



**THE CORPORATION OF THE CITY OF THOROLD
PROCEEDINGS OF COUNCIL MINUTES**

CL 8-2023

Tuesday, February 28, 2023

Council Chamber / Video Conference

City of Thorold, City Hall, 3540 Schmon Parkway, Thorold, ON

Council Members Present in the Council Chamber: Mayor Ugulini, Councillors D'Angela, De Divitiis, DeRose, Handley, Longo, O'Hare, Sentance

Council Members Present by Video Conference: Councillor Dekker

Staff Present in the Council Chamber: D. Baldoni, Acting Manager, Community Services, M. Casciani, Chief Planner, M. Dilwaria, Chief Administrative Officer, T. Dixon, Director, Fire & Emergency Services/Fire Chief, S. Dunsmore, Manager, Engineering, A. Eidt, Manager, Human Resources, S. Hansen, Legislative Assistant, G. Holman, Director, Public Works & Community Services, M. Mauro, Director, Finance/Treasurer, S. Santos, Manager, Public Works, K. Scholtens, Manager, Economic Development, J. Simpson, Director, Development Services, M. Trennum, City Clerk

1. Call to Order

Mayor Ugulini called the meeting to order at 6:31 p.m.

2. Land Acknowledgement

Councillor Dekker read the land acknowledgement.

3. Declarations of Interest

3.1 Councillor D'Angela

Councillor D'Angela declared an indirect pecuniary interest with respect to Report DS 10-2023, concerning Decew Terrace Draft Plan of Vacant Land Condominium (Agenda Item 12.2), as his sister-in-law owns property on Lampman, adjacent to the proposed Draft plan of vacant land.

4. Adoption of the Agenda

Moved by: Councillor DeRose
Seconded by: Councillor Sentance

That Council Agenda CL 8-2023, **BE ADOPTED**, as presented.

CARRIED

5. Adoption of the Minutes

Moved by: Councillor D'Angela
Seconded by: Councillor O'Hare

That Minutes CL 1-2023, being the open and closed session minutes of the City Council meeting held on January 5, 2023, and CL 2-2023, being the open and closed session minutes of the City Council meeting held on January 9, 2023, **BE ADOPTED** as presented.

CARRIED

6. Mayor's Report

The Mayor provided an update respecting activities and events throughout the City and region.

7. Regional Councillor Update

There was no Regional Councillor Update.

8. Civic Recognition

There were no Civic Recognitions.

9. Presentations

9.1 The Muslim Community and Lakeview Cemetery

Imam Asad Mahmood, President/Imam, Mosque Aisha, provided information respecting the burial property needs of the Muslim Community in Niagara. Imam Asah Mahmood advised of the desire for plots where members of the community can be laid to rest together; and that room for them in Welland and Niagara Falls is running out. He requested Council allow Mosque Aisha to utilize lands at Lakeview cemetery, yet to be developed, as a place set aside for Muslim community burials.

Moved by: Councillor Handley
Seconded by: Councillor D'Angela

That staff **BE DIRECTED** to report back on Mosque Aisha's proposal, including details on the location and budget impacts.

CARRIED

9.2 Fleet Services Review

Bruce Peever, Partner, Jamie Cameron, Director, Global Infrastructure, and Brad Sisson, Manager, KPMG, provided information respecting the Fleet Services Review. Topics of the presentation included:

- Executive Summary, Project Objectives
- Project Methodology
- Opportunities to Improve Fleet Services
- Recommendations
 1. Future State Equipment Requirements
 2. Procurement Model
 3. Equipment Maintenance Model
 4. Performance Metrics and Data
 5. Green Fleet

12. Items for Consideration

12.3 PWCS 9-2023

Fleet Services Review - Final Report

Moved by: Councillor D'Angela

Seconded by: Councillor Sentance

That Report PWCS 9-2023, dated February 29, 2023, respecting City of Thorold Fleet Service Review- Final Report, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That Staff **BE DIRECTED** to prepare a report on the implementation strategy of the recommendations for consideration at a future meeting.

CARRIED

Councillor Information Request

Councillor D'Angela requested staff include in the future report, information respecting the feasibility of working with Niagara Regional mechanics, and whether joint purchasing with other local area municipalities could be utilized.

10. Delegations

10.1 Report PWCS 12-2023 respecting Port Robinson East Traffic Safety Review

Ron Devereux, resident, appeared before City Council to pose a number of questions to Council respecting Report PWCS 12-2023, concerning Port Robinson East Traffic Safety Review.

12. Items for Consideration

12.4 PWCS 12-2023

Port Robinson East - Traffic Safety Review

Moved by: Councillor D'Angela

Seconded by: Councillor DeRose

That Report PWCS 12-2023, dated February 28, 2023, respecting Port Robinson East- Traffic Safety Review, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That funding for the emergency repairs to the guide rail on River Street in the amount of \$70,857.50 plus HST **BE ALLOCATED** from the Capital Asset Transportation Reserve;
2. That Staff **BE DIRECTED** to schedule a Public Information Centre (PIC) with the residents of Port Robinson East community to invite feedback on traffic calming/safety solutions; and
3. That the public feedback and recommendations of the Traffic Safety Review **BE REFERRED** to the Road Safety Committee for comments and input.

Moved by: Councillor Handley

Seconded by: Councillor D'Angela

That the motion **BE AMENDED** to include the following:

4. That staff BE DIRECTED to respond to the questions posed by the delegate, R. Devereux, within six-weeks.

CARRIED

They Mayor called the vote on the motion, as amended, and declared it,

CARRIED

11. Items for Consent

Moved by: Councillor Sentance
Seconded by: Councillor De Divitiis

That the following Consent Reports **BE RECEIVED** and the recommendations contained therein, **BE APPROVED**:

- CWCD 32-2023 Resolution from the County of Huron, at its council meeting held on February 1, 2023, respecting a call to action: review of the Cannabis Act.
- CWCD 33-2023 Correspondence from the Town of Fort Erie, dated February 7, 2023, respecting mutual aid assistance.
- DS 11-2023 Part Lot Control By-law for Council Approval
- DS 13-2023 Housekeeping Revisions to By-law No. 90-2020
- PWCS 13-2023 Confederation Heights Phase 1 Pre-servicing agreement
- CLK-C 33-2023 Parks, Trails and Recreation Advisory Committee Resolution Respecting Hybrid Committee Meetings
- CLK-C 36-2023 Age Friendly Committee Resolution Respecting Font Size on Street Signs
- CLK 3-20232023 Group Home License Renewals
- PWCS 18-2023 Port Robinson Estates Phase 1 Stage 2 and 3

11.1 CWCD 32-2023

Resolution from the County of Huron, at its council meeting held on February 1, 2023, respecting a call to action: review of the *Cannabis Act*.

Agenda Item 11.1 was considered separately as follows:

That Correspondence Item CWCD 32-2023, being a resolution from the County of Huron, at its council meeting held on February 1, 2023, respecting a call to action: review of the Cannabis Act, **BE RECEIVED** for information.

CARRIED

11.2 CWCD 33-2023

Correspondence from the Town of Fort Erie, dated February 7, 2023, respecting mutual aid assistance.

Agenda Item 11.2 was considered separately as follows:

That Correspondence Item CWCD 33-2023 being correspondence from the Town of Fort Erie, dated February 7, 2023, respecting mutual aid assistance **BE RECEIVED** for information.

CARRIED

11.6 PWCS 13-2023

Confederation Heights Phase 10 Pre-servicing agreement

The recommendations contained in Agenda Item 11.6 were considered separately as follows:

That Report PWCS 13-2023, dated February 28, 2023, respecting Confederation Heights Phase 10 Pre-servicing agreement, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That a Confederation Heights Phase 10 Pre-Servicing Agreement with the Developer of the Confederation Heights subdivision for the necessary site servicing prior to the registration of the Subdivision Agreement **BE APPROVED**;
2. That staff **BE DIRECTED** to enter into a Replacement Easement Agreement between the City and Ontario Power Generation (OPG);
3. That an administration fee agreement between the Developer (Star-Flower Properties) and the City **BE APPROVED**; and
4. That the Mayor and Clerk **BE AUTHORIZED** to execute the necessary agreements.

CARRIED

12. Items for Consideration

12.1 CAO 3-2023

Violence and Harassment Training for City Staff

Moved by: Councillor DeRose

Seconded by: Councillor O'Hare

That Report CAO 3-2023, dated February 28, 2023, respecting violence and harassment training for City staff, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Violence & Harassment Training for City staff **BE APPROVED** at the cost of \$3,600;
2. That the amount remaining in the Encumbrance Reserve for Verbal Intervention Training of \$2,353 **BE RE-ALLOCATED** to the Violence and Harassment Training; and
3. That the cost remaining of \$1,247 **BE FUNDED** from the Encumbrance Reserve.

CARRIED

12.2 DS 10-2023

Councillor D'Angela declared a conflict on this item. (Councillor D'Angela declared an indirect pecuniary interest with respect to Report DS 10-2023, concerning Decew Terrace Draft Plan of Vacant Land Condominium (Agenda Item 12.2), as his sister-in-law owns property on Lampman, adjacent to the proposed Draft plan of vacant land.)

Decew Terrace (Block 40 & Block 41) Draft Plan of Vacant Land Condominium (File No. D07-02-2022 & D07-03-2022)

Moved by: Councillor Sentance

Seconded by: Councillor DeRose

That Report DS 10-2023, dated February 28, 2023, respecting Decew Terrace (Block 40 & Block 41) Draft Plan of Vacant Land Condominium, **BE RECEIVED** and the following recommendations **BE APPROVED**:

- That application D07-02-2022 for a proposed Draft Plan of Vacant Land Condominium on Ivy Crescent, consisting of an 11-unit townhouse development, applying to property legally described as Block 40, Plan 59M-478 in the City of Thorold **BE APPROVED**, subject to the conditions noted in Attachment A of this Staff Report; and
- That application D07-03-2022 for a proposed Draft Plan of Vacant Land Condominium on Ivy Crescent, consisting of a 10-unit townhouse development, applying to property legally described as Block 41, Plan 59M-478 in the City of Thorold **BE APPROVED**, subject to the conditions noted in Attachment B of this Staff Report.

CARRIED

12.5 CLK-C 35-2023

Councillor Appointments to the Tourism Committee and the Diversity, Equity and Inclusion Advisory Committee

Moved by: Councillor Handley
Seconded by: Councillor Longo

That Correspondence Item CLK-C 35-2023, being a memorandum from M. Trennum, City Clerk, dated February 28, 2023, respecting Appointments of Council Members to the Diversity, Equity and Inclusion Advisory Committee, and the Tourism Advisory Committee, **BE RECEIVED** for information; and

That Councillor Dekker, **BE APPOINTED** to the Tourism Advisory Committee.

CARRIED

13. Notices of Motion

13.1 External Consulting Costs for 2022

Councillor DeRose gave notice that at a future meeting of Council, he will bring forward a motion to request a report from staff respecting the amount spent by the City of Thorold on external consultants in 2022.

14. **Motions**

14.1 **LCBO to Thorold**

Moved by: Councillor Dekker
Seconded by: Councillor Sentance

WHEREAS the City of Thorold has experienced a significant population growth in recent years;

WHEREAS the lack of an LCBO store in the City of Thorold presents an inconvenience for residents;

WHEREAS an LCBO store would contribute to the economic growth of the City of Thorold by providing employment opportunities and increasing foot traffic to local businesses; and

WHEREAS other municipalities of similar size and population have an LCBO store within their borders.

NOW THEREFORE BE IT RESOLVED THAT the Corporation of the City of Thorold enacts as follows:

1. That the Mayor of the City of Thorold **BE DIRECTED** to write a letter to the Liquor Control Board of Ontario (LCBO) on behalf of Council to request that an LCBO store be brought back to the City of Thorold; and
2. That the letter **INCLUDE** information respecting the population growth of the City of Thorold, the inconvenience faced by residents, and the economic benefits that an LCBO store would bring to the city.

CARRIED

14.2 **Code of Conduct and the Charter of Rights and Freedoms**

Moved by: Councillor Handley
Seconded by: Councillor DeRose

WHEREAS the City of Thorold's current Code of Conduct Policy does not respect or recognize one's civil rights;

WHEREAS the Current City of Thorold's Code of Conduct does not reflect, respect or recognize one's rights as guaranteed by the Charter of Rights and Freedoms;

WHEREAS City policy cannot override the Canadian Charter of Rights and Freedoms; and

WHEREAS the Charter is part of the Constitution of Canada, which is the Supreme Law of the Country.

NOW THEREFORE BE IT RESOLVED THAT the Corporation of the City of Thorold enacts as follows:

1. That staff **BE DIRECTED** to amend the current code of conduct policy to reflect, adhere and recognize the Charter of Rights and Freedoms, as guaranteed under Constitutional law known as the supreme law of the land.

Moved by: Councillor Longo
Seconded by: Councillor D'Angela

1. That staff **BE DIRECTED** to obtain a legal opinion from an external legal counsel with constitutional law experience, other than the city's current Integrity Commissioner or their firm, on the City's Code of Conduct and whether it reflects, adheres to and recognizes the Charter of Rights and Freedoms, as guaranteed under the Constitutional law in Canada; and
2. That the Motion **BE DEFERRED** until Council receives the legal opinion.

CARRIED

15. Statement by Councillors

15.1 Airbnb Regulations

Councillor DeRose provided a statement respecting a report request from the previous term of Council, respecting the regulation of short-term rental properties in the City of Thorold, and requested staff advise when it would be brought forward for Council consideration. J. Simpson, Director, Development Services, advised that the report will be brought forward in the next months.

14. Motions

14.3 Baseball and Soccer Clubs Fee Exemption

Moved by: Councillor DeRose
Seconded by: Councillor Sentence

That the Thorold Baseball and Thorold Soccer Clubs **BE EXEMPTED** from paying the additional lighting fees for night games, until such time staff provide Council with a report respecting the City of Thorold's Fees and Charges for 2023.

CARRIED

16. Closed Session

Moved by: Councillor Sentence
Seconded by: Councillor Handley

That Council **DO NOW MOVE** into closed session for the purposes of receiving information of a confidential nature respecting:

A matter of advice that is subject to solicitor-client privilege, including communications necessary for that purpose under section 239 (2)(f) of the Municipal Act, 2001 - Artisan Ridge TIFP

A matter respecting Personal matters about an identifiable individual under section 239(2)(b) of the Municipal Act, 2001- Public Member Appointments to Committees

A matter of advice that is subject to solicitor-client privilege, including communications necessary for that purpose under section 239(2)(f) of the *Municipal Act*, 2001- Formal Code of Conduct Complaint 2022-01

CARRIED

Council resolved into closed session at 8:28 p.m.

18. Business Arising from Closed Session

Council reconvened in open session at 9:47 p.m. with the following individuals in attendance:

Council Members Present in the Council Chamber: Mayor Ugulini, Councillors D'Angela, De Divitiis, DeRose, Handley, Longo, O'Hare, Sentance

Council Members Present by Video Conference: Councillor Dekker

Staff Present in the Council Chamber: M. Dilwaria, Chief Administrative Officer, S. Hansen, Legislative Assistant, M. Trennum, City Clerk

18.1 Confidential Verbal Update

A matter of advice that is subject to solicitor-client privilege, including communications necessary for that purpose under section 239 (2) (f) of the *Municipal Act, 2001* - Artisan Ridge TIFP

Moved by: Councillor Longo
Seconded by: Councillor Sentance

That Confidential verbal update and Confidential Correspondence Item CL-C 3-2023, respecting a matter of advice that is subject to solicitor-client privilege, including communications necessary for that purpose under section 239 (2) (f) of the *Municipal Act, 2001* - Artisan Ridge TIFP, **BE RECEIVED** for information, and that staff **PROCEED** as directed in closed session.

CARRIED

18.2 Confidential CLK-C 32-2023

A matter respecting Personal matters about an identifiable individual under section 239(2)(b) of the *Municipal Act, 2001*- Public Member Appointments to Committees

Moved by: Councillor De Divitiis
Seconded by: Councillor O'Hare

That Confidential Correspondence Items CLK-C 32-2023, being a memorandum from S. Hansen, Legislative Assistant, dated February 28, 2023, respecting Public Member Appointments to Committees, **BE RECEIVED** for information.

CARRIED

18.3 Confidential CLK-C 32-2023

Moved by: Councillor D'Angela
Seconded by: Councillor O'Hare

That Cameron Macpherson and Saba Qazi **BE APPOINTED** to the Diversity, Equity and Inclusion Advisory Committee.

That the following individuals **BE APPOINTED** to the Town & Gown Committee:

- Mark Lefebvre
- Marsha Coppola
- Gary Citrigno
- Carmella Broccolo-Criger

That Kyle Berketo and Saba Qazi **BE APPOINTED** to the Allanburg Community Centre Board of Management.

That Tom Russell **BE APPOINTED** to the Heritage Advisory Committee.

CARRIED

18.4 Confidential CLK-C 37-2023

Moved by: Councillor Sentance
Seconded by: Councillor De Divitiis

That Confidential Correspondence Items CLK-C 37-2023, respecting A matter of advice that is subject to solicitor-client privilege, including communications necessary for that purpose under section 239 (2) (f) of the Municipal Act, 2001 - Formal Code of Conduct Complaint 2022-01, **BE RECEIVED** for information.

CARRIED

18.5 Confidential PWCS 17-2023

Moved by: Councillor De Divitiis
Seconded by: Councillor Handley

That Confidential Correspondence Item PWCS 17-2023, respecting A matter respecting a matter of commercial, and financial information, supplied in confidence to the municipality, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization under section 239 (2) (i) of the Municipal Act, 2001 - Hockey Team Proposals, **BE RECEIVED**, and that staff **PROCEED** as directed in closed session.

CARRIED

19. By-Law(s)

Moved by: Councillor Dekker
Seconded by: Councillor Handley

That the following Bills **BE NOW READ** and **DO PASS**:

Bill 24-2023

A By-Law to Exempt Block 44, Plan 59M-480 from Part Lot Control (159, 161, 165 and 169 Bur Oak Drive) - Confederation Heights Subdivision, Phase 8 ('West Community')

Bill 25-2023

A By-Law to Exempt Block 45, Plan 59M-480 from Part Lot Control (171, 175, 179, 181 and 185 Bur Oak Drive) - Confederation Heights Subdivision, Phase 8 ('West Community').

Bill 26-2023

A By-Law to Exempt Block 51, Plan 59M-480 from Part Lot Control (160, 162, 166 and 170 Bur Oak Drive) - Confederation Heights Subdivision, Phase 8 ('West Community').

Bill 27-2023

A By-Law to Exempt Block 35, Plan 59M-478 from Part Lot Control (2, 6, 10, 12 and 16 Beaverloch Drive) - Decew Terrace Plan of Subdivision

Bill 28-2023

A By-Law to Adopt, Ratify and Confirm the Actions of City Council at its Meeting Held on February 28, 2023

Bill 29-2023

Being a By-law to Amend By-Law to amend Comprehensive Zoning By-law No. 2140 (97), as amended, for the Removal of Holding Provision for Rolling Meadows- Phase 12 Subdivision.

Bill 30-2023

A by-law to assume primary and secondary services in the Port-Robinson Estates Phase 1 Stage 2 and 3 (Plan 59M-454) (2524964 Ontario Inc.)

CARRIED

20. Adjournment

There being no further business, the meeting adjourned at 9:51 p.m.

Terry Ugolini
Mayor

Per: Sydney Hansen
Legislative Assistant

Per: Matthew Trennum
City Clerk