

The “**FORTY THIRD MEETING**” (**REGULAR**) of the Port Colborne City Council was held at the Municipal Offices, 66 Charlotte Street, Port Colborne on Monday, November 26, 2012 commencing at approximately 8:58 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:**

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  
T. Cartwright, Fire Chief  
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. 309** Moved by Councillor F. Danch  
Seconded by Councillor B. Kenny

That the Agenda dated November 26, 2012 be confirmed as circulated.  
CARRIED.

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

Councillor Elliott declared a pecuniary interest with regard to item 1, Department of Planning & Development, Report No. 2012-78, Subject: West Side Arena – Options Report, as he is employed by Royal LePage, which represents the subject property. Councillor Elliott refrained from discussing or voting on this item.

Councillor Doucet declared a non-pecuniary interest with regard to the Closed Session item (b), Confidential Chief Administrative Officer, Health Services Division, Report No. 2012-03 concerning a matter related to physician recruitment, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal

matters about an identifiable individual including municipal or local board employees, as the report concerns his personal physician. Councillor Doucet left the closed session portion of the meeting during the consideration of this item.

**4. ADOPTION OF MINUTES**

**(a) Minutes of the Forty Second Meeting (Regular) of Council of November 13<sup>th</sup>, 2012**

**No. 310** Moved by Councillor B. Butters  
Seconded by Councillor A. Desmarais

That the Minutes of the Forty Second Meeting (Regular) of Council of November 13, 2012 be adopted as circulated.  
CARRIED.

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

The following item was identified for separate discussion:

Item 1.

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

**No. 311** Moved by Councillor B. Butters  
Seconded by Councillor A. Desmarais

That Items 1 to 14 on the regular agenda be approved, as amended at the Committee of the Whole Meeting of November 26, 2012 with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendations contained therein adopted.

**ITEMS:**

**2. Department of Planning & Development, Report No. 2012-80, Subject: Municipal Parking Lot By-law Amendment**

Council resolved:

That the Council of the City of Port Colborne adopt by by-law an amendment to By-law 3475/56/97, being a By-law to establish parking lots in the City of Port Colborne and for the regulating, supervising and governing the parking of vehicles therein and thereon and to prohibit the parking or leaving of motor vehicles, private property owned or occupied by The Corporation of the City of Port Colborne or any local board thereof, as amended, be further amended by adding the following:

- Appendix "B"

**3. Department of Planning & Development, Report No. 2012-81, Subject: Recommendation Report: Regional Modifications to the City of Port Colborne Official Plan**

Council resolved:

That Council endorse the proposed Regional modifications to the adopted Official Plan (2012) and that staff be directed to inform the Region of Niagara of Council's endorsement.

4. **Department of Planning & Development, Report No. 2012-82, Subject: Recommendation Report for a Proposed Communication Tower at 490 Empire Road**

Council resolved:

1. That Council has no adverse comments to the proposed communication tower at 490 Empire Road.
2. That Industry Canada and Bell Mobility Inc. be notified of Council's decision.

5. **Department of Planning & Development, Report No. 2012-83, Subject: Recommendation Report: Niagara Gateway Economic Zone and Centre Community Improvement Plan (CIP)**

Council resolved:

1. That Council approve the by-law attached hereto as Appendix "B", being a By-law to adopt the Gateway CIP Project Area.
2. That Council adopt the Niagara Gateway Economic Zone and Centre Community Improvement Plan.
3. That Council approve the by-law attached hereto as Appendix "C", being a By-law to adopt the Gateway CIP.

6. **Department of Engineering & Operations, Operations Division, Report No. 2012-37, Subject: Rooftop Mounted Solar Projects**

Council resolved:

That Council consider proposed rooftop mounted solar projects on an individual basis, and;

That Council not adopt a blanket resolution for rooftop mounted solar projects.

7. **Department of Community & Corporate Services, Community Services Division, Report No. 2012-31, Subject: Humberstone Lions Hall – Harry Dayboll Oakwood Park**

Council resolved:

That City Council authorizes the demolition of the Humberstone Lions Hall located in Oakwood Park and that a picnic shelter/gazebo is considered in future budget deliberations as a replacement for the facility.

That Community Services work with the two user groups to facilitate their respective programs and that the City continue to charge the existing weekly rate for the fiscal year 2013 and recognize this as rental income.

8. **Fire & Emergency Services, Report No. 2012-7, Subject: Mutual Assistance Agreement**

Council resolved:

That Council authorize the execution of the Mutual Assistance Agreement between the Regional Municipality of Niagara and the area Municipalities; and further,

That the necessary by-law be prepared.

### **Miscellaneous Correspondence**

9. **Memorandum from the Chief Administrative Officer Re a By-law for an Easement for Water, 218 Elizabeth Street, Wendling**

Council resolved:

That the memorandum from the Chief Administrative Officer regarding a by-law for an easement for water, 218 Elizabeth Street, Wendling, be received; and

That the appropriate by-law be presented for approval.

10. **Memorandum from the Chief Administrative Officer and Councillor Bea Kenny Re update on the Niagara District School Board Accommodation Review Committee**

Council resolved:

That the memorandum from the Chief Administrative Officer and Councillor Bea Kenny regarding an update on the Niagara District School Board Accommodation Review Committee, be received for information.

11. **Memorandum from Thomas B. Cartwright, City Fire Chief Re Purchase of "Fire Safety House"**

Council resolved:

That the donation of funds over the three (3) years from the Port Colborne Lions Club for the purchase of an "Inflatable Fire Safety House" be accepted and gratefully received.

12. **Region of Niagara Re Nelson Aggregate Company – Denied Quarry Expansion in Halton Region (Report ICP 106-2012)**

Council resolved:

That the correspondence received from the Region of Niagara Re Nelson Aggregate Company – Denied Quarry Expansion in Halton Region (Report ICP 106-2012), be received for information.

13. **Region of Niagara Re Call for Regional Action for Smoke-free Outdoor Spaces (Report PHD 38-2012)**

Council resolved:

That the correspondence received from the Region of Niagara Re Call for Regional Action for Smoke-free Outdoor Spaces (Report PHD 38-2012), be received for information.

### **Outside Resolutions – Requests for Endorsement**

14. **City of Thorold Re Proposed Federal Electoral Boundary Changes**

Council resolved:

That the resolution received from the City of Thorold Re Proposed Federal Electoral Boundary Changes, be received and filed.

CARRIED.

**7. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION****1. Department of Planning & Development, Report No. 2012-78, Subject: West Side Arena – Options Report**

**No. 312** Moved by Councillor W. Steele  
Seconded by Councillor F. Danch

1. That the Council of the City of Port Colborne hereby declare the West Side Arena and associated lands, as illustrated on Appendix "A" attached hereto, as surplus to the City's needs.
2. That Council engage the services of Royal LePage to sell the property under the same contractual terms as previously approved for other City property.

CARRIED.

**8. PROCLAMATIONS**

Nil.

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

- (a) Minutes of the Seniors Advisory Council Meeting of October 18, 2012
- (b) Minutes of the Heritage Port Colborne Meeting of September 12, 2012
- (c) Minutes of the Port Colborne Historical & Marine Museum Board of Management of October 16, 2012
- (d) Draft Minutes of the Accessibility Advisory Committee Meeting of October 24, 2012

**No. 313** Moved by Councillor W. Steele  
Seconded by Councillor Y. Doucet

- (a) That the Minutes of the Seniors Advisory Council Meeting of October 18, 2012 be received.
- (b) That the Minutes of the Heritage Port Colborne Meeting of September 12, 2012 be received.
- (c) That the Minutes of the Port Colborne Historical & Marine Museum Board of Management of October 16, 2012 be received.
- (d) That the Draft Minutes of the Accessibility Advisory Committee Meeting of October 24, 2012 be received.

CARRIED.

**10. NOTICE OF MOTION**

Nil.

**11. INTRODUCTION, CONSIDERATION AND PASSAGE OF BY-LAWS****By-laws for Three Readings**

**No. 314** Moved by Councillor W. Steele  
Seconded by Councillor A. Desmarais

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

- 5877/131/12 Being a By-law to Declare West Side Arena and Associated Lands Surplus to the Needs of The Corporation of the City of Port Colborne and to Authorize the Sale of said Lands
- 5878/132/12 Being a By-law to Amend By-law 3475/56/97, as Amended, Being a By-law Establishing Parking Lots in the City of Port Colborne and for Regulating, Supervising &

- Governing the Parking of Vehicles Therein & Thereon and to Prohibit the Parking or Leaving of Motor Vehicles, Private Property Owned or Occupied by The Corporation of the City of Port Colborne or any Local Board Thereof
- 5879/133/12 Being a By-law to Designate an Area Within the Limits of Port Colborne as a Community Improvement Project Area
  - 5880/134/12 Being a By-law to Adopt a Community Improvement Plan for the Niagara Gateway Economic Zone and Centre Community Improvement Plan Project Area
  - 5881/135/12 Being a By-law to Authorize Entering into a Mutual Assistance Agreement Between the Regional Municipality of Niagara and Area Municipalities
  - 5882/136/12 Being a By-law to Authorize Entering into an Agreement of Purchase and Sale Between Kevin John Wendling, Roseanne Denise Wendling and the Regional Municipality of Niagara Re Easement for Water Services at 218 Elizabeth Street
  - 5883/137/12 Being a By-law to Authorize Entering into an Agreement with the Port Colborne Lions Club for the Purchase of an “Inflatable Fire Safety Education House”

CARRIED.

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

**No. 315** Moved by Councillor A. Desmarais  
Seconded by Councillor B. Kenny

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

- 5884/138/12 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 26, 2012

CARRIED.

## 13. **COUNCIL IN CLOSED SESSION – 8:06 P.M.**

**No. 316** Moved by Councillor D. Elliott  
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 November 13, 2012 Council Meeting
- (b) Confidential Chief Administrative Officer, Health Services Division, Report No. 2012-03 concerning a matter related to physician recruitment, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual including municipal or local board employees
- (c) Confidential memorandum from the Fire Chief, dated November 20, 2012, concerning litigation matters, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
- (d) Confidential correspondence from Sullivan Mahoney LLP, dated November 21, 2012, 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, 239(2)(d) labour relations or employee negotiations, and 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose

CARRIED.

**No. 317** Moved by Councillor F. Danch  
Seconded by Councillor D. Elliott

That Council do now rise from closed session with report at approximately 9:06 p.m.  
CARRIED.

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

Councillor Doucet declared a non-pecuniary interest with regard to the Closed Session item (b), Confidential Chief Administrative Officer, Health Services Division, Report No. 2012-03 concerning a matter related to physician recruitment, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual including municipal or local board employees, as the report concerns his personal physician. Councillor Doucet left the meeting during the consideration of this item.

Councillor Butters declared a non-pecuniary interest with regard to the Closed Session item (b), Confidential Chief Administrative Officer, Health Services Division, Report No. 2012-03 concerning a matter related to physician recruitment, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual including municipal or local board employees, as she is a member of the Bridges Community Health Centre Board of Directors. Councillor Butters left the meeting during the consideration of this item.

**15. MOTIONS ARISING FROM CLOSED SESSION**

**(b) Confidential Chief Administrative Officer, Health Services Division, Report No. 2012-03 concerning a matter related to physician recruitment, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual including municipal or local board employees**

**No. 318** Moved by Councillor W. Steele  
Seconded by Councillor F. Danch

That Council approves an extension of a contractual arrangement to Dr. Jason King at a cost of \$15,000 upon signing of the agreement, and \$10,000 per year for two years upon the anniversary of the signing of the agreement. Dr. King will agree to roster 1000 patients in the first year of this new agreement, and continue to roster incrementally as deemed appropriate; 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 by-law and contract.

CARRIED.

**16. ADJOURN**

**No. 319** Moved by Councillor D. Elliott  
Seconded by Councillor A. Desmarais

That there being no further business, the Council meeting be adjourned at approximately 9:08 p.m.

CARRIED.

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Vance M. Badawey  
MAYOR

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Ashley Grigg  
CITY CLERK