



COUNCIL MEETING, JANUARY 18, 2005

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 7:05 p.m. and in open session at 7:40p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

(During discussions on Reference Numbers 05-4 and 05-62, Mayor Goulbourne 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, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell, and B. Sharpe.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah (7:40 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:40 p.m.)

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

General Manager of Planning and Development Services D. Thorpe

04-25 Moved by Sharpe and Dzugan that Council meet in Committee-of-the-Whole, closed to the public at 7:05 p.m. to consider:

- a) the security of the property of the municipality; and
- b) personal matters about an identifiable individual, including municipal employees.

CARRIED

04-25 Moved by Dzugan and Sharpe that the Committee-of-the-Whole arise from its closed meeting at 7:35 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Chiocchio disclosed an interest in Ref. No. 05-62 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he employed by the Regional Municipality of Niagara.

DELEGATION:

01-53 Mr. Al Slattery, Campaign Chair and Stephen Butz, Chief Executive Officer thanked the City of Welland for its support in the new YMCA project, and presented Council with a framed print given to major campaign donors.

THE FOLLOWING CORRESPONDENCE WAS READ:

05-15 Report from Fire Chief P. Olah – Emergency Power Supply Generator – Prince Charles Drive Fire Station.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

98-82 City Mgr. T. Fitzpatrick - Award of Civic Garden and Parking Area – Welland Civic Square – Supplemental Report.

99-92 Gen. Mgr. of Planning and Development Services D. Thorpe – Request for extension to Draft Plan Approval – Harry W. Diffin Industrial Park Subdivision - City of Welland (File 26T-89015).

98-82 A By-law to authorize the purchase of refurbished work stations for the new City Hall.

98-82 A By-law to retain Doug Mathews as Project Manager for the installation of communications solutions for the new Civic Square Complex.

98-82 A By-law to authorize the entering into a contract with Rankin Construction Inc. for the Civic Garden and Parking Area (Welland Civic Square).

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.

01-106 Gen. Mgr. of Planning and Development Services D. Thorpe –Enterprise Industrial Subdivision, Highway 140 at Ridge Road (File 26T-20005).

01-53 Mr. Al Slattery, Campaign Chair and Stephen Butz, Chief Executive Officer – formal presentation to thank the City of Welland for their support in the new YMCA project.

04-2 Review of the City's current Business Licensing By-law.

04-58 A By-law to authorize amendment to the contract with Provincial Construction Limited authorized by By-law 2004-55.

04-126 Ronald M. Hobgen regarding Dog By-law 10715.

04-127Z A By-law to amend City of Welland Zoning By-law 2667 (690464 Ontario Limited – File 2004-03) – 693 South Pelham Road.

04-147 Alan Gilday, Public Relations Coordinator, The Ivy Foundation - requesting assistance for the Park Theatre restoration project in Welland.

05-1 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 11th day of January, 2005 and 18th day of January, 2005.

- 05-3** City Clerk C.A. Stirtzinger – Lottery Licenses.
- 05-3** Melanie Brown, The Canadian National Institute for the Blind, Ontario Division – requesting to sell raffle tickets in the City of Welland.
- 05-4** A By-law authorizing the temporary borrowing of up to \$6,000,000.00 to meet current and capital expenditures.
- 05-5** To consider a grant for the Tsunami Relief Fund.
- 05-5** Andrew Burt, Niagara Peninsula Conservation Authority – requesting a grant for the Niagara Children's Water Festival Education Program.
- 05-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – December 15, 2004 to January 11, 2005.
- 05-21** John Salt, MultiSport Canada Inc. - requesting permission to hold the **"21st Annual Mike Burwell Triathlon"** on Sunday, July 3, 2005.
- 05-22** A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Handicapped By-law 9840, Fire Route By-law 10011, and Traffic and Parking By-law 89-2000, at Seaway Mall; and to repeal By-law 2004-127.
- 05-58** A By-law to authorize the entering into an agreement with Modern Landfill Inc. for containerized waste removal at city-owned facilities.

04-1

05-1 Moved by Larouche Sharpe that the Minutes of the Regular Council Meeting of December 21, 2004 and Special Council Meeting of January 11, 2005 be and the same are hereby approved and adopted as circulated.

CARRIED**98-82** Moved by Chiocchio and Beaudoin

1. That Council award the Civic Garden and Parking Area Tender to Rankin Construction Inc. in the amount of \$774,900.00 plus G.S.T., being the lowest of six (6) tenders submitted;
2. That the project be funded from the 2003 and 2004 Capital Budgets and as set out in Recommendation #3;
3. That \$17,850.00 for Separate Price Item No. 1, being the replacement of the sidewalk on the east side of Cross Street be funded from the 2004 Capital Fund Surplus;
4. That the Mayor and Clerk be authorized to execute the necessary documents; and further
5. That the Solicitor be directed to prepare the necessary by-laws.

CARRIED

99-92 Moved by Larouche and Chiocchio that Council approve an extension to Draft Plan Approval for the Harry W. Diffin Industrial Park Subdivision (File 26T-89015) for an additional two (2) years to February 3, 2007.

CARRIED

99-110 Moved by Dzugan and Beaudoin 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

01-46 Moved by Alexander and Beaudoin that Council approve extension of Draft Plan Approval for Enterprise Industrial Subdivision (File 26T-14-20005) for one (1) year to January 23, 2006.

CARRIED

01-53 Moved by Fortier and Chiocchio that the presentation by Al Slattery, Campaign Chair and Stephen Butz, Chief Executive Officer thanking the City of Welland for its support in the new YMCA project to be officially opened February 20, 2005 be received for information; and further That the YMCA be congratulated on its successful building campaign.

CARRIED

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

CARRIED

04-126 Moved by Dzugan and Beaudoin 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

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

CARRIED

05-3 Moved by Dzugan and Beaudoin that a Lottery License be granted to the following: St. Kevin School - Raffle.

CARRIED

05-3 Moved by Dzugan and Beaudoin that permission is hereby granted to the Canadian National Institute for the Blind, Ontario Division to sell raffle tickets in the City of Welland under authority of Lottery License P042083; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

05-4 Moved by Goulbourne and O'Dell that Welland City Council instructs staff to include two (2) separate presentation opportunities for members of the public and interest groups to appear before the Budget Review Committee to present their issues relative to the 2005 Municipal Budget and that those dates be advertised in the Welland Tribune.

CARRIED

05-5 Moved by Sharpe and Grimaldi that the letter from the Niagara Peninsula Conservation Authority requesting a contribution of \$500.00 for the Niagara Children's Water Festival Education Program be received and referred to the Budget Review Committee.

CARRIED

05-7 Moved by Dzugan and Beaudoin that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list of accounts as follows:

1	17-Dec-04	\$	1,389,358.87
2	20-Dec-04		96,423.69
3	22-Dec-04		630,858.79
4	23-Dec-04		664,589.21
5	24-Dec-04		156,495.14
6	04-Jan-05		26,352.83
7	05-Jan-05		234,849.21
8	07-Jan-05		233,818.92
9	10-Jan-05		<u>108,864.47</u>
	Total	\$	3,541,611.13

CARRIED

05-15 Moved by Dzugan and Beaudoin

1. That Council authorize staff to purchase an emergency power supply generator from Pelham Motors and Generators, for a total cost of \$11,170 plus applicable taxes, and
2. That Scott and Spinney be contracted to supply a transfer switch and install the generator at Prince Charles Drive Fire Station, for an estimated cost of \$3,959 plus taxes; and further
3. That the cost be expensed against the 2004 Capital Budget.

CARRIED

05-21 Moved by Dzugan and Beaudoin that Welland City Council approves the application for the "**21st Annual Mike Burwell Triathlon**" to be held on Sunday, July 3rd, 2005 subject to approval from the Welland Recreational Canal Corporation and subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

05-60 Moved by Alexander and Beaudoin that the City of Welland explore through the Federation of Canadian Municipalities (FCM) partnership opportunities to assist the Tsunami Relief Effort.

CARRIED

05-60 Moved by Grenier and Sharpe that Welland City Council challenge individual Councillors, staff and the community to support the Free the Children Program to assist the Tsunami Relief Effort.

CARRIED

05-62 Moved by Goulbourne and Grimaldi that the Minister of Municipal Affairs and Housing be advised that Welland City Council supports the submission from the Town of Fort Erie requesting concurrence for the wording of a question to be placed on the ballot for the next Municipal Election in Fort Erie; and further
That pending the Minister's approval, Welland City Council will consider a similar question for its electorate.

**CARRIED
UNANIMOUSLY**

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

03-92 Moved by Dzugan and Chiocchio

1. That the City sell part of Lots 256 and 257, former Township of Thorold, now in the City of Welland, being Parts 1 through 5 inclusive and Parts 11 and 12, Plan 59R-12520 to Baiocco Development Corporation for the value of \$38,000.00 plus Appraisal costs of \$665.69 and Legal Fees of \$300.00;
2. That the City of Welland sell part of Lots 256 and 257, former Township of Thorold, now in the City of Welland, being Parts 6, 7, 13 and 14, Plan 59R-12520 to Harvest Investment Corp., or affiliated companies, for the value of \$19,000.00 plus Appraisal costs of \$665.69 and Legal Fees of \$300.00;
3. That the City of Welland retain an Easement, for Storm Water purposes, over Parts 2, 5, 6, 12 and 13, Plan 59R-12520;
4. That the proceeds of these sales be directed to the Civic Square Reserve Fund; and
5. That the City Solicitor be authorized to prepare the necessary documentation to proceed with, and conclude these transactions.

CARRIED

04-143 Moved by Grenier and Grimaldi

1. That stopped up and closed Mazzini Avenue Road Allowance south of Ridge Road, being Part 1, Plan 59R-12624 be sold to the adjacent property owner, 591595 Ontario Ltd. (Falconer Scrap Iron & Metal) as a lot addition for the value of \$ 2,550.00 plus Reference Plan costs of \$ 1,316.40, advertising costs of \$ 120.00 and registration/legal fee costs of \$ 300.00 amounting to a total of \$ 4,286.40;
2. That the proceeds of the sale of these lands be directed to the Civic Square Reserve Fund; and,
3. That the City Solicitor be authorized to prepare the necessary documentation to proceed with, and conclude the transaction.

CARRIED

BY-LAWS ARISING FROM COMMITTEE-OF-THE-WHOLE

BY-LAW PRESENTED FOR FIRST READING:

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

04-143

BYL 2005 - 2

A By-law to authorize the stopping-up, closing and conveying of Mazzini Avenue lying south of Ridge Road, being Part 1, Plan 59R-12624.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Grimaldi and Grenier that the By-law listed in the foregoing motion for first reading 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**BY-LAWS****BY-LAWS PRESENTED FOR FIRST READING:**

3. Moved by Dzugan and Beaudoin that leave now be given to introduce the following proposed By-laws entitled:

98-82

BYL 2005 - 3

A By-law to authorize the purchase of refurbished work stations for the new City Hall.

98-82

BYL 2005 - 4

A By-law to retain Doug Mathews as Project Manager for the installation of communications solutions for the new Civic Square Complex.

98-82

BYL 2005 – 5

A By-law to authorize the entering into a contract with Rankin Construction Inc. for the Civic Garden and Parking Area (Welland Civic Square).

04-58

BYL 2005 – 6

A By-law to authorize amendment to the contract with Provincial Construction Limited authorized by By-law 2004-55.

04-127Z

BYL 2005 – 7

A By-law to amend City of Welland Zoning By-law 2667 (690464 Ontario Limited – File 2004-03) – 693 South Pelham Road.

05-4

BYL 2005 – 8

A By-law authorizing the temporary borrowing of up to \$6,000,000.00 to meet current and capital expenditures.

05-22

BYL 2005 – 9

A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Handicapped By-law 9840, Fire Route By-law 10011, and Traffic and Parking By-law 89-2000, at Seaway Mall; and to repeal By-law 2004-127.

05-58

BYL 2005 - 10

A By-law to authorize the entering into an agreement with Modern Landfill Inc. for containerized waste removal at city-owned facilities.

...continued...

BY-LAWS PRESENTED FOR FIRST READING:

05-1

BYL 2005 – 11

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 11th day of January, 2005 and 18th day of January, 2005.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Dzugan and Beaudoin 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

NOTICES 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, January 19, 2005 for inclusion on the next Regular Council Meeting Agenda of January 25, 2005.

05-6 Councillor Larouche gave Notice of Motion of the following issue to be presented to Council at the February 1st, 2005 Regular Council Meeting:

That Welland City Council thanks Niagara University for proclaiming February 26, 2005 as Welland Day and encourages citizens of Welland to join the Niagara University Purple Eagles hockey team to celebrate game day festivities.

02-117 Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the February 1st, 2005 Regular Council Meeting:

That the Mayor and City Council support the extension of a moratorium the government has placed on development in Marcy's Woods and further support the efforts of the Town of Fort Erie and others who are simply attempting to protect this significant remnant of Carolinian forest in the Lake Erie basin.

Council adjourned at 9:50 p.m.

These Minutes approved and adopted by Motion of Council this 1st day of February, 2005.

MAYOR

CLERK