



## **COUNCIL MEETING AGENDA**

**Tuesday, July 19, 2005  
7:00 P.M.**

**COUNCIL CHAMBERS – CIVIC SQUARE**

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1. COMMITTEE-OF-THE-WHOLE (IN CAMERA) (6:00 p.m.)  
(See yellow tab)
2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN CAMERA) (7:00 p.m.)
3. OPEN COUNCIL MEETING (7:00 p.m.)
  - 3.1 NATIONAL ANTHEM
  - 3.2 OPENING REMARKS
  - 3.3 ADDITIONS/DELETIONS TO AGENDA
  - 3.4 DISCLOSURE OF INTEREST
  - 3.5 ADOPTION OF MINUTES  
  
Regular Council Meeting of June 21, 2005  
*(Previously Distributed)*
  - 3.6 CALL UPON THE CLERK TO REVIEW AGENDA INDEX INCLUDING BY-LAWS FOR COUNCIL TO DETERMINE ITEMS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE OF THE WHOLE (OPEN) (See pink tab)
4. ORAL REPORTS AND DELEGATIONS
  - 4.1 DELEGATIONS:  
  
97-67 John Clark, Chair, North Welland Business Improvement Area – To announce winner of the design concept for the Welcome to Welland contest.  
  
99-99 John Parisee -to present ideas for the Welland Recreational Canal.



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99-99 Bill Marr, Bruce Elliott re: proposal regarding use of Welland Recreational Canal.

99-99 Mark Carl, Chair of the Welland Recreational Canal Corporation re: By-law 2005-92.. .

2000-55 Leo Audette, RDEE Ontario, on behalf of the Niagara Central Airport Commission and Club 2000 Niagara re: Feasibility Study on potential for economic development generated by the Niagara Central Airport.

### **4.2A PUBLIC NOTICE OF ROAD CLOSURE PURSUANT TO SECTION 34 OF THE MUNICIPAL ACT**

05-127 Parts of Unopened Willson Road Road Allowance south of Endicott Terrace, being Parts 1 to 5 inclusive and 9 to 12 inclusive, Plan 12793;

(See By-law Index)

05-128 Part of Unopened Colbeck Drive South of Webber Road and east of Open Colbeck Drive being Part 17, Plan Rd-104.

(See Report PDS-2005-64 in Committee-of-the-Whole)

### **4.25 PUBLIC NOTICE OF RENAMING ROAD UNDER SECTION 47 OF THE MUNICIPAL ACT**

05-127 To name the unnamed Road Allowance on the south side of Endicott Terrace, between Willson Road and Barrington Drive, as Winter Drive, in accordance with Section 47 of the Municipal Act, 2001.

(See By-law Index)



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### 4.3 STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT.

- (A) 05-I 26Z Application by A CHILD'S WORLD FAMILY CHILD CARE SERVICES OF NIAGARA C/O BARB SOCKOVIE on behalf of COLUMBUS CLUB OF WELLAND to rezone lands at 344 Avon Street from the existing RM2 Zone with Exemptions By-law 2667 to a Site Specific RM2 Zone By-law 2667.

(See Staff Report PDS-2005-54 - Pages to )

- 05-I 25Z Application by MITCH AND SHELLEY GAUDET to rezone lands at 377 Fitch Street from the existing R1 – Single-Detached Dwelling – First Density Zone By-law 2667 to a RM1 – Multiple Dwelling – First Density Zone By-Law 2667.

(See Staff Report PDS-2005-52 - Pages to )

03-I 32

- 03-I 32Z Application by MICHAEL JOHN CORRADO on behalf of BAKAS INVESTMENTS INC. to amend the Official Plan from Residential to Institutional and to amend the Zoning By-law from R1 to a Site Specific IN-1 Zone for land at 163 First Avenue.

(See Staff Report PDS-2005-55 - Pages to )

05124

- 05-I 24Z Application by DONALD B. THORPE on behalf of CITY OF WELLAND to amend the Official Plan from OPEN SPACE to RESIDENTIAL and to amend the Zoning By-law from R1 to H-RM4 for land on the south side of Hooker Street, east of Denistoun Street and on the north side of Lincoln Street, east of Denistoun Street.

(See Staff Report PDS-2005-53 - Pages to )

- (B) ADJOURN PLANNING PUBLIC HEARING PROCESS.



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4.4 REGIONAL COUNCIL REPORT

4.5 ACCESSIBILITY ADVISORY COMMITTEE REPORT

5. COMMITTEE OF THE WHOLE (OPEN)  
(to discuss items removed from Agenda Block)

6. BY-LAWS (SEE AGENDA INDEX)

7. NOTICES OF MOTION

7.1 Notices of Motion (previously submitted for discussion)

(Councillor Dzugan)

04-61 That the City of Welland discontinue watering restrictions as per By-law 2004-23 for the 2005 season.

(Councillor Alexander)

05-1 22 WHEREAS the City of Welland has committed to quality of life as one of the primary themes in its Community Economic Development Strategy; WHEREAS items like a new Official Plan and Brownfield redevelopment are key strategies of creating a competitive local economy; THEREFORE BE IT RESOLVED that the City of Welland integrate and apply the Leadership in Energy and Environmental Design (LEED) Certification programs to current and planned development projects; and further  
BE IT RESOLVED that the Regional Municipality of Niagara also consider a motion to adopt the LEED Certification programs as development standards and to facilitate the creation of a Niagara Chapter of the Canada Green Building Council.



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(Councillor Grenier)

~~WHEREAS~~ **WHEREAS**, The Way Forward speaks to the development of Welland's Economy through innovative clusters (point 1); and  
**WHEREAS** the development of these clusters is predicated on the development of structural supports (point 9); and  
**WHEREAS** the development of a vibrant OEM cluster would be aided by prompt and reliable access to North American markets, through the development of physical infrastructure, including "multi-model transportation systems" (point 9);  
**THEREFORE BE IT RESOLVED** that the City of Welland petition the Honourable Anne McClland, Minister of Public Safety, to select Welland as a site for a Customs Bonded Warehouse in the Highway 140 corridor; and further  
**BE IT RESOLVED** that the Economic Development Officer appear at the November 1, 2005 Council Meeting to report on the process and progress of this request.

(Councillor Grimaldi)

~~WHEREAS~~ **WHEREAS** the City of Welland has committed to water metering every household within the city limits;  
**WHEREAS** the City of Welland have voiced concerns, both for and against this issue:  
**BE IT RESOLVED** that the City of Welland have a question brought forward on the 2006 election ballot so that the public may vote on whether or not all household should be on a metered water system or remain on a flat rate water system.

7.2 Notices of Motion (for introduction)

7.3 Councillor issues discussed with staff and not yet resolved.



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8. CORPORATION REPORTS
  - 8.1 Councillor Activities Report
  - 8.2 Mayor's Report
  - 8.3 City Manager's Report
  
9. ADJOURNMENT



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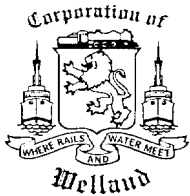
**COUNCIL CHAMBERS – CIVIC SQUARE**

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### **AGENDA BLOCK**

1. BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION
  - 1A. UNFINISHED BUSINESS FROM THE COUNCIL MEETING OF JUNE 21, 2005 DUE TO CURFEW.
    - 05-13 Port Colborne – Niagara Falls Worker Charter Shuttle Service.
    - 05-94 Region of Niagara – New Capping Options for 2005 and funding the 2005 Capping Program.
    - 05-168 Implementation of Water Conservation Program.
2. COMMITTEE AND STAFF REPORTS
  1. Business Arising from Committee of the Whole (closed)
  2. General Committee Report (Nil)
  3. Staff Reports
    - 05-22 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Parking Operations – Rice Road, North of Quaker Road.
    - 05-22 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Region Signal Maintenance Agreement.



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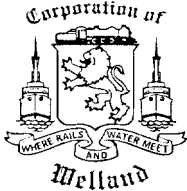
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- 05-22 Gen. Mgr. Engineering, Public Works & Transp. Serv./City  
Engineer D. Shantz – Private Property Inclusions – Traffic &  
Parking By-law 89-2000.
- 05-22 Gen. Mgr. Engineering, Public Works & Transp. Serv./City  
Engineer D. Shantz – Administrative Update – Traffic & Parking.
- 02-85
- 05-130 Gen. Mgr. Engineering, Public Works & Transp. Serv./City  
Engineer D. Shantz – Pavement Marking Pilot Project – Curb-Cuts.
- 05-131 Gen. Mgr. Engineering, Public Works & Transp. Serv./City  
Engineer D. Shantz – Closed Circuit TV Inspection of Sewers.
- 04-149 Gen. Mgr. Engineering, Public Works & Transp. Serv./City  
Engineer D. Shantz – Ontario Road Pumping Station Sanitary  
Sewer Drainage Area Extraneous Flow Study.
- 05-13 Gen. Mgr. Engineering, Public Works & Transp. Serv./City  
Engineer D. Shantz – Chassis Refurbishment of Transit Bus #117.
- 03-125 Gen. Mgr. Engineering, Public Works & Transp. Serv./City  
Engineer D. Shantz – Empress Avenue Roadway Construction;  
Local Improvement Charges.
- 05-26 Gen. Mgr. Engineering, Public Works & Transp. Serv./City  
Engineer D. Shantz – Award of Tender – Sidewalk Repair and  
Replacement Program 2005 and New Sidewalk Construction 2005.
- 05-134 Gen. Mgr. Engineering, Public Works & Transp. Serv./City  
Engineer D. Shantz - Proposed Rental Agreement with Hertz  
Equipment Rental for the rental of four (4) John Deere front end  
loaders complete with Snow Plows.
- 05-132
- 03-125 Gen. Mgr. Engineering, Public Works & Transp. Serv./City  
Engineer D. Shantz – Award of Tender Roadway Resurfacing  
Program 2005 and Empress Avenue Roadway Construction.



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**01-43**

~~01-44~~ Mgr., Planning and Development Serv. D. Thorpe – Lay out, establish and name various 0.3 Metre Reserves with respect to Harvest Estates and Welland River Estates.

04-132 Gen. Mgr., Planning and Development Serv. D. Thorpe - Review of Visibility (Sight) Triangle Requirements.

01-42 Gen. Mgr., Planning and Development Serv. D. Thorpe - Lay out, establish and name various 0.3 metre reserves with respect to the Draper's Creek Subdivision.

01-43 Gen. Mgr., Planning and Development Serv. D. Thorpe - Lay out, establish and name various 0.3 metre reserves with respect to Harvest Estates Subdivision and Willson Heights Subdivision No.1.

Remove from Block

05-125Z Gen. Mgr., Planning and Development Serv. D. Thorpe - Proposed Amendment to By-law 2667 – Mitch and Shelley Gaudet, 377 Fitch Street (File 2005-08).

~~05-62~~ Mgr., Planning and Development Serv. D. Thorpe - The Highlands Subdivision, formerly St. Andrew's Terrace Subdivision (File 26T-14-97005) – request for extension to Draft Approval.

Remove from Block

**05124**

05-124Z Gen. Mgr., Planning and Development Serv. D. Thorpe – Application by City of Welland for Official Plan and Zoning By-law Amendments – Northeast Corner of Lincoln Street and Denistoun Street and South Side of Hooker Street between Frazer Street and Denistoun Street, Welland (File 2005-I 0).

05-I 12 Gen. Mgr., Planning and Development Serv. D. Thorpe – Lay out and establish and name Part 2, Plan 59R-12466 as part of Lincoln Street and Part 2, Plan 59R-12696 as Part of Forks Road.

Remove from Block

05-126Z Gen. Mgr., Planning and Development Serv. D. Thorpe - Proposed Amendment to Zoning By-law 2667 – A Child's World Family Child Care Services of Niagara, c/o Barb Sockovie on behalf of the Columbus Club of Welland, 344 Avon Street (File 2005-I 1).



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~~03-11~~ **03-11** Mgr., Planning and Development Serv. D. Thorpe –  
Encroachment agreements with 992548 Ontario Inc., o/a Sparrow  
Lakes Golf Course.

Remove from Block

03-1 32

**03-132Z** Gen. Mgr., Planning and Development Serv. D. Thorpe – Proposed  
Amendments to the Official Plan and Zoning By-law 2667 – Bakas  
Investments Inc. – Lots 27 to 30 inclusive, Lot A, Part Lot 31, Plan  
666; Lots 59 to 62, 110 to 117 and 145 to 151 inclusive and Part of  
Lot 152 and Block A, Plan 618 - 163 First Avenue (File 2005-12).

**05-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri –  
Accounts Payable – June 14, 2005 to July 12 ,2005.

Remove from Block

**99-99** Gen. Mgr., Parks and Recreation B. LaPlante – Welland  
Recreational Canal Corporation Watercraft Restrictions.

#### 4. New Business

**03-1 58** Susan Daniels, Deputy City Clerk, City of Thorold – Publicly  
Procured Hospital/Cancer Care Centre.

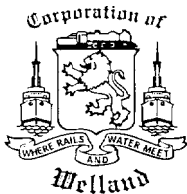
**Recommendation:**

That Welland City Council reaffirms its support for the  
construction of a new Hospital/Cancer Care Centre, and supports  
the City of Thorold resolution that the new hospital be financed  
and procured publicly and that the management, lands, operation  
and administration of our hospital remain public and non-profit  
under the direct control of our local hospital board; and further  
That the City Clerk advise the appropriate authorities accordingly.

**05-3** Margaret Robertson, Marshville Heritage Society inc. –  
requesting to sell lottery tickets in the City of Welland.

**Recommendation:**

That permission is hereby granted to the Marshville Heritage  
Society Inc. to sell raffle tickets in the City of Welland under  
authority of Lottery License M395827; subject to the receipt of a  
\$25.00 administration fee for processing this request.



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05-6 RD Bowman, Cdn. Forces – requesting August 9<sup>th</sup>, 2005 be declared “Peacekeeper’s Day” and that the UN flag fly on that date.

Recommendation:

That, in keeping with the Statement of Proclamation made by the Province of Ontario on November 3, 2004 and in accordance with City Policy on Declarations – GOV-001-0004, the Mayor declare August 9<sup>th</sup>, 2005 as “Peacekeepers Day” in the City of Welland as requested by the Canadian Association of Veteran’s in United Nations Peacekeeping, Southwestern Ontario Chapter; and further

That the flag of the United Nations be flown on that date provided one is supplied to the City of Welland.

05-20 Patsy Ramundo, President - permission to hold a religious  
05-21 procession - “**50<sup>th</sup> Annual Feast of the Assumption**” and a Special Occasion Permit for August 13 and 14, 2005.

Recommendation:

That Welland City Council approves the application for the “**50<sup>th</sup> Annual Feast of the Assumption Procession**” on Sunday, August 14<sup>th</sup>, 2005 subject to the applicant’s completion of all conditions of the Policy of Road Use for Community Activities; and

That Welland City Council has no objection to the issuance of a Special Occasion Permit to the “**50<sup>th</sup> Annual Feast of the Assumption**” for events scheduled at the Welland Market Square on August 13<sup>th</sup> and August 14<sup>th</sup>, 2005 subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits; and That the scheduled event be permitted to extend to the hour of 12:00 a.m. on Saturday, August 13<sup>th</sup> and 11:30 p.m. on Sunday, August 14<sup>th</sup>; and further

That the event be designated as municipally significant.



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- 05-50** Nora A. Reid, Secretary, Heritage Welland Committee – name change of the Committee.
- Recommendation:**  
That the letter from the Heritage Welland Committee advising of its name change to Heritage Welland Committee effective June 1, 2005 be approved; and further  
That the City Solicitor be directed to make the necessary by-law changes to implement this amendment.
- 05-20** Barb Ivicic, Manager, Veseli Hrvati Sr. Tamburitzans – requesting a Special Occasion Permit for a music festival at the Croatian National Home.
- Recommendation:**  
That Welland City Council has no objection to the issuance of a Special Occasion Permit to the Veseli Hrvati Sr. Tamburitzans for the music festival and picnic event at the Croatian National Home on Sunday, August 14, 2005; and designates the event as a Community Festival.
- 03-1 33** D. Gilchrist, Supervisor, Legislated Services, City of Kitchener – Federation of Canadian Municipalities (FCM) Brownfield Financing.
- Recommendation:**  
That Welland City Council supports the resolution from the City of Kitchener requesting the Minister of Municipal Affairs and Housing to expeditiously revise the appropriate Provincial Legislation to allow all regional tier municipalities to participate in community improvement activities; and further  
That the City Clerk advise the proper authorities accordingly.
- 05-1 5** Anne Hepplewhite, Acting Regional Clerk re: Ownership and Responsibility for Sewage Pumping Stations and Conveyance Pipes.



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#### Recommendation:

That Report PWA 100-2005 from the Region regarding Ownership and Responsibility for Sewage Pumping Stations and Conveyance Pipes be received and referred to staff for study and report to Council.

99-110 George Nicholson, Planning and Development Department, Region of Niagara – Signing of the East Side Trail Agreement.

#### Recommendation:

That the letter from George Nicholson, Planning and Development Department, Region of Niagara requesting signing of the East Side Trail Agreement be referred to staff for report to Council.

99-110

05-45

Carolyn Downs, City Clerk, the City of Kingston – Trail Systems.

#### Recommendation:

That Welland City Council supports the resolution from the City of Kingston requesting the Minister of Municipal Affairs and Housing, Honourable John Gerretsen, and the Minister of Tourism and Recreation, Jim Bradley, move to amend the Occupiers Liability Act so as to clearly establish that those using trail systems are deemed to do so at their own risks, so that owners and volunteer organizations will not be held liable in any way for any damages arising from the use of trails by the public; and further

That the City Clerk advise the proper authorities accordingly.

05-20

Ted Duchesne, Welland & District Slo-Pitch League Inc. – requesting a Special Occasion Permit during a tournament to be held at the Welland Sports Complex.

#### Recommendation:

That Welland City Council has no objection to the application by Welland & District Slo-Pitch League Inc. for a Special Occasion Permit to operate an alcoholic beverage tent at a tournament being hosted by Welland District Slo-Pitch League Inc. at the Welland Sports Complex on July 22, 23 and 24, 2005 subject to



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the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits; and That Welland City Council declares the event as municipally significant.

05-1 24

**05-124Z**

Petitions and letters in opposition to the proposed Official Plan and Rezoning - Northeast Corner of Lincoln Street and Denistoun Street and South Side of Hooker Street between Frazer Street and Denistoun Street, Welland.

- Petition approximately 430 signatures.
- Petition approximately 1506 signatures.
- Letter from Carol Talousse.
- Letter from Dick Noebel.
- Letter from Miriam Gibbons on behalf of the Welland Tennis Club Board.

**{See Background Material appended to Council Members' Agenda Package}.**

**5. BY-LAWS**

**MAY BE VIEWED AT THE CLERK'S DEPARTMENT PRIOR TO THE MEETING IF DESIRED.**

**Remove from Block**

**99-99**

A By-law to adopt a 'Go Quiet' Policy and 'Urban Fishing Initiative' respecting the use of the Welland Recreational Canal Waterway: and to repeal By-law 2003-77.  
**[Second and Third Reading].**

**99-111**

A By-law to permit an encroachment under South Pelham Road and Colbeck Drive, for the purpose of irrigation lines for Sparrow Lakes Golf Course.

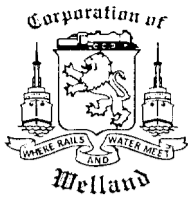
**01-42**

A By-law to lay out, establish and name Block 86, Plan 59M-320 being a 0.3 metre reserve for the City of Welland as Part of Wellbrook Boulevard.

**01-43**

**01-44**

**A** By-law to lay out, establish and name Part of Block 83, Plan 59M-299 being Part 2, Plan 59R-12572 and Block 21, Plan 59M-301 being a 0.3 metre reserve for the City of Welland as Part of Colbeck Drive.



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01-84 A By-law to designate 271 Division Street in the City of Welland, known as the Brookfield-Cupido House, of Historic or Architectural Value or Interest.

~~03-By14~~ law to authorize acceptance of an offer to purchase from Tina Deluca and Leo Aita for the sale of part of Closed Trufal Avenue.

~~03-105a~~ Road Improvement By-law for the Empress Avenue Roadway.

03-I 25

~~05-By21~~ law to authorize the entering into a contract with Hard-Rock Construction Inc. for the Roadway Resurfacing Program 2005; and the Empress Avenue Roadway Construction.

Remove from Block

~~03-By21~~ law to authorize the signing of Official Plan Amendment No. 116.

Remove from Block

03-1322 A By-law to amend City of Welland Zoning By-law 2667 (Bakus Investments Inc. – File 2005-12) 163 First Street.

05-I 5

A By-law to authorize an amendment to the existing agreement with the City of St. Catharines for computer-aided dispatch services for the Welland Fire Department.

05-26

A By-law to accept the tender and to enter into a contract with A. Poulin Curb Construction Ltd. for the Sidewalk Repair and Replacement Program 2005.

05-106

A By-law to authorize the acceptance of tender and the entering into a contract with Serianni Construction Ltd. For the Utility Cut Final Reinstatement 2005.

05-I 11

A By-law to designate 400 King Street in the City of Welland, known as the Mizpah Mission/Italian Pentecostal Church of Historic or Architectural Value or Interest.

~~05-By21~~ law to establish Part 2, Plan 59R-12696 as part of Forks Road.

~~05-By21~~ law to establish Part 2, Plan 59R-12466 as Part of Lincoln Street.



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- 05-125Z A By-law to amend City of Welland Zoning By-law 2667 (Mitch and Shelley Gaudet – File 2005-08) 377 Fitch Street.
- 05-1 262 A By-law to amend City of Welland Zoning By-law 2667 (Columbus Club of Welland – File 2005-1 1) 344 Avon Street.-
- Remove from Block 05-1 27 A By-law to authorize the stopping-up, and closing of that portion of the unopened Wilson Road Allowance, designated as Parts 1 to 5 and 9 to 12, Plan 59R-12793.
- Remove from Block 05-1 7 A By-law to authorize conveyance of that portion of the unopened Willson Road Allowance, as stopped-up and closed, and designated as Parts 3, 4, 5, 10, 12 and 13, Plan 59R-12793.
- Remove from Block 05-1 27 A By-law to lay out, establish and name Lot 91, Plan N.S. 14 being a 0.3 metre reserve for the City of Welland as part of Winter Drive.
- Remove from Block 05-1 27 A By-law to name a Public Highway located on the south side of Endicott Terrace, west of Willson Road as Winter Drive.
- Remove from Block 05-1 28 A By-law to authorize the stopping-up, closing and conveying of that portion of unopened Colbeck Drive, south of Webber Road and east of opened Colbeck Drive, designated as Part 17, Plan RD-104.
- 05-1 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 19<sup>th</sup> day of July, 2005.