

The "THIRTY SIXTH MEETING" (REGULAR) of the Port Colborne City Council was held at the Municipal Offices, 66 Charlotte Street, Port Colborne on Monday, September 10, 2012 commencing at approximately 9:16 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
R. Bodner	B. Butters

**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  
P. Senese, Director of Community & Corporate Services  
T. Cartwright, Fire Chief  
H. Hakim, 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**

Nil.

**2. CONFIRMATION OF THE AGENDA**

**No. 238** Moved by Councillor F. Danch  
Seconded by Councillor Y. Doucet

That the Agenda dated September 10, 2012 be confirmed as circulated.  
CARRIED.

**3. DISCLOSURES OF INTEREST**

Nil.

**4. ADOPTION OF MINUTES**

- (a) Minutes of the Thirty Third Meeting (Special) of Council of August 27, 2012
- (b) Minutes of the Thirty Fourth Meeting (Regular) of Council of August 27, 2012

**No. 239** Moved by Councillor W. Steele  
Seconded by Councillor A. Desmarais

That the Minutes of the Thirty Third Meeting (Special) of Council of August 27<sup>th</sup>, 2012 be adopted as circulated; and,  
 That the Minutes of the Thirty Fourth Meeting (Regular) of Council of August 27<sup>th</sup>, 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. 240** Moved by Councillor R. Bodner  
 Seconded by Councillor Y. Doucet

That Items 1 to 14 on the regular agenda be approved, as amended at the Committee of the Whole meeting of September 10, 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 Delegations:**

**Aviva Community Fund Competition Application**

That Council supports the submission of an application under the Aviva Community Fund Competition to secure funding for the purposes of the construction of a permanent stage in Market Square.

**Motions Arising from Committee of the Whole Councillors' Items:**

**Port Colborne – Wainfleet Chamber of Commerce Special Occasion Permit**

That the Council of The Corporation of the City of Port Colborne does not object to an application by the Port Colborne – Wainfleet Chamber of Commerce for a Special Occasion Permit for a Retirement Celebration at the Port Colborne – Wainfleet Chamber of Commerce, to be held on September 19, 2012 at Humberstone Hall, 76 Main Street, West; and

That a certificate of insurance be filed with the City Clerk in the amount of \$2,000,000.00 commercial liability and \$5,000,000.00 general aggregate showing The City of Port Colborne as an additional insured for the purposes of the event.

**Motions Arising from Committee of the Whole Staff Responses to Previous Councillor Enquiries:**

**New Operations Centre Technical Advisory Committee Member Appointment**

That Councillor Danch be appointed to the New Operations Centre Technical Advisory Committee.

**ITEMS:**

- Department of Planning & Development, Report No. 2012-72, Subject: Recommendation Report: Proposed City of Port Colborne Official Plan**

Council resolved:

1. That Council approve the draft by-law to repeal By-law 4914/139/06 which was the by-law that adopted the 2006 Official Plan attached as Appendix "C".
  2. That Council adopt the Official Plan, attached hereto as Appendix "D".
  3. That the City Clerk be authorized and directed to make application for approval to the Regional Municipality of Niagara.
  4. That staff be directed to give Public Notice of Council's adoption of the Official Plan in accordance with the requirements of the Planning Act and that any objections or appeals received be forwarded to the Region of Niagara.
2. **Memorandum from Planning & Development Services, Lindsay Richardson, Community/Policy Planner, Dated September 5, 2012 Re Report No. 2012-72: Proposed City of Port Colborne Official Plan**

Council resolved:

That the memorandum from Lindsay Richardson, Community/Policy Planner, Planning & Development Services, dated September 5, 2012, Re Report No. 2012-72: Proposed City of Port Colborne Official Plan, be received for information.

3. **Department of Community Services, Report No. 2012-27, Subject: Early Years Niagara National Child Day**

Council resolved:

That the Council of The Corporation of the City of Port Colborne supports the initiatives of Early Years Niagara in recognizing our youngest citizens by declaring November 20, 2012 as National Child day in Port Colborne; and by supporting free skating at West Side Arena, Sunday, November 18, 2012 from 1:30 p.m. to 2:20 p.m.; and a free public swim at Centennial Pool on November 18, 2012, from 1:00 p.m. to 2:30 p.m.

4. **Department of Planning & Development, Report No. 2012-73, Subject: Building Inspection Services**

Council resolved:

That the Council of the City of Port Colborne appoint John Boerema to act as the Building Inspector when the Chief Building Official is unable to perform his duties through vacation, training or other circumstances, on approval at the time of the Director of Planning and Development.

#### **Miscellaneous Correspondence**

5. **St. John Ambulance Re Request for Proclamation of September as St. John Ambulance Therapy Dog Month**

Council resolved:

That the month of September be proclaimed as St. John Ambulance Therapy Dog Month in the City of Port Colborne in accordance with the request received from Brian Kon, Branch Manager, St. John Ambulance.

6. **Lupus Foundation of Ontario Re Request for Proclamation of October as Lupus Awareness Month**

Council resolved:

That the month of October be proclaimed as Lupus Awareness Month in the City of Port Colborne in accordance with the request received from Kathy Crowhurst, Lupus Foundation of Ontario.

7. **Thunder Bay & Area Disaster Relief Fund Re Request for financial support to the Disaster Relief Fund to Assist those affected by flooding this past spring**

Council resolved:

That, whereas Council has not provided financial assistance in the past with respect to these types of appeals, the request for financial support to the disaster relief fund be received for information.

8. **District School Board of Niagara Elementary and Secondary School Accommodation Review Committees**

Council resolved:

That Councillor Kenny be recommended for appointment to the District of School Board of Niagara Accommodation Review Committee.

9. **Gravelly Bay Benefit Event, Saturday, September 22, 2012**

Council resolved:

That the Council of The Corporation of the City of Port Colborne does not object to the request received from Thomas Suchocki, for the Gravelly Bay Benefit to be held on Saturday, September 22, 2012 at the "Port Colborne Beach House", 208 Lakeshore Road, West, Port Colborne, from 11:00 a.m. to 7:00 p.m., subject to compliance with the following conditions:

That, whereas depending on the size, the tent(s) may require a building permit, therefore the applicant is required to contact the Building and By-law Enforcement Divisions to obtain any permits that may be required, including permits for tent(s), banners, and signs;

That the tent(s) must meet the flame spread rating contained in the Ontario Building Code;

That cooking or open flame is not be permitted under any tent;

That the tent(s) are to be posted as "no smoking".

That portable fire extinguishers are required to be provided for the tent(s) and the cooking equipment;

That whereas the Niagara Regional Police Service and Fire and Emergency Services Department have expressed concerns in relation to vehicular traffic and public safety, that the request to utilize a "drive-in" service be declined;

That the applicant supply a site plan for approval by the Fire and Emergency Services Department and Niagara Regional Police Service, which is to include information with regard to dealing with tents, cooking areas and potential traffic issues;

That the request to accommodate event parking on Bayview Lane be referred to the Fire and Emergency Services Department and Niagara Regional Police Service for review and approval;

That the proposal for the provision of a crossing guard be referred to the Community Services Division;

That the applicant ensure the event is carried out in a manner that complies with all traffic and parking regulations;

That the request for banners, flyers, tents and ice be declined as the Community Services Division does not have resources budgeted for advertising costs for events of this nature;

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

That the City of Port Colborne provide support by posting the event on the Community Bulletin Board featured on the City of Port Colborne's website.

That the request to permit the positing of a banner and signs in the neighbourhood surrounding the event location be approved;

That whereas the proposed benefit is not an event organized or managed by the City of Port Colborne, that any promotional material not include reference to the City of Port Colborne; and

That the applicant contact the proprietors of the Lakeside Yacht Club to determine their interest in providing support and the potential to utilize the Lakeside Yacht Club as the location of the Gravelly Bay Benefit.

10. **E-mail correspondence from Robert Heil, Chief Administrative Officer Re an Amendment to By-law 5841/95/12, Being a By-law to Establish Fees and Charges for the Cemeteries of the City of Port Colborne**

Council resolved:

That By-law 5841/95/12, Being a By-law to Establish Fees and Charges for the Cemeteries of the City of Port Colborne, be amended to add the following: "Installation of Footing Foundation for Marker of Monument - \$30.00 per cubic foot."

11. **Labreche Patterson & Associates Inc. Re the City of Port Colborne Draft Official Plan**

Council resolved:

That the correspondence received from Labreche Patterson & Associates Inc., Re the City of Port Colborne Draft Official Plan, be referred to the Director of Planning & Development.

12. **Town of Fort Erie Re Support of The Municipality of Lambton Shores – Electromagnetic Health Concerns – Cell Towers**

Council resolved:

That the resolution received from the Town of Fort Erie in Support of the Municipality of Lambton Shores – Electromagnetic Health Concerns – Cell Towers, be received for information.

13. **Town of Fort Erie Re Communication to Communities Impacted by Cut in VIA Rail Reduced Services**

Council resolved:

That the resolution received from the Town of Fort Erie Re Communication to Communities Impacted by Cut in VIA Rail Reduced Services, be received for information.

14. **Town of Fort Erie Re Private Members Bill 76 – An Act to amend the Ontario Lottery and Gaming Act, 1999 entitled “Ensuring Local Voices in New Casino Gambling Development Act 2012” to ensure local communities have a referendum prior to a new casino being developed**

Council resolved:

That the resolution received from the Town of Fort Erie Re Private Members Bill 76 – An Act to amend the Ontario Lottery and Gaming Act, 1999 entitled “Ensuring Local Voices in New Casino Gambling Development Act 2012” to ensure local communities have a referendum prior to a new casino being developed, be received for information.

CARRIED.

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

Nil.

8. **PROCLAMATIONS**

**(a) November 20, 2012 is National Child Day**

**No. 241** Moved by Councillor Y. Doucet  
Seconded by Councillor B. Kenny

**WHEREAS** National Child Day is a day to celebrate children and to demonstrate our respect for their rights and aspirations;

**AND WHEREAS** National Child Day is celebrated throughout the world, commemorating the adoption of the United Nations Declaration on the Rights of the Child in 1959 and the United Nations adoption of the Convention on the Rights of the Child in 1989;

**AND WHEREAS** National Child Day holds significance for Niagara as it is one of the first communities in Canada to institute a charter of rights for children and teens;

**AND WHEREAS** this charter has since been endorsed by the Niagara Region including 12 municipalities, all local school boards, and several local businesses and community organizations;

**NOW THEREFORE**, I, Mayor, Vance M. Badawey, do hereby proclaim November 20<sup>th</sup>, 2012 as “National Child Day” in the City of Port Colborne in recognition of our youngest citizens.

CARRIED.

**(b) St. John Ambulance Therapy Dog Month**

**No. 242** Moved by Councillor B. Butters  
Seconded by Councillor A. Desmarais

**WHEREAS** 2012 is the 20<sup>th</sup> Anniversary of the Therapy Dog Program run by St. John Ambulance;

**NOW THEREFORE**, I, Mayor, Vance M. Badawey, in recognition of the 20<sup>th</sup> Anniversary of St. John Ambulance Therapy Dog program, proclaim the month of September, 2012 as "St. John Ambulance Therapy Dog Month", in the City of Port Colborne as a way of honouring the canine and human volunteers who work in our community with those who are ill, elderly, disabled, or disenfranchised.

CARRIED.

**(c) October is Lupus Awareness Month**

**No. 243** Moved by Councillor B. Butters  
Seconded by Councillor W. Steele

**WHEREAS** lupus is an autoimmune disease that can cause severe damage to the tissue and organs in the body and, in some cases, death;

**AND WHEREAS** more than five million people worldwide suffer the devastating effects of this disease and each year over a hundred thousand young women, men and children are newly diagnosed with lupus, the great majority of whom are women of childbearing age;

**AND WHEREAS** medical research efforts into lupus and the discovery of safer, more effective treatments for lupus patients are under-funded in comparison with diseases of comparable magnitude and severity;

**AND WHEREAS** many physicians worldwide are unaware of symptoms and the health effects of lupus, causing people with lupus to suffer for many years before they obtain a correct diagnosis and medical treatment;

**AND WHEREAS** there is a deep, unmet need worldwide to educate and support individuals and families affected by lupus;

**AND WHEREAS** there is an urgent need to increase awareness in communities worldwide of the debilitating impact of lupus;

**NOW THEREFORE**, I, Mayor, Vance M. Badawey, proclaim October 2012 as "October is Lupus Awareness Month" in the City of Port Colborne, when lupus organizations around the world call for increases in public and private sector funding for medical research on lupus, targeted education programs for health professionals, patients and the public, and worldwide recognition of lupus as a significant public health issue.

CARRIED.

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

Nil.

**10. NOTICE OF MOTION**

Nil.

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

**By-laws for Three Readings**

**No. 244** Moved by Councillor Y. Doucet  
Seconded by Councillor F. Danch

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

- 5854/108/12 Being a By-law to Repeal By-law 4914/139/06, Being a By-law to Adopt the Official Plan of the City of Port Colborne and to Concurrently Rescind and Repeal By-law 723/39/78 and Various Other By-laws, Being the Existing Official Plan and Any and all Amendments Thereto
- 5855/109/12 Being a By-law to Adopt the Official Plan for the City of Port Colborne and to Concurrently Rescind and Repeal By-law 723/39/78 and Various Other By-laws, Being the Existing Official Plan and Any and All Amendments Thereto
- 5856/110/12 Being a By-law to Appoint an Acting Building Inspector When the Office of Chief Building Official is Vacant
- 5857/111/12 Being a By-law to Amend By-law No. 5841/95/12, Being a By-law to Establish Fees and Charges for the Cemeteries of the City of Port Colborne

CARRIED.

## 12. CONFIRMATORY BY-LAW

**No. 245** Moved by Councillor Y. Doucet  
Seconded by Councillor A. Desmarais

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

- 5858/112/12 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 September 10, 2012.

CARRIED.

## 13. COUNCIL IN CLOSED SESSION – 9:25 P.M.

**No. 246** Moved by Councillor W. Steele  
Seconded by Councillor D. Elliott

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

- (a) Minutes of the Closed Session portion of the August 27, 2012 Council Meeting
- (b) Confidential Community & Corporate Services, Finance Division Report No. 2012-30, concerning a tax registration matter and potential land purchase, 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 Director of Planning and Development, dated August 30, 2012, concerning a legal matter related to lands located within the Loyalist Industrial Park, pursuant to the *Municipal Act, 2001*, subsection (239(2)(a) the security of the property of the municipality or local board, and 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board

CARRIED.

**No. 247** Moved by Councillor Y. Doucet  
Seconded by Councillor D. Elliott

That Council do now rise from closed session without report at approximately 10:14 p.m.

CARRIED.



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

Nil.

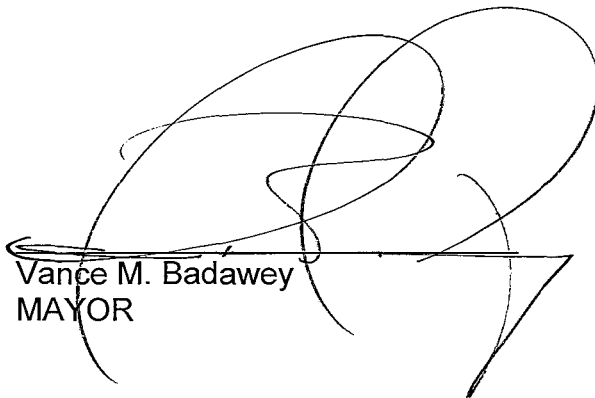
**15. MOTIONS ARISING FROM CLOSED SESSION**

Nil.

**16. ADJOURN**

**No. 248** Moved by Councillor F. Danch  
Seconded by Councillor A. Desmarais

That there being no further business, the Council Meeting be adjourned at approximately 10:15 p.m.  
CARRIED.



Vance M. Badawey  
MAYOR



Ashley Grigg  
CITY CLERK

AG/sm