



COUNCIL MEETING, APRIL 5, 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 7:40 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

(During discussion on a motion introduced by Mayor Goulbourne regarding Council Code of Conduct, Reference Number 05-97, Mayor Goulbourne vacated the Chair and Vice Mayor Sharpe assumed the Chair).

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

Members Present: Councillors D. Alexander, P. Chiocchio, M. Dzugan, P. Grenier, M. A. Grimaldi, J. Larouche, B. Sharpe and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (7:20 p.m.)

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:40 p.m.)

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

Manager, Information Systems/Network Administrator S. Barnes (8:25 p.m.)

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

05-25 Moved by Chiocchio and Spadafora 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.

CARRIED

05-25 Moved by Grenier and Spadafora that the Committee-of-the-Whole arise from its closed meeting at 7:35 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Spadafora disclosed an interest in Ref. No. 02-111 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his company may quote on this proposal for fibre connections between City facilities.

DELEGATION:

2000-88 Pat Heidebrecht, Director Children's Services and July Reid, Manager, Early Year Niagara, Regional Municipality of Niagara addressed Council regarding the highlights of a three year plan "Investing in Our Future 2004-2007" and presented the Mayor with the Niagara Children's Charter.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

98-82 Gen. Mgr. of Parks and Recreation – Tender – Uniformed Security Guard and Patrol Services at the New Civic Square.

98-82 A By-law to grant a license of occupation to Roberto's Food and Beverage Services for the provision of food services at the Civic Square.

01-108 Gen. Mgr. of Planning and Development Services D. Thorpe – Application for Façade Restoration and Improvement Loan – Pauline Hicks – 271 East Main Street.

01-44 A By-law to authorize conveyance of a portion of Colbeck Drive being Part 6, Plan 59R-12572, and Block 20, Plan 59M-301, to 1372708 Ontario Inc.

01-44 A By-law to authorize conveyance of a portion of Colbeck Drive being Parts 1 and 3, Plan 59R-12572, and Block 83, Plan 59M-199, to Harvest Investment Corp.

02-111 City Mgr. T. Fitzpatrick – Fibre Connections between City Facilities.

02-165 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Safe Drinking Water Act, 2002 Ontario Regulation 170/03 – Summary Report.

02-166 Kenneth R. Todd, Director of Corporate Support Services, City of St. Catharines – requesting Regional Niagara to establish a System of representation which corresponds to population distribution.

03-92 A By-law to authorize acceptance of an offer to purchase from Baiocco Development Corporation for the sale of Parts 1 to 5, 11 and 12, Plan 59R-12520 (vacant land adjacent to Draper's Creek Subdivision).

03-92 A By-law to authorize acceptance of an offer to purchase from Harvest Investment Corp. for the sale of Parts 6, 7, 13, and 14, Plan 59R-12520 (vacant land adjacent to Harvest Estates Subdivision).

04-114

05-85 A By-law to authorize acceptance of an offer to purchase from Laurent Viger Construction Limited for the sale of lands north of Promenade Richelieu, east of Wellington Street, being Parts 1 to 5, 9 to

14 and 17 to 19, Plan 59R-7976, and Roxborough Street, as closed by By-law 2005-37.

04-124

04-129 A By-law to amend By-law 2004-119, being a By-law to provide for the supply and delivery of water and to provide for the maintenance and management of waterworks and the imposition and collection of water rates.

04-57 Gen. Mgr. of Planning and Development Services D. Thorpe – Places to Grow: Draft Growth Plan for the Greater Golden Horseshoe.

04-57 Gen. Mgr. of Planning and Development Services D. Thorpe – Greenbelt Plan Update.

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 22nd day of March, 2005 and 5th day of April, 2005.

05-3 Petra Scott, Manager, Heart and Stroke Foundation of Ontario – requesting to sell raffle tickets in the City of Welland.

05-7 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – March 17, 2005 to March 30, 2005.

05-13 Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Welland Transit Terminal-Confectionery Store.

05-20 Marcel Turpin, Chair, Welland Dragon Boat Festival - requesting Saturday that the

05-21 Welland Dragon Boat Festival to be held on June 18, 2005 be designated as a community festival and requesting closure of roadway for this event.

05-92 Ken Hancock – requesting permission to hold the **“Annual Niagara Region Walk Against Male Violence”** to be held on April 26, 2005.

05-21 William A. Coyle, Criterium Chairman on behalf of the St. Catharines Cycling Club requesting permission to hold the **“Rose Festival Criterium”** (bicycle race) on June 5, 2005.

05-24 A By-law to authorize the appointment of an Acting Deputy Treasurer of the Corporation of the City of Welland.

05-82 A By-law to authorize the adoption of Official Plan Amendment No. 115.

05-82Z A By-law to amend City of Welland Zoning By-law 2667 (Bruno and Jason Vottero - File 2005-03) 447 Niagara Street.

05-83Z A By-law to amend City of Welland Zoning By-law 2667 (Larry James Whitaker, Ross Henry Templain, L & S Roofing Inc. and Port Colborne Harbour and Marine Limited - File 2005-01) south side of Woodlawn Road, east of south Pelham Road.

05-84Z A By-law to amend City of Welland Zoning By-law 2667 (Frank James Lock and Louise Marie Lock - file 2005-02) 594 Gaiser Road.

05-89 Endorse the nomination bid of Councillor David Alexander for the position of Provincial Board Director – Ontario for the Federation of Canadian Municipalities.

05-90 Sara Premi, Sullivan-Mahoney, Barristers & Solicitors – Adult Entertainment Licensing By-law.

05-91 Kathryn J. Vout, Town Clerk, Town of Grimsby – Private Members Bill 7, The VQA Wine Stores Act, 2003.

05-94 Tony Derro, Secretary, the Association of Municipal Tax Collectors of Ontario – requesting support of its resolution to modify tax capping program to achieve taxation based on CVA.

05-95 William J. Kolasa, Director of Corporate Services/Clerk, Town of Lincoln – Local Emergency Services Responding to the Queen Elizabeth Way (Niagara).

05-1 Moved by Dzugan and Alexander that the Minutes of the Regular Council Meeting of March 1, 2005 and Special Council Meeting of March 22, 2005 be and the same are hereby approved and adopted as circulated.

CARRIED

98-82 Moved by Grimaldi and Dzugan that Council accept the tender from Cantec Security Services Inc. for the provision of Uniformed Security Guard and Patrol Services at the new Civic Square for a period of three years, at an estimated cost of \$126,428.59 plus applicable taxes, this being the lowest of the three tender quotations received that meet the specifications.

NOT PUT

98-82 Moved by Larouche and Grenier that Report P&R 2005-03 – Tender – Uniformed Security Guard and Patrol Services at the new Civic Square be referred to the April 12th, 2005 General Committee Meeting in Committee-of-the-Whole In Camera to discuss security of property issues related to this matter.

CARRIED

2000-88 Moved by Alexander and Sharpe that the presentation by Pat Heidebrecht, Director, Children's Services, Regional Municipality of Niagara and Judy Reid, Manager, Early Years Niagara regarding the highlights of a three year plan "Investing in our Future 2004-2007" and the presentation of the Niagara Children's Charter be received for information.

CARRIED

01-108 Moved by Chiocchio and Spadafora

1. That Council approve an Application by Pauline Hicks for a Facade Restoration and Improvement Loan for 271 East Main Street in the amount of \$2,435.00 plus G.S.T. being 50% of the eligible costs; and
2. The Loan shall be for a period of five (5) years at 0% interest paid 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; and further
4. That funding be from the Municipal Incentive Grant Reserve Fund.

CARRIED

02-111 Moved by Alexander and Chiocchio

1. That staff be authorized to negotiate a proposal with MCD Solutions Management (Doug Mathews) for the installation of fiber cable between the Civic Square, the Welland Seniors' Centre/Arena, King Street Fire Hall and the Transit Building/Service Centre on Federal Road at an upset cost of \$150,000; and further
2. That the sum of \$150,000 be included in the 2005 Operating Budget to cover the cost of the project.

CARRIED

02-165 Moved by Alexander and Larouche that Report ENG2005-10 regarding the annual Summary Report as required per Safe Drinking Water Act 2002, Ontario Reg. 170/03 be received for information purposes.

CARRIED

02-166 Moved by Alexander and Larouche that the letter from the City of St. Catharines requesting the Region of Niagara to establish a system of representation which corresponds to population distribution with a view to not increase the size of Regional Council be received and referred to staff for report.

CARRIED

04-57 Moved by Grenier and Chiocchio

1. That Council requests that the Ministry of Public Infrastructure Renewal review its Places to Grow document considering the comments outlined in Report PDS-2005-24 dated April 5, 2005, and, as such, recognize the City of Welland as an area where future growth and development should be directed within Niagara; and further
2. That the City Clerk be directed to send a copy of Report PDS-2005-24 to the Minister of Public Infrastructure Renewal and to the Regional Municipality of Niagara for information purposes.

CARRIED

04-57 Moved by Alexander and Larouche

1. That Council receive Report PDS-2005-25 with respect to the Greenbelt Plan Update; and further
2. That the City Clerk be directed to send a copy of Report PDS-2005-25 to the Ministry of Municipal Affairs and Housing and to the Regional Municipality of Niagara for information purposes.

CARRIED

05-3 Moved by Alexander and Larouche that permission is hereby granted to the Heart and Stroke Foundation of Ontario to sell raffle tickets in the City of Welland under authority of Lottery License P050295; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

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

| | | | |
|---|------------------|-----------|---------------------|
| 1 | March 18th, 2005 | \$ | 1,573,529.17 |
| 2 | March 22nd, 2005 | | 12,352.54 |
| 3 | March 29th, 2005 | | 453,186.68 |
| 4 | March 30th, 2005 | | <u>5,314,913.03</u> |
| | Total | \$ | 7,353,981.42 |

CARRIED

05-13 Moved by Alexander and Larouche

1. That Council approve a two (2) year extension of the service provider contract to Mr. Phil Gamsby commencing April 1, 2005 to March 31, 2007 for the confectionery store located at the Welland Transit Terminal;
2. That the monthly rental revenue be \$300.00 plus G.S.T.;

3. That all payments for Transit Passes and Tickets be made with cheque; and further
4. That the City Solicitor be directed to renew the service provider contract for a two year term.

CARRIED

05-20

05-21

05-92

Moved by Alexander and Larouche that upon approval of the Welland Recreational Canal Corporation, Welland City Council has no objection for the temporary closure of the Canal Service Road north of Townline Tunnel during the "Welland Dragon Boat Festival" to be held on June 18, 2005, subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities; and further

That Welland City Council designates the "Welland Dragon Boat Festival" as a community festival, subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits.

CARRIED

05-21

Moved by Alexander and Larouche that Welland City Council approves the application for the "**Annual Niagara Region Walk Against Male Violence**" to be held on April 26, 2005 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

05-21

Moved by Sharpe and Alexander that Welland City Council approves the application of the St. Catharines Cycling Club to hold the "**Rose Festival Criterium**" (Bicycle race) on June 5, 2005 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities and a favorable response from the Rose Festival Committee.

CARRIED

05-89

Moved by Alexander and Larouche that Welland City Council endorse the nomination bid of Councillor David Alexander for the position of Provincial Board Director - Ontario for the Federation of Canadian Municipalities (F.C.M.).

CARRIED

05-90

Moved by Alexander and Larouche that the letter from Sullivan-Mahoney, Solicitors to the Police Services Board regarding standardization of adult entertainment licencing throughout the Region be received and referred to the Planning and Development Services staff for study and report.

CARRIED

05-91

Moved by Alexander and Larouche that Welland City Council endorse the resolution from the Town of Grimsby to support the establishment of VQA stores to showcase VQA wines and endorse Private Members Bill 7, 'The VQA Wine Stores Act, 2003'; and further That the City Clerk advise the appropriate authorities accordingly.

CARRIED

05-94 Moved by Alexander and Larouche that Welland City Council endorse the resolution from the Association of Municipal Tax Collectors of Ontario to strongly urge the Province of Ontario to amend the legislation commencing for the 2006 taxation year, to specify that once a property reaches CVA taxation, it remains at CVA taxes, regardless of the result of future assessments; and further That the City Clerk advise the appropriate authorities.

CARRIED

05-95 Moved by Alexander and Larouche that Welland City Council endorse the resolution from the Town of Lincoln urging the Province of Ontario to reinstate full funding to municipalities for all municipal emergency service responses on Provincial Highways; and further That the City Clerk advise the proper authorities accordingly.

CARRIED

05-97 Moved by Mayor Goulbourne and Grenier that Council accept the attached code of conduct as follows:

That Council accept a code of conduct based on the following principles (taken from Sunnyvale California Model):

All council members should:

- Fully participate in council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Prepare in advance of council meetings and be familiar with issues on the agenda.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Demonstrate honesty and integrity in every action and statement.

The chair of the meetings should:

- Maintain order, decorum and the fair and equitable treatment of all speakers.
- Keep discussion and questions focused on the specific agenda item under consideration.

Council Conduct With One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and future of the community. In all cases, this common goal should be acknowledged even as council may "agree to disagree" on contentious issues.

In Public meetings:

- Practice civility and decorum in discussion and debate.
- Honour the role of the Chair in maintaining order.
- Avoid personal comments that could offend any members of council.
- Demonstrate effective problem-solving approaches

In private encounters:

- Continue respectful behaviour in private.
- Be aware of the insecurity of written notes, voice mail messages, and e-mail.
- Even private conversations can have a public presence. Assume that you are almost always "in the public eye"

Council Conduct With Municipal Staff

- Treat all staff as professionals.
- Limit contact to specific municipal staff. Observe the chain of command.
- Do not disrupt municipal staff from their jobs
- Never publicly criticize an individual employee.
- Do not get involved in administrative functions
- Limit requests for staff support. Such requests should be made through the City Manager, who is responsible for allocation resources so as to maintain a well run municipality.
- Do not solicit political support from staff.

Council Conduct With the Public**In public meetings:**

- Be welcoming to speakers and treat them with care and gentleness.
- Be fair and equitable in allocating public hearing time to individual speakers.
- Be an active listener and offer support whenever appropriate.
- Ask for clarification, but avoid debate and argument with the public.
- No personal attacks of any kind, under any circumstances.

...continued...

05-97...Cont'd.**In unofficial settings:**

- Make no promises on behalf of council (or the staff).
- Make no personal comment about other members of council.
- Remember that your municipality is a small community. Your actions are observed. Your behaviour and comments serve as a model (good or bad).
- Be clear about representing the municipality or personal interests in your appearance before other people or bodies. If you are representing the municipality, you must advocate the position taken by the council, not your personal position.
- In a similar vein, municipal letterhead should not be used for correspondence conveying a personal view or a dissenting view from the council position.

Council Conduct With the Media

- Best advice for dealing with the media is never to go "off the record".
- The Mayor is the official spokesperson for the municipality.
- Choose words carefully and cautiously.

SUMMARY

It all comes down to respect. Respect for one another as individuals ... respect for the validity of different opinions... respect for the democratic process ... respect for the community that you serve.

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

96-172 Moved by Spadafora and Chiochio that Council release 1375193 Ontario Inc. from the offer to purchase Lot 22 in the Southwell Industrial Park.

CARRIED

05-96 Moved by Dzugan and Alexander

1. That Report 2005-27 from Planning and Development Services dated April 5, 2005 regarding the request of Mr. Real Rainville to purchase City-owned lands on the east side of Trufal Avenue south of Broadway (Part Lot 27, Concession 7, Township of Crowland, now City of Welland) be received; and
2. That Council declare surplus to the City's needs lands on the east side of Trufal Avenue south of Broadway (Part Lot 27, Concession 7, Township of Crowland, now City of Welland); and
3. That Council direct Planning and Development Services Staff to have the lands on the east side of Trufal Avenue south of Broadway (Part Lot 27, Concession 7, Township of Crowland, now City of Welland) appraised; and

4. That any subsequent sale of lands on the east side of Trufal Avenue south of Broadway (Part Lot 27, Concession 7, Township of Crowland, now City of Welland) be carried out in accordance with the Municipal Act, City Policy and in the manner described in this Report 2005-27; and further
5. That the net proceeds from any land sale be deposited in the Civic Centre Reserve Fund.

CARRIED

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

BY-LAW PRESENTED FOR FIRST READING:

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

96-172

BYL 2005 - 38

A By-law to repeal By-law 2005-1, being a By-law to authorize the sale of Part 22, Plan 59R-1680, being vacant land in the Southwell Industrial Park Subdivision to 1375193 Ontario Inc. in Trust.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Spadafora and Chiocchio 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 Alexander and Larouche that leave now be given to introduce the following proposed By-laws entitled:

98-82

BYL 2005 - 39

A By-law to grant a license of occupation to Roberto's Food and Beverage Services for the provision of food services at the Civic Square.

01-44

BYL 2005 - 40

A By-law to authorize conveyance of a portion of Colbeck Drive being Part 6, Plan 59R-12572, and Block 20, Plan 59M-301, to 1372708 Ontario Inc.

01-44

BYL 2005 -41

A By-law to authorize conveyance of a portion of Colbeck Drive being Parts 1 and 3, Plan 59R-12572, and Block 83, Plan 59M-199, to Harvest Investment Corp.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...CON'D.:

03-92

BYL 2005 - 42

A By-law to authorize acceptance of an offer to purchase from Baiocco Development Corporation for the sale of Parts 1 to 5, 11 and 12, Plan 59R-12520 (vacant land adjacent to Draper's Creek Subdivision).

03-92

BYL 2005 - 43

A By-law to authorize acceptance of an offer to purchase from Harvest Investment Corp. for the sale of Parts 6, 7, 13, and 14, Plan 59R-12520 (vacant land adjacent to Harvest Estates Subdivision).

04-114

05-85

BYL 2005 - 44

A By-law to authorize acceptance of an offer to purchase from Laurent Viger Construction Limited for the sale of lands north of Promenade Richelieu, east of Wellington Street, being Parts 1 to 5, 9 to 14 and 17 to 19, Plan 59R-7976, and Roxborough Street, as closed by By-law 2005-37.

04-124

04-129

BYL 2005 - 45

A By-law to amend By-law 2004-119, being a By-law to provide for the supply and delivery of water and to provide for the maintenance and management of waterworks and the imposition and collection of water rates.

05-24

BYL 2005 -46

A By-law to authorize the appointment of an Acting Deputy Treasurer of the Corporation of the City of Welland.

05-82

BYL 2005 - 47

A By-law to authorize the adoption of Official Plan Amendment No. 115.

05-82Z

BYL 2005 - 48

A By-law to amend City of Welland Zoning By-law 2667 (Bruno and Jason Vottero - File 2005-03) 447 Niagara Street.

05-83Z

BYL 2005 - 49

A By-law to amend City of Welland Zoning By-law 2667 (Larry James Whitaker, Ross Henry Templain, L & S Roofing Inc. and Port Colborne Harbour and Marine Limited - File 2005-01) south side of Woodlawn Road, east of south Pelham Road.

05-84Z

BYL 2005 - 50

A By-law to amend City of Welland Zoning By-law 2667 (Frank James Lock and Louise Marie Lock - file 2005-02) 594 Gaiser Road.

...continued...

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

05-1

BYL 2005 - 51

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 22nd day of March, 2005 and 5th day of April, 2005.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Alexander and Larouche 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, April 13, 2005 for inclusion on the April 19, 2005 Regular Council Meeting Agenda.

Council adjourned at 9:50 p.m.

These Minutes approved and adopted by Motion of Council this 19th day of April, 2005.

MAYOR

CLERK