



COUNCIL MEETING, NOVEMBER 2, 2004

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:00 p.m. and in open session at 7:40 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

(During discussion on a motion introduced by Mayor Goulbourne re Hwy 140 Corridor, the Mayor vacated the Chair and Vice Mayor Grenier assumed the Chair).

The open meeting commenced with the playing of the National Anthem.

Members Present: Councillors D. Alexander, D. Beaudoin, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora (6:15 p.m.).

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Manager T. Fitzpatrick

General Manager Financial & Corporate Services/Treasurer B. Silvestri

Administrative Assistant/Deputy Clerk B. Gallaccio (7:40 p.m.)

General Manager of Planning and Development Services D. Thorpe (7:40 p.m.)

General Manager of Parks and Recreation B. LaPlante

Regional Councillor J. Mastroianni (7:40 p.m.)

Manager, Engineering Services L. Ventresca (7:40 p.m.)

04-25 Moved by Grenier and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:00 p.m. to consider:

- a) the security of the property of the municipality;
- b) personal matters about an identifiable individual, including municipal employees; and
- c) the receiving of advice that is subject to solicitor-client privilege, including communications necessary purpose.

CARRIED

(Councillor Belcastro was not present during Committee-of-the-Whole discussions on a matter of solicitor client privilege).

04-25 Moved by Grenier and Sharpe that the Committee-of-the-Whole arise from its closed meeting at 7:30 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Belcastro disclosed an interest in Ref. No. 03-139 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is President of Doral Holdings and owner of the Seaway Mall.

Councillor Chiocchio disclosed an interest in Ref. No. 04-45 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his spouse is employed by Young's Insurance Brokers Inc.

Councillor Grenier disclosed an interest in Ref. No. 04-150 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he works in the insurance industry.

Councillor Larouche disclosed an interest in Ref. No. 04-45 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he works in the insurance industry.

Councillor Spadafora disclosed an interest in Ref. No. 04-45 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property in the Highway 140 Corridor.

DELEGATIONS:

04-28 Bill Auchterlonie, Executive Director, Paul Nemay, Pelham Chair and Kevin Miller, Overall Chair, addressed Council regarding the 2004 United Way South Niagara Campaign.

04-19 Jim Gillap, Chair addressed Council regarding the Winter lights.

04-147 Alan Gilday, Public Relations Coordinator, The Ivy Foundation addressed Council regarding the Park Theatre restoration project in Welland.

- 04-4** Mr. R. Brian Miller, Solicitor, addressed Council and requested an Extension Agreement under the Municipal Act for the Cook's Mills Properties.

THE FOLLOWING CORRESPONDENCE WAS READ:

- 04-3** Letter from Tracy Robinson, Donor Development Manager, Children's Health Foundation requesting permission to sell raffle tickets in the City of Welland

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 96-58** Snow Removal Committee Oral Report.
- 99-110** Petition from Brad Taylor on behalf of users of the bike trails with respect to repairs to the trail adjacent to the train tracks on both sides of the train bridge be again referred to staff for report to Council.
- 01-108** Gen. Mgr. Planning and Development Services D. Thorpe – Application for Façade Restoration and Improvement Loan – Kenneth and Carol Nash – 208-212 East Main Street.
- 02-160** Time allocation for Council Agenda Item 7.3 being "Councillor issues discussed with staff and not yet resolved".
- 03-92** A By-law to authorize conveyance of closed Wellbrook Boulevard.
- 03-133** Gen. Mgr. Planning and Development Services D. Thorpe – New Brownfields Regulation in Ontario.
- 03-158** John Bice, Acting City Administrator, City of Thorold – requesting support regarding Niagara Regional Hospital/Cancer Centre.
- 04-1** A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 26th day of October, 2004 and 2nd day of November, 2004.
- 04-2** Review of the City's current Business Licensing By-law.
- 04-4** Mr. R. Brian Miller, Solicitor, - requesting an Extension Agreement under the Municipal Act for the Cook's Mills Properties.
- 04-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – October 13, 2004 to October 25, 2004.
- 04-15**
- 04-19** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Award of Tender – Reconstruction/Rehabilitation of Welland Arena Parking Lot and Reconstruction/Rehabilitation Expansion of Fire Station No. 3 Parking Lot.
- 04-19** Jim Gillap, Chair - Winter lights.
- 04-19** Gen. Mgr. Parks and Recreation – RFP Results for River Road Playground Equipment Replacement Project.
- 04-22** A By-law to re-enact By-law Number 89-2000, being a By-law regulating Traffic and Parking on City streets.
- 04-28** Bill Auchterlonie, Executive Director - the 2004 United Way South Niagara Campaign.
- 04-45** Insurance Renewal 2004.
- 04-104** A By-law to authorize amendment to the contract with Hard-Rock Construction Inc. for additions to the Roadways Resurfacing Program 2004.
- 04-126** Ronald M. Hobgen regarding Dog By-law 10715.
- 04-147** Alan Gilday, Public Relations Coordinator, The Ivy Foundation - requesting assistance for the Park Theatre restoration project in Welland.
- 04-148** Carolyn Kett, Town Clerk, Town of Fort Erie – Ministerial funding of Cardiac Rehabilitation Services in Niagara.
- 04-149** Pam Gilroy, Regional Clerk/Associate Director or Corporate Strategy, Region of Niagara –

proposed investigation of the concept of assessment pooling.

04-151 Bill Bernard, Secretary, Joint Board of Management, Niagara Area Courts, Region of Niagara – Request for additional Justices of the Peace.

04-1 Moved by Dzugan and Sharpe that the Minutes of the Regular Council Meeting of October 19, 2004 and Special Council Meeting of October 26, 2004 be and the same are hereby approved and adopted as circulated.

CARRIED

96-58 Moved by Alexander and Grenier that the oral Snow Removal Committee Report be referred to the November 9th General Committee Meeting.

CARRIED

99-110 Moved by Alexander and Grenier that the petition from Brad Taylor on behalf of users of the bike trails with respect to repairs to the trail adjacent to the train tracks on both sides of the train bridge be again referred to staff for report to Council.

CARRIED

01-108 Moved by Fortier and Alexander

1. That Council approve an Application by Kenneth Eric Nash and Carol Marlene Nash for a Facade Restoration and Improvement Loan for 208-212 East Main Street in the amount of \$4,250.00 plus G.S.T. being 50% of the eligible costs;
2. The Loan shall be for a period of five (5) years at 0% interest paid semi-annually with the first payment due six (6) months after the required work is completed subject to satisfying the Terms and Conditions of Loan Funding; and
3. The Mayor and Clerk are authorized to execute any documentation required to satisfy the Conditions of Loan.

CARRIED

02-160 Moved by Alexander and Grenier that time allocation for Council Agenda Item 7.3 "Councillor issues discussed with staff and not yet resolved" be referred to staff for review and report at the November 9th General Committee Meeting.

CARRIED

03-133 Moved by Grenier and Fortier that Council receive Report PDS-2004-58 New Brownfield's Regulation in Ontario, dated November 2, 2004 for information purposes.

CARRIED

03-158 Moved by Alexander and Grenier that Welland City Council supports the resolution from the City of Thorold regarding the approval and construction of the Regional Cancer Centre and the Thorold/St. Catharines Hospital Complex; and further That the City Clerk advise the proper authorities accordingly.

CARRIED

04-2 Moved by Alexander and Grenier that staff be again directed to review the City's current Business Licensing By-law.

CARRIED

04-3 Moved by Alexander and Grenier that permission is hereby granted to the Children's Health Foundation to sell raffle tickets in the City of Welland under authority of License M430239; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

04-4 Moved by Belcastro and Alexander that the presentation by Mr. R. Brian Miller, Solicitor, requesting an extension agreement under the Municipal Act regarding Cooks Mills properties be received and filed.

CARRIED

04-7 Moved by Alexander and Grenier that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	13-Oct-04	\$	166,014.11
2	14-Oct-04		457,423.47
3	15-Oct-04		22,013.99
4	18-Oct-04		217,398.77
5	20-Oct-04		54,172.99
6	21-Oct-04		112,113.24
7	22-Oct-04		1,984,707.89
8	25-Oct-04		<u>315,654.58</u>
	Total	\$	3,329,499.37

CARRIED

04-15

04-19 Moved by Larouche and Grenier that Council accepts the tender of Hard-Rock Construction Inc. for the Reconstruction/Rehabilitation of Welland Arena Parking Lot and the Reconstruction/Rehabilitation/Expansion of Fire Station No. 3 (Prince Charles Drive) Parking Lot as presented in Report Eng-2004-51; and

That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction, at the tender price of \$221,108.00, plus applicable G.S.T.; and

That detail financing of the project be in accordance with the approved Facilities Capital Budget financing breakdown for the Arena Parking Lot and Prince Charles Drive Firehall – replace asphalt; and further

That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED

YEAS: Councillors O'Dell, Grimaldi, Dzugan, Fortier, Sharpe, Alexander, Grenier, Chiochio, Larouche, Belcastro, Spadafora and Mayor Goulbourne.

NAYS: Councillor Beaudoin.

04-19 Moved by Belcastro and Fortier that the presentation by Jim Gillap, Chair regarding the winter lights be received for information.

CARRIED

04-19 Moved by Chiocchio and Larouche that Council accept the proposal from Henderson Recreation Equipment Limited for a total cost of \$43,530.07 including applicable taxes, for playground equipment replacement at River Road Park.

CARRIED

04-28 Moved by Larouche and Spadafora that the presentation by Bill Auchterlonie, Executive Director, Paul Nemay, Pelham Chair and Kevin Miller, Overall Chair regarding the 2004 United Way South Niagara Campaign be received for information.

CARRIED

04-45 Moved by Alexander and Grenier that the letter from Young's Insurance Brokers Inc. requesting to provide the City with an alternative insurance proposal be received for information.

CARRIED

04-126 Moved by Alexander and Grenier that the presentation to General Committee on February 24th, 2004 by Ronald M. Hobgen regarding Dog By-law 10715 be again referred to staff for report to Council.

CARRIED

04-146 Moved by Alexander and Beaudoin that the City of Welland develop an anti-idling by-law including a policy adopted to restrict unnecessary idling of City vehicles and equipment; and That anti-idling zones around schools, seniors centres, city buildings, parks and other designated areas be established via a communications and outreach process; and That the City of Welland join National Resources Canada's Fleet Smart program and challenge other public institutions, individuals and groups to voluntarily observe as well as adopt anti-idling behaviours and policies; and further That this resolution be forwarded for consideration to the Regional Municipality of Niagara, Niagara area municipalities, the Association of Municipalities of Ontario and to the Federation of Canadian Municipalities.

CARRIED

04-147 Moved by Fortier and Alexander that the presentation by Alan Gilday, Public Relations Coordinator, The Ivy Foundation requesting assistance for the Park Theatre restoration project be referred to staff for study and report.

CARRIED

04-148 Moved by Alexander and Grenier that Welland City Council supports the resolutions from the Town of Fort Erie and the Town of Niagara-on-the-Lake requesting the Minister of Health to immediately establish and fund cardiac rehabilitation services in and for Niagara residents; and further That the City Clerk advise the proper authorities accordingly.

CARRIED

04-149 Moved by Alexander and Chiocchio that the letter from the Region of Niagara regarding the concept of assessment pooling be received and referred to staff for study and response before November 30, 2004.

CARRIED

04-150 Moved by Mayor Goulbourne and Sharpe that Council supports the Mayor and Staff discussing with the City of Port Colborne re: development of the Hwy 140 Corridor into a manufacturing cluster with a report to follow said discussions.

CARRIED

(During discussion on a motion introduced by Mayor Goulbourne re Hwy 140 Corridor, the Mayor vacated the Chair and Vice Mayor Grenier assumed the Chair).

04-151 Moved by Alexander and Grenier that Welland City Council supports the resolution from the Region of Niagara requesting the Attorney General of Ontario to fast track the appointment of sufficient Justices of the Peace in the Central West Region and in particular for the Niagara area courts; and further
That the City Clerk advise the proper authorities accordingly.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

03-139 Moved by Sharpe and Beaudoin that the letter from Don Larke, Director, Planning & Development, First Pro Shopping Centres requesting specialized legal representation for the Ontario Municipal Board Hearing be received and filed.

CARRIED

04-4 Moved by Belcastro and Alexander that Council not enter into an extension agreement for properties listed in Schedule 'A' as attached to Report FIN 2004-26.

CARRIED

(Councillors Larouche and Grimaldi asked to be recorded as opposed to this Resolution).

04-10 Moved by Fortier and Spadafora that Councillor Beaudoin replace Councillor O'Dell on the Performance Evaluation Committee.

CARRIED

04-10

04-19 Moved by Spadafora and Belcastro

1. That the Selection Committee for the Parks and Recreation Master Plan recommends the following individuals be appointed to the City's Parks and Recreation Master Plan Steering Committee:
Martha Barnes; Vince Bellantino; Lee Carr; Gord Chatwin; Claire Gerencser; Gary Graziani; Brenda Herchmer; Doug Thomson; Claudia Voss; and
2. That Councillors Larouche and O'Dell also be appointed to the Parks and Recreation Master Plan Steering Committee.

CARRIED

04-91 Moved by Fortier and Belcastro that subject to the conveyance of the Welland Public Library to the City of Welland and subject to budget considerations and grant approval, Welland Council agree, in principle, to make the existing Welland Public Library available to the Welland Historical Museum for use as the future home of the Museum.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Alexander and Grenier that leave now be given to introduce the following proposed By-laws entitled:

03-92

BYL 2004 - 148

A By-law to authorize conveyance of closed Wellbrook Boulevard.

04-104

BYL 2004 - 149

A By-law to authorize amendment to the contract with Hard-Rock Construction Inc. for additions to the Roadways Resurfacing program 2004.

04-22

BYL 89-2000 RE-ENACTED NOVEMBER 2, 2004

A By-law regulating Traffic and Parking on City streets.

04-1

BYL 2004 - 150

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the 26th day of October, 2004 and 2nd day of November, 2004.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Alexander and Grenier that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED**NOTICE OF MOTION**

In accordance with By-law 9972 as amended by By-law 2001-2 passed on January 16, 2001, Councillor(s) must submit their Notice of Motion(s) in writing no later than Wednesday, November 10, 2004 for inclusion on the next Regular Council Meeting Agenda.

97-67 Councillor Grenier gave Notice of Motion of the following issue to be presented to Council
98-57 at the November 16th, 2004 Regular Council Meeting.

That the City of Welland enter into negotiations with the Downtown Business Improvement Area Board to establish, for the 2004-2005 winter season, a cost sharing arrangement for the clearing of snow from sidewalks with the BIA.

04-48 Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the November 16th, 2004 Regular Council Meeting.

That staff prepare a comprehensive written report in reference to Slater Steel to reflect the municipal obligations and provide a better understanding of financial impact to the city taxpayers.

Council adjourned at 10:00 p.m.

These Minutes approved and adopted by Motion of Council this 16th day of November, 2004.

MAYOR

CLERK