



## **COUNCIL MEETING, FEBRUARY 1, 2005**

### **CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET**

Council met in Committee-of-the-Whole closed to the public at 6:35 p.m. and in open session at 7:35 p.m. and again in Committee-of-the-Whole at 8:50 p.m. on the above date.

His Worship Mayor Damian Goulbourne in 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 (7:35 p.m. to 9:10 p.m.), B. Sharpe and J. Spadafora (6:50 p.m.).

**Members of the Staff and Others Present:**

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (7:35 p.m.)

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:35 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:35 p.m.)

General Manager of Planning and Development Services D. Thorpe (7:35 p.m.)

Regional Councillor J. Mastroianni (7:35 p.m.)

**04-25** Moved by Dzugan and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:35 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) labour relations or employee negotiations.

**CARRIED**

*(Councillor Spadafora was not present during Committee-of-the-Whole discussions on a security of property matter).*

*(Councillor Grimaldi was not present during Committee-of-the-Whole discussions on a labour relations matter).*

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

**CARRIED**

### **DISCLOSURE OF INTEREST:**

Mayor Goulbourne disclosed an interest in Ref. No. 05-65 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property in the area affected by the applicants. During discussion on this issue, Mayor Goulbourne vacated the Chair and Councillor Grenier presided.

### **PRESENTATIONS:**

**04-138** Mayor Damian Goulbourne presented a Lifetime Achievement Certificate and pin to George Chipman on behalf of the Honourable Lincoln W. Alexander, Chairman of the Ontario Heritage Foundation, as well as City of Welland plaque in recognition of his outstanding service of 21 years as a dedicated member of the Welland Local Architectural Conservation Advisory Committee (now the Welland Heritage Committee). Also present to witness the receiving of this award were Mr. Chipman's wife (Dickie) and current members of the Welland Heritage Committee Wilf Kennedy, Ron Boyer, Marnie Swayze, John Mastroianni and Glen Johnson and past charter members Betty Ann DiMartile and Volker Kerschl.

**05-19** Mayor Goulbourne and Laura Tait, Tribune presented awards to the following winners of the 2004 Christmas Lighting Contest: **People's Choice:** Thomas Pierce; **Martha Do Right:** Damiano Morrone; **Totally Tacky:** Larry Taylor; **Colour Theme:** Don Reid; **Creativity:** Antony Chiochio; **Group Winners:** Dana Misener; and in absentia to the following winners of the 2004 Business and Commercial Lighting Contest: **Commercial Exterior: 1<sup>st</sup> place:** Mary Luska; **2<sup>nd</sup> place:** Croatian National Home; **3<sup>rd</sup> place:** Looks Salon and Day Spa; **Commercial Interior: 1<sup>st</sup> place:** Blooms and Pedals by Laura; **2<sup>nd</sup> place:** Welland Flower Shop.

**05-13** Mayor Goulbourne presented certificate to the following Transit bus drivers who volunteered their services during the 2004 Christmas Light Tour: Bonnie Dulaj, Jean LeFlor, and in absentia to Donna Rodrigue, Darlene St. Pierre, Larry Cullen, Cary Korody, Jack Laprise and David Romano.

**DELEGATION:****04-140**

**05-10** Edward Kaczmarczyk on behalf of Dain City residents addressed Council regarding the appointment of a Council Member to the Elm Street Landfill Site/Composting Facility Public Liaison Committee.

**THE FOLLOWING CORRESPONDENCE WAS READ:**

**05-64Z** Faxed letter from Victor F. Muratori, Solicitor for Baiocco Development Corp. the applicant, requesting to defer the proposed amendment to Zoning By-law 2667 for E/S of Clare Avenue north of Lynbrook Lane.

**05-3** Application from the Robert Wood Singers requesting a license to hold a raffle.

**97-58** Email letter from Mike Souchotte, Project Manager, Timbro Design/Build Contractors and email response from City Manager regarding the removal of the mural at 188 East Main Street.

**97-49** Resolution from Councillor Daniel Fortier, Ward 4 regarding a resolution opposing the dissolution of the Niagara District Health Council.

**05-22** A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland; and to repeal By-law 2004-144.

**THE FOLLOWING CORRESPONDENCE WAS DELETED:**

**04-137** A By-law to adopt a policy for the solemnization of marriages by the City Clerk.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

**96-58** Review of Current Snow Clearing Program.

**98-82**

**04-22** Parking Operations – Civic Square.

**03-133**

**04-5** A By-law to authorize the entering into a grant agreement with the Federation of Canadian Municipalities, as trustee of the Green Municipal enabling fund for the Welland Brownfield Redevelopment Community Improvement Plan.

**04-140**

**05-10** Edward Kaczmarczyk - Elm Street Landfill Site/Composting Facility Public Liaison Committee appointment.

**04-137** City Clerk C.A. Stirtzinger – Solemnizing Civil Marriages as a Municipal Service.

**04-146** Idling of Corporate Vehicles and Equipment.

**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 25th day of January, 2005 and 1st day of February, 2005.

**05-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- 2005 Interim Levy Dates and Amounts.

**05-4** A By-law to provide for interim tax levies for the year 2005 for the City of Welland.

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

**05-18** December 2004 Departmental Reports.

**05-29**

**05-33**

**06-29** City Clerk C.A. Stirtzinger - 2005 Christmas Closure and Council Meeting Dates.

**05-21** Claire Pym, Community Recreation Coordinator on behalf of the Welland Recreation Projects Association – requesting permission to hold a snowmobile parade on February 27<sup>th</sup>, 2005 in conjunction with its “**42<sup>nd</sup> Annual Winter Carnival**”.

**05-21** Maurice Purcell, Secretary, Welland & Port Colborne Pro Life requesting permission to hold its “**16<sup>th</sup> Annual Walkathon**” on June 4, 2005.

**05-22** A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland; and to repeal By-law 2004-144.

**05-29** City Clerk C.A. Stirtzinger - 2005 Council Meeting Dates.

**05-55** A By-law to authorize the purchase of Forks Road, between Concession 4 and 5 from Canada Lands Company Limited.

**05-55** A By-law to authorize the purchase of Lincoln Street, being Part 2, Plan 59R-12466 from Canada Lands Company Limited.

**05-55** A By-law to authorize the purchase of a daylighting triangle on Pietz Road from Canada Lands Company Limited.

**05-55** A By-law to authorize the purchase of lands abutting Memorial Park, being Part 15, Plan 59R-753, from Canada Lands Company Limited.

**05-64Z** Proposed Amendment to Zoning By-law 2667 – Baiocco Development Corporation, east side of Clare Avenue, north of Lynbrook Lane (File 2004-07).

**05-65** Application for Draft Plan of Subdivision approval – 1006136 Ontario Limited, Clare Avenue Estates – Phase 2 (File 26T-14-04001).

**05-1** Moved by Dzugan and O'Dell that the Minutes of the Regular Council Meeting of January 18, 2005 and Special Council Meeting of January 25, 2005 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**96-58**

**05-4** Moved by Chiochio and Sharpe that the Budget Review Committee include \$30,000.00 for sidewalk snow removal as part of the 2005 Budget process for consideration by Council when the 2005 Budget is presented for approval.

**CARRIED**

**YEAS:** Councillors Grimaldi, Sharpe, Alexander, Grenier, Chiochio, Larouche and Mayor Goulbourne.

**NAYS:** Councillors Dzugan, Fortier, Beaudoin, Belcastro and Spadafora.

**96-58** Moved by Grenier and Alexander that Report ENG-2005-02 regarding the review of the current snow clearing program be referred to the Budget Review Committee.

**LOST**

**YEAS:** Councillors Sharpe, Alexander, Grenier, Chiochio, and Larouche.

**NAYS:** Councillors Grimaldi, Dzugan, Fortier Beaudoin, Belcastro, Spadafora and Mayor Goulbourne.

**96-58** Moved by Grimaldi and Alexander that Report ENG-2005-02 regarding the review of the current snow clearing program be received for information.

**CARRIED**

**97-49** Moved by Grenier and Belcastro that the City of Welland be on record as opposing the dissolution of the District Health Council in favour of the Local Integrated Health Networks as it may result in the voice of Niagara's health intelligence being silenced; and  
That a letter be sent to the Honourable George Smitherman, Minister of Health and Long Term Care, informing him of the City's opposition; and further  
That this resolution be forwarded to the area municipalities, the region and the provincial government.

**CARRIED**

**97-58** Moved by Grenier and Belcastro that the letter received by email from Timbro regarding the removal of the mural at 188 East Main Street and the email response from the City Manager be received for information.

**CARRIED**

**98-82**

**04-22** Moved by Grenier and Belcastro

1. That the Civic Square Parking Lot (Formally Courthouse Lot C) be designated for general parking only, using the Pay and Display machine;
2. That 45 stalls at Courthouse Parking Lot B be designated for monthly/yearly parking permit holders only and that the remaining 52 stalls be left available for general parking (Pay and Display machine);
3. That the designated "Police Services" parking stalls at the Courthouse Parking Lot B (approximately 7 stalls), be relocated to Courthouse Parking Lot A;
4. That Courthouse Parking Lot D (8 stalls), be designated for City Vehicles only; and,
5. That Section E of the Market Square Parking Lot E, be designated for free parking.

**CARRIED**

**02-117** Moved by Fortier and Beaudoin 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.

**NOT PUT**

**02-117** Moved by Sharpe and Belcastro that the resolution to support the moratorium for development in Marcy's Woods in Fort Erie be referred to staff for study and report to Council.

**CARRIED**

**04-137** Moved by Grenier and Belcastro that the Office of the Registrar General be notified that the City of Welland will provide the service of solemnizing civil marriages under the Marriage Act and Regulations thereunder.

That civil marriage ceremonies be conducted on Fridays (between the hours of 10:00 AM and 11:00 AM and 2:00 PM and 3:30 PM) in the Council Chambers subject to availability and subject to a pre-arranged appointment and prior consultation meeting.

That the City Clerk be authorized to delegate in accordance with Section 228(4) of the Municipal Act the solemnization of marriage under the Marriage Act to City staff eligible to issue marriage licenses.

That the City Clerk be authorized, at the Clerk's sole discretion, to perform or delegate the performance of marriage solemnization outside of the hours prescribed for personal circumstances.

That the fee to perform a civil marriage ceremony during established hours be \$225 (\$125 ceremony and \$100 administration) plus a room rental fee of \$100.

**CARRIED****04-140**

**05-10** Moved by Sharpe and Grenier that the presentation by Edward Kaczmarczyk on behalf of Dain City residents regarding the appointment of a Council Member for the Elm Street Landfill Site/Composting Facility Public Liaison Committee be received for information.

**CARRIED**

**04-146** Moved by Alexander and Beaudoin that Council approve the establishment of an Idling Vehicle Control Program intended to reduce unnecessary idling of Corporate Vehicles and Equipment.

**CARRIED**

**05-3** Moved by Grenier and Belcastro that a Lottery License be granted to the following:  
Robert Wood Singers - Raffle.

**CARRIED**

**05-4** Moved by Grenier and Belcastro

1. That due dates for the Interim Municipal Tax Levy be established as:

First Installment Due: March 1, 2005

Second Installment Due: May 2, 2005

2. That the amounts levied in accordance with 317 of the Ontario Municipal Act be established at 50% of the total taxes for the year 2004.

**CARRIED**

**05-6** Moved by Larouche and Sharpe 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.

**CARRIED**

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

1	14-Jan-04	\$	302,908.58
2	18-Jan-04		817,142.68
3	19-Jan-04		597,478.03
4	20-Jan-04		91,677.21
5	21-Jan-04		1,961,942.62
6	25-Jan-05		<u>225,490.62</u>
	<b>Total</b>	<b>\$</b>	<b>3,996,639.74</b>

**CARRIED**

**05-18** Moved by Grenier and Belcastro that Report CM-2005-02, reflecting Departmental Reports to the end of December 2004 be received for information.

**CARRIED**

**05-21** Moved by Grenier and Belcastro that Welland City Council approves the application of Welland Recreation Projects Association to hold a snowmobile parade on Sunday, February 27, 2005 in conjunction with its "**42nd Annual Winter Carnival**" subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**05-21** Moved by Grenier and Belcastro that Council waives the requirement of liability insurance as provided for in Policy Number SER-017-0004 Road Use for Community Activities and approves the application from the Welland & Port Colborne Pro Life Association for its "16th Annual Walk-a-thon", to be held on Saturday, June 4, 2005, subject to the applicant's completion of all other conditions of the Policy.

**CARRIED**

**05-29** Moved by Grenier and Belcastro that the Regular Council Meetings scheduled for March 15, 2005 and September 6, 2005 be cancelled; and further That the 2005 summer Council Meetings be scheduled as follows:

Tuesday, July 19, 2005 at 7:00 p.m.  
 Tuesday, August 23, 2005 at 7:00 p.m.

**CARRIED**

**05-29****05-33****06-29** Moved by Grenier and Belcastro

1. That the Christmas closure at City Hall be from Monday, December 26, 2005 to Monday, January 2, 2006 inclusive; and further
2. That the regular Council Meeting of January 3, 2006 be cancelled.

**CARRIED**

**05-64Z** Moved by Beaudoin and Dzugan that the letter from Victor Muratori, Solicitor, Sullivan-Maloney, on behalf of Baiocco Development Inc. requesting referral for proposed amending Zoning By-law east side of Clare Avenue, north of Lynbrook Lane be received for information.

**CARRIED**

**05-64Z** Moved by Beaudoin and Dzugan that Report PDS-2005-06 dated January 25, 2005 re: Proposed Amendment to Zoning By-law 2667 - Baiocco Development Inc., East side of Clare Avenue, North of Lynbrook Lane (File 2004-07) be referred back to staff for report at the February 8, 2005 General Committee Meeting.

**CARRIED**

**05-65** Moved by Grenier and Belcastro that Report PDS-2005-05, regarding an application for Draft Plan of Subdivision Approval – 1006136 Ontario Limited, Clare Avenue Estates – Phase 2 (File 26T-14-04001) be received for information purposes.

**CARRIED**

### **BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

**98-82** Moved by Belcastro and Larouche that Council appoint the following to the Civic Square Opening Committee: Councillors Pat Chiochio and Sandy O'Dell.

**CARRIED****05-4**

**05-10** Moved by Alexander and Belcastro that the composition of the Budget Review Committee be revised to consist of all Members of Council; and further  
That a quorum for the Budget Review Committee be deemed to be 5 members.

**CARRIED**

### **BY-LAWS**

#### **BY-LAWS PRESENTED FOR FIRST READING:**

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

**03-133****04-5**

BYL 2005 - 12

A By-law to authorize the entering into a grant agreement with the Federation of Canadian Municipalities, as trustee of the Green Municipal enabling fund for the Welland Brownfield Redevelopment Community Improvement Plan.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:****05-4**

BYL 2005 - 13

A By-law to provide for interim tax levies for the year 2005 for the City of Welland.

**05-55**

BYL 2005 - 14

A By-law to authorize the purchase of Forks Road, between Concession 4 and 5 from Canada Lands Company Limited.

**05-55**

BYL 2005 - 15

A By-law to authorize the purchase of Lincoln Street, being Part 2, Plan 59R-12466 from Canada Lands Company Limited.

**05-55**

BYL 2005 - 16

A By-law to authorize the purchase of a daylighting triangle on Pietz Road from Canada Lands Company Limited.

**05-55**

BYL 2005 - 17

A By-law to authorize the purchase of lands abutting Memorial Park, being Part 15, Plan 59R-753, from Canada Lands Company Limited.

**05-22**

BYL 2005 - 18

A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland; and to repeal By-law 2004-144.

**05-1**

BYL 2005 - 19

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 25th day of January, 2005 and 1st day of February, 2005.

And that the same be now read a first time.

**CARRIED**

**BY-LAWS PRESENTED FOR SECOND AND THIRD READING:**

2. Moved by Grenier and Belcastro that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, as amended, 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**

**05-25** Moved by Sharpe and Beaudoin that Council meet in Committee-of-the-Whole, closed to the public at 8:50 p.m. to consider:

a) Personal matters about an identifiable individual.

**CARRIED**

**05-25** Moved by Spadafora and Grenier that the Committee-of-the-Whole arise from its closed meeting at 9:05 p.m.

**CARRIED****BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****04-140**

**05-10** Moved by Sharpe and Spadafora that Councillor Jim Larouche be appointed as a Council Representative to the Elm Street Landfill Site/Composting Facility Public Liaison Committee (PLC).

**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, February 9, 2005 for inclusion on the next Regular Council Meeting Agenda.

Council adjourned at 9:55 p.m.

These Minutes approved and adopted by Motion of Council this 15<sup>th</sup> day of February, 2005.

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**MAYOR**

**CLERK**