes of the Downtown Port Colborne BIA General Meeting of May 9, 2012

**No. 173** Moved by Councillor B. Kenny  
Seconded by Councillor A. Desmarais

- (a) That the Minutes of the Environmental Advisory Committee Meeting of May 2, 2012 be received.
- (b) That the Minutes of the Canal Days Advisory Committee Meeting of May 23, 2012 be received.
- (c) That the Minutes of the Seniors Advisory Council Meeting of May 17, 2012 be received.
- (d) That the Minutes of the Downtown Port Colborne BIA General Meeting of May 9, 2012 be received.

CARRIED.

**10. NOTICE OF MOTION**

Councillor Steele gave notice of his intention to bring forward a motion at the July 23, 2012 meeting regarding an amendment to the City's Alcohol Management Policy concerning the two drink limit on alcoholic beverages per patron at special events.

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

**By-laws for Three Readings**

**No. 174** Moved by Councillor D. Elliott  
Seconded by Councillor B. Butters

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

- 5828/82/12 Being a By-law to Authorize Entering into a Contract Agreement with Coffey Geotechnics Inc. for Consulting Services Re RFQ 2012-11 Hydrogeological Study for the Scholfield Avenue Groundwater Pumping Station Permit to Take Water
- 5829/83/12 Being a By-law to Temporarily Close a Section of Catharine Street to Vehicular Traffic for Purposes of the Royal Canadian Legion Street Dance, August 11, 2012

CARRIED.

**12. CONFIRMATORY BY-LAW**

**No. 175** Moved by Councillor F. Danch  
Seconded by Councillor A. Desmarais

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

- 5830/84/12 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 9, 2012.

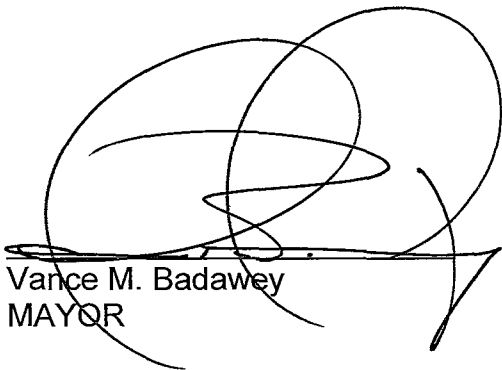
CARRIED.

**13. ADJOURN**

**No. 176** Moved by Councillor A. Desmarais  
Seconded by Councillor B. Butters

That there being no further business, the Council Meeting be adjourned at approximately 8:39 p.m.

CARRIED.



Vance M. Badawey  
MAYOR



Ashley Grigg  
CITY CLERK