



COUNCIL MEETING, MAY 3, 2005

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

Council met in Committee-of-the-Whole closed to the public at 6:20 p.m. and in open session at 7:40 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, M. Belcastro, P. Chiocchio, M. Dzugan (6:25 p.m.), D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell (until 9:30 p.m.), B. Sharpe and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (7:05 p.m.)

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz (until 7:30 p.m.)

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

General Manager of Planning and Development Services D. Thorpe

05-25 Moved by Grenier and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:20 p.m. to consider:
a) the security of the property of the municipality.

CARRIED

05-25 Moved by Belcastro and Grenier that the Committee-of-the-Whole arise from its closed meeting

at 7:30 p.m.

CARRIED

DELEGATIONS:

- 05-99** Anne Hepplewhite, Niagara Archives Group (NAG), Region of Niagara addressed Council regarding goals and needs for a Regional Archives in Niagara.
- 05-28** Claire Gerencser, Executive Director, The Welland Heritage Council and Multicultural Centre addressed Council regarding the activities of the Council and the importance of the work done in the City of Welland.
- 03-132** Kim Duffin and John Woods addressed Council regarding the Interim Control By-law - Sunset Haven, 163 First Avenue, Welland.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

- 96-129** Letter from Mary Catharine Kuruziak, Secretary/Public Relations Chair, Welland and District Humane Society on behalf of the Board of Directors requesting to appear as a delegation regarding the current agreement between the Welland and District Humane Society and the City of Welland.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 98-82**
- 05-29** Re-schedule Council Meeting of May 17, 2005 to May 24, 2005.
- 2000-4** Pam Gilroy, Regional Clerk/Associate Director of Corporate Strategy, Regional Municipality of Niagara – Policy to provide tax rebates to Charities – Exemption of Navy Leagues Leasing Property.
- 01-35** Gen. Mgr. of Planning and Development Services D. Thorpe – Niagara – GTA Transportation Corridor (Mid-Peninsula Transportation Corridor) Environmental Assessment Terms of Reference – Ontario Ministry of Transportation.
- 03-84** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Authorization to Larvicide for West Nile Virus.
- 03-145** Delivery of Inter-Municipal Specialized Transit Services.
- 04-22** A By-law to amend Schedule “V” of By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.
- 04-15** Christine T. Kowalyk, Emergency Management Ontario, Ministry of Community Safety and Correctional Services – Essential Emergency Management Program.
- 04-115Z** Gen. Mgr. of Planning and Development Services D. Thorpe – Proposed amendment to Zoning By-law 1538 – Larry Creighton, north side Buchner Road, west side of unopened Matthews Road (File 2004-02).
- 04-126** City Solicitor G. Banks – Dog Owner’s Liability Act – Resolution Re: Pitbulls.
- 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 26th day of April, 2005 and 3rd day of May, 2005.
- 05-13** A By-law to authorize the entering into an Extension Agreement with 1032560 Ontario Inc. operating as 4500 Taxi (1993) for transcab service.
- 05-19** Janice Makepeace, Community Recreation Coordinator, Parks and Recreation Department, City of Welland – requesting to waive the permit fee for a fireworks display to be held at the Welland Baseball Stadium, on Monday, May 23, 2005.
- 05-20** Robert (Bert) Roy, Captain Welland Volunteer Fire Company #4 - requesting Special Occasion Permit to host its Annual Chicken BBQ and outdoor Dance on June 4th, 2005.
- 05-22**

- 05-107** Gen. Mgr. of Planning and Development Services D. Thorpe – Notre Dame College School – 64 Smith Street – Niagara Catholic School Board of Niagara.
- 05-76** A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Ltd. Emulsion Division for the supply of asphalt emulsions.
- 05-77** A By-law to authorize the acceptance of tender and the entering into a contract with Norjohn Ltd. Emulsion Division for the supply and application of road surface treatment materials.
- 05-86** A By-law to authorize the acceptance of tender and the entering into a contract with Vic Vatr Contracting Limited for the Hellems Avenue Watermain Replacement from Division Street to Victoria Street.
- 05-87**
- 05-87Z** Application for Draft Plan of Subdivision approval and Rezoning Amendment - Lea Silvestri Investments Ltd. - Webber Estates Subdivision (File 26T-14-05001 and 2005-05).
- 05-88Z** Proposed amendment to By-law 2667 – Lea Silvestri Investments Ltd., 740 Thorold Road (File 2005-04).
- 05-88Z** A By-law to amend City of Welland Zoning By-law 2667 (Lea Silvestri Investments Ltd. – File 2005-04) 740 Thorold Road.
- 05-100** A By-law to authorize an expenditure for the Welland Court House Security Upgrades.

05-1 Moved by Dzugan and Sharpe that the Minutes of the Regular Council Meeting of April 19, 2005 and Special Council Meeting of April 26, 2005 be and the same are hereby approved and adopted as circulated.

CARRIED

98-82

05-29 Moved by Chiocchio and Larouche that the Regular Council Meeting of May 17, 2005 be re-scheduled to May 24, 2005, at 7:00 p.m. to allow for re-location time to the new Civic Square.

CARRIED

2000-4 Moved by Chiocchio and Larouche that the letter from the Region of Niagara regarding a Policy to Provide Tax rebates to Charities – Exemption of Navy Leagues Leasing Property be received and referred to staff for study and report to Council.

CARRIED

01-35 Moved by Chiocchio and Larouche

1. That the City of Welland fully support the route for the Niagara to GTA Transportation Corridor to the south of the City;
2. That the City of Welland strongly recommends that the Townline Tunnel be fully reviewed as a possible Welland Canal crossing for the Niagara to GTA Transportation Corridor and that it be included in the review of the route to the south of the City;
3. That the City of Welland requests an expeditious decision regarding the development of the Niagara to GTA Transportation Corridor as the delay is negatively impacting the City's potential to attract new development as well as negatively impacting the Region of Niagara's long standing policy for directing growth south; and
4. That the City Clerk be directed to circulate Report PDS 2005-36 and accompanying Resolution to the

Ontario Ministry of Transportation, the Regional Municipality of Niagara, the City of Port Colborne, the City of Thorold and the Town of Pelham.

CARRIED

03-84 Moved by Chiocchio and Larouche that Council authorize the General Manager of Engineering, Public Works, and Transportation Services Department to give authorization in this year, or any ensuing year, to the Regional Niagara Public Health Department to make any permit application for license for the use of larvicide on all municipally owned property for the treatment of mosquitoes that are potential vectors of the West Nile Virus.

CARRIED

03-132 Moved by Spadafora and Belcastro and the presentation by Kim Duffin and John Woods regarding the Interim Control By-law - Sunset Haven, 163 First Avenue, Welland be received for information.

CARRIED

03-145 Moved by Chiocchio and Larouche that Council authorize the Manager of Engineering, Public Works, and Transportation Services and the Transit Manager to enter into discussions with the Regional Municipality of Niagara to determine the opportunities for Welland Transit to provide Inter-municipal Specialized Transit Services authorized by the Region's By-law 64-2004.

CARRIED

04-15 Moved by Chiocchio and Larouche that the letter from Emergency Management Ontario dated April 7, 2005 advising of the City's satisfactory submission of documentation to achieve the establishment of an Essential Emergency Management Program be received and filed; and further That staff be congratulated on this achievement for the citizens of the City of Welland.

CARRIED

04-115Z Moved by Larouche and Chiocchio that the request by Phil Fisher on behalf of Mr. Larry Creighton to Rezone Part Lot 11, Concession 5, former Township of Crowland now in the City of Welland being Part 22, Plan 59R-7377 located on the north side of Buchner Road, west of unopened Matthews Road from RA to a Site Specific RA Zone to permit a minimum lot area of 0.4 hectares where the minimum requirement is currently 1.2 hectares be denied.

LOST

04-115Z Moved by Larouche and Grimaldi that the request by Phil Fisher on behalf Mr. Larry Creighton to Rezone Part Lot 11, Concession 5, former Township of Crowland now in the City of Welland being Part 22, Plan 59R-7377 located on the north side of Buchner Road, west of unopened Matthews Road from RA to a Site Specific RA Zone to permit a minimum lot area of 0.4 hectares where the minimum requirement is currently 1.2 hectares be approved.

LOST

YEAS: Councillors Grimaldi, Grenier, Chiocchio and Larouche.

NAYS: Councillors O'Dell, Dzugan, Fortier, Sharpe, Alexander, Belcastro, Spadafora and Mayor Goulbourne.

04-115Z Moved by Spadafora and Sharpe that the minimum requirement of 1.2 hectares for residential lots in rural agricultural lands be referred back to staff for consideration of technological changes, with respect to new septic systems and applicable legislation to enforce the use of this technology and the impact of rural development of this nature on the Official Plan.

CARRIED

04-126 Moved by Chiocchio and Larouche that Council take no further action with respect to its Resolution passed on October 19th, 2004, re: dog ownership of the pit bull breed.

CARRIED

05-19 Moved by Chiocchio and Larouche that Council approves the application from the Welland Parks and Recreation Department to hold a fireworks display for Victoria Day at the Welland Baseball Stadium on Monday, May 23, 2005 subject to the applicant's completion of all conditions of the City of Welland's Fireworks By-law 2003-127; and

That staff be directed to ensure that all fireworks used in the City sponsored display be purchased in accordance with City Policy SER-015-0003.

CARRIED

05-20 Moved by Chiocchio and Larouche that Welland City Council has no objection to the issuance of a Special Occasion Permit to Welland Volunteer Fire Company #4 for its Annual Chicken BBQ and outdoor dance on June 4th, 2005 at the Volunteer Fire Co. No. 4 Fire Hall on Schisler Road, subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits.

CARRIED

05-22

05-107 Moved by Alexander and Sharpe

1. That the City enter into an Agreement with the Catholic District School Board of Niagara to cost share on the construction of a storm sewer from Smith Street southerly based upon a cost sharing formula prepared by Robert Martin Engineering Inc. with the City's share estimated at \$67,393.00;
2. That the Niagara Catholic District School Board be directed to provide on-site parking for all school buses so as to eliminate extremely unsafe conditions on public streets surrounding Notre Dame College School; and
3. That if no co-operation is received as in 2 above, the City amend By-law 89-2000 being a Traffic By-law by implementing a no standing area on the north side of Smith Street and the west side of Chippawa Street.

CARRIED

05-28 Moved by Larouche and Spadafora that the presentation by Claire Gerencser, Executive Director, Welland Multicultural Centre regarding the activities of the Council and the importance of the work done in the City of Welland be received for information.

CARRIED

05-87

05-87Z Moved by Chiocchio and Larouche that Report PDS-2005-33 concerning Applications for Rezoning and Draft Plan of Subdivision for the Webber Estates Plan of Subdivision be received for information purposes.

CARRIED

05-88Z Moved by Chiocchio and Larouche

1. That City of Welland Zoning By-law 2667, as amended, be further amended for lands known municipally as 740 Thorold Road (Block 29, Plan 59M-328) to add the use of Townhouse and related provisions to the existing Site Specific RM4-X12 Zone and to add the Holding Symbol (H); and
2. The Holding Symbol may be removed, upon Application, once a Site Plan Control Agreement has been entered into, all financial securities have been received by the City and any required Noise Studies have been accepted by Regional Niagara.

CARRIED

05-99 Moved by Spadafora and Fortier that the presentation by Anne Hepplewhite, Niagara Archives Group (NAG), Region of Niagara regarding the goals and needs for a Regional Archives in Niagara be received and referred to staff for study and report to Council.

CARRIED

05-109 Moved by O'Dell and Larouche that the City of Welland petition the Region to improve the intersection of Broadway and Hwy #58 to eliminate the very dangerous south bound lane ending directly across the intersection from the north bound left turn lane which is where two lanes reduce to one heading south.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

01-108 Moved by Chiocchio and Spadafora that Council reject the Offer of Purchase and Sale by Gateway Residence of Niagara Inc. for 17-19 East Main Street.

CARRIED

04-110 Moved by Spadafora and Grimaldi that Council reject the Offer of Purchase and Sale by 2054934 Ontario Inc. for 20-26 East Main Street.

CARRIED

05-107 Moved by Spadafora and Belcastro

1. That the City provide the necessary servicing for lands at the east end of McCormick and Dufferin Streets in the estimated amount of \$242,334.00;
2. That Council declare surplus lands at the east end of McCormick and Dufferin Streets and Staff be directed to offer these lands, once serviced, for sale in accordance with City Policy; and

3. That the proceeds from any land sales be used to pay for all servicing works with the MIG fund being utilized to temporarily finance the works and to finance any shortcomings.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

04-22

BYL 2005 – 61

A By-law to amend Schedule “V” of By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.

05-13

BYL 2005 – 62

A By-law to authorize the entering into an Extension Agreement with 1032560 Ontario Inc. operating as 4500 Taxi (1993) for transcab service.

05-76

BYL 2005 – 63

A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Ltd. Emulsion Division for the supply of asphalt emulsions.

05-77

BYL 2005 – 64

A By-law to authorize the acceptance of tender and the entering into a contract with Norjohn Ltd. Emulsion Division for the supply and application of road surface treatment materials.

05-100

BYL 2005 – 65

A By-law to authorize an expenditure for the Welland Court House Security Upgrades.

05-86

BYL 2005 – 66

A By-law to authorize the acceptance of tender and the entering into a contract with Vic Vatr Contracting Limited for the Hellems Avenue Watermain Replacement from Division Street to Victoria Street.

05-88Z

BYL 2005 – 67

A By-law to amend City of Welland Zoning By-law 2667 (Lea Silvestri Investments Ltd. – File 2005-04) 740 Thorold Road.

05-1

BYL 2005 – 68

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 April, 2005 and 3rd day of May, 2005.

And that the same be now read a first time.

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

2. Moved by Chiocchio and Larouche 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**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, May 18, 2005 for inclusion on the May 24, 2005 Regular Council Meeting Agenda.

04-48 Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the May 24th, 2005 Regular Council Meeting.

05-4

***That staff prepare a comprehensive written report in reference to the tax implications of the ongoing negotiations with Slater Steel and EZEE Management Inc. to get a better understanding of the Municipal obligations, opportunities and the possible financial impact to the City of Welland taxpayers; and
To get a clear direction from Council as to whether or not this Council is prepared to write off more property taxes beyond the scope of the proposed reassessment of MPAC; and further
That this information be provided to us at the next scheduled Council Meeting, May 24, 2005.***

97-49 Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the May 24th, 2005 Regular Council Meeting.

***That City Council and staff work cooperatively with the Physician Recruitment Committee in expediting the Public/Private Partnership in setting up a turn-key clinic at Welland Arena Site; and
That the Physician Recruitment Committee get official authorization from Council that this site is available and that we understand clearly the lease terms and conditions of the location; and further
That the Physician Recruitment Committee be given authorization to investigate and pursue the possibilities of working with the private sector to facilitate the set-up of the Turn-key clinic.***

Council adjourned at 10:05 p.m.

These Minutes approved and adopted by Motion of Council this 24th day of May, 2005.

MAYOR

CLERK