



COUNCIL MEETING, SEPTEMBER 20, 2005

CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 5:45 p.m. and in open session at 7:30 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, D. Fortier, P. Grenier, J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora (5:55 pm.).

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

City Manager T. Fitzpatrick

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

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:30 p.m.)

General Manager of Parks and Recreation B. LaPlante

Administrative Assistant/Deputy Clerk B. Gallaccio (7:30 p.m.)

General Manager of Planning and Development Services D. Thorpe (7:30 p.m.)

Regional Councillor J. Mastroianni (7:30 p.m.)

05-25 Moved by Dzugan and Alexander that Council meet in Committee-of-the-Whole, closed to the public at 5:45 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) a proposed or pending acquisition of land for municipal purposes.

CARRIED

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

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

CARRIED

PRESENTATION:

Mayor Goulbourne and Regional Councillor John Mastroianni presented plaques to the following members of the Welland Wildcats Soccer Team, 2005 Ontario Special Olympics Summer Games Champions: Coaches: Hugh Delaney, Michael Delaney and Paul Richardson. Players: Scott Austin, Roman Basin, James Brown, David Dickson, Ryan Dixon, Nathan Hajdu, Jaime Richardson, Jerry Storey, Jeremy Woodhall and Carlo Zinatelli.

DELEGATIONS:

05-28 Gisele Quesnel, Member of Board of Directors, Alzheimer Society of the Niagara Region addressed Council regarding the 10th Annual National Coffee Break Day.

05-140 Daniel Roy, organizer of the 85th Anniversary Committee of Eglise du Sacré-Coeur addressed Council regarding the naming of the French Historical District.

02-85 Russ Findlay, Chair addressed Council regarding the 2005/2006 Accessibility Advisory Committee Plan.

PUBLIC HEARING PURSUANT TO SECTION 357 – TAX WRITE-OFFS

- No one was present to speak to this matter.

There being no submissions the hearing was concluded.

THE FOLLOWING CORRESPONDENCE WAS READ:

05-3 Letter from Paul Bauman, Senior Manager, Canadian Cancer Society, Ontario Division requesting to sell raffle tickets in the City of Welland.

05-129 A By-law to authorize the entering into a pleasure lease with George Racine and Michael Racine carrying on business as Horses Unlimited.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

02-4

03-4

04-4

05-4 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Application for Tax Write-Offs – Section 357.

02-85 Gen. Mgr. Parks & Recreation B. LaPlante – 2005/06 Accessibility Plan for the City of Welland.

02-85 Russ Findlay, Chair - 2005/2006 Accessibility Advisory Committee Plan.

02-157 Gen. Mgr. Planning and Development Services D. Thorpe Urban Area Expansion – Northwest Welland.

04-15

04-19 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – combined Fire Station #3 (P.C.D.) and Arena Parking Lot Project Update.

04-19 Gen. Mgr. Parks & Recreation B. LaPlante – Parks, Recreation and Culture Master Plan Consultant Selection Results.

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 20th day of September, 2005.

05-3 David S. Brown, Executive Director, the Air Cadet League of Canada – requesting permission to sell raffle tickets in the City of Welland.

05-6 Barry LaPlante, Gen. Mgr. Parks and Recreation – requesting September 30, 2005 be declared as ***“Hockey Night in Welland”***.

05-7 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – August 6, 2005 to September 13, 2005.

05-13 A By-law to authorize the purchase of two conventional transit buses from capital bus sales.

05-14 Delegates attending conferences.

05-14 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- 2005 conference and Expenditures – Members of Council.

05-21

05-140 Daniel M. Fortier, Agent – requesting to hold procession for Sacred Heart Church 85th Anniversary.

05-22 A By-law to amend Schedules “VII”, “XIII”, “XV”, “XX”, “XXI”, “XXVII”, “VI”, of By-law 89-2000, being a By-law regulating traffic and parking within the City Of Welland.

05-22 A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000, at the Welland County General Hospital; and to repeal By-law 2004-129.

05-28 Gisele Quesnel, Member of Board of Directors, Alzheimer Society of the Niagara Region – 10th Annual National Coffee Break Day.

05-104 Committee and External Board Reporting.

05-127 A By-law to authorize acceptance of an Offer to Purchase from Michael Papp and Christina Papp for the sale of a daylighting triangle being that portion of the closed Willson Road Allowance at Colbeck Drive designated as Part 10 on Plan 59R-12793.

05-134 A By-law to authorize the entering into an agreement with Hertz Equipment for the rental of four John Deere Front End Loaders.

05-138 A By-law to accept the quotation of Serianni Construction Ltd. for the Summit Circle Storm Sewer Correction.

05-140 Daniel Roy, organizer of the 85th Anniversary of Eglise du Sacré-Coeur – requesting Council to name the French Historial District.

05-1 Moved by Dzugan and Grenier that the Minutes of the Regular Council Meeting of August 23, 2005 and Special Council Meetings of August 24, 2005 and September 14, 2005 be and the same are hereby approved and adopted as circulated.

CARRIED

01-96 Moved by Dzugan and Belcastro that the Corporation of the City of Welland extend its By-law enforcement hours to include Sunday into its weekly schedule. That this new schedule begin September 1, 2005.

NOT PUT

01-96 Moved by Spadafora and Chiocchio that the resolution to extend By-law enforcement hours to include Sunday be referred to staff for report at the October 18, Council Meeting.

CARRIED

02-4

03-4

04-4

05-4 Moved by Belcastro and Larouche that pursuant to Section 357 of the Municipal Act, 2001, Council approve the write off of taxes in the amount of \$41,685.61 as contained in Report FIN-05-12 listing the reasons for reduction or cancellation and assessment values.

CARRIED

02-85 Moved by Fortier and Dzugan that the presentation by Russ Findlay, Chair regarding the 2005/2006 Accessibility Advisory Committee Plan be received for information.

CARRIED

02-85 Moved by Fortier and Dzugan

1. That in accordance with the Ontarians With Disabilities Act, 2001, Council approve the Annual Accessibility Plan, attached as Schedule "A" to Report P&R 2005-13 dated September 20, 2005.
2. That Council authorize, subject to Budget Review, the carry-over of funds that remain in the 2005 Operating Budget to the 2006 Operating Budget to support the removal of barriers identified in the 2005/06 Accessibility Plan.

CARRIED

02-157 Moved by Alexander and Chiocchio that Council request the Regional Municipality of Niagara to amend its Regional Policy Plan to incorporate the lands immediately east of Clare Avenue, west of Niagara Street, north of the Ricelawn Subdivision, Niagara College, College Park Subdivision and Woodlawn Estates Phase IV Subdivision and south of the municipal boundary with the Town of Pelham and the City of Thorold within the urban area of the City of Welland.

CARRIED

02-160 Moved by Grenier and Larouche that Council undertake a review of the Procedural By-law with respect to delegations at Council Meetings:

- Use of General Committee;
- Time for presentations
- Amount of time at meetings
- Relevance to agenda items.

CARRIED

04-15

04-19 Moved by Belcastro and Sharpe that Council approves report ENG-2005-37 on the Combined Fire Station #3 And Arena Parking Lots project and allocates \$74,500 to the project from the 2005 Capital Budget allocation for Roads.

CARRIED

(Councillor Fortier asked to be recorded as opposed to the resolution).

04-19 Moved by Fortier and Larouche that Council approve the recommendation of the Parks, Recreation and Culture Master Plan Steering Committee to accept the proposal from The Rethink Group in the amount of \$99,920.00 excluding GST to undertake a comprehensive Parks, Recreation and Culture Master Plan study as per the Terms of Reference as previously approved by Council.

CARRIED

05-3 Moved by Belcastro and Larouche that permission is hereby granted to the Air Cadet League of Canada – 79th Eagle Squadron to sell raffle tickets in the City of Welland under authority of Lottery License P050969; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

05-3 Moved by Belcastro and Larouche that permission is hereby granted to the Canadian Cancer Society, Ontario Division to sell raffle tickets in the City of Welland under authority of Lottery License P051345; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

05-6 Moved by Belcastro and Larouche that the Mayor declare September 30, 2005 as “Hockey Night in Welland” in the City of Welland in recognition of the Convergys Hockey Challenge and the fund raising hockey game at the Welland Arena between the American Hockey League’s Hamilton Bulldogs and Cleveland Barons with proceeds of this event going to the Welland Minor Hockey Association.

CARRIED

05-7 Moved by Belcastro 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	08-Aug-2005	\$	124,829.96
2	10-Aug-2005		174,190.29

3	12-Aug-2005	57,718.37
4	15-Aug-2005	259,135.01
5	17-Aug-2005	254,445.76
6	18-Aug-2005	29,602.34
7	23-Aug-2005	385,931.96
8	24-Aug-2005	1,119,827.04

...continued...

05-7cont'd.

9	29-Aug-2005	23.04
10	01-Sep-2005	238,762.99
11	02-Sep-2005	214,990.48
12	08-Sep-2005	145,724.09
13	12-Sep-2005	364,700.10
14	13-Sep-2005	<u>247,008.29</u>
	Total	\$ 3,616,889.72

CARRIED

05-14 Moved by O'Dell and Dzugan that Report 2005-11, Conference and Expenditures, be referred back to staff for additional information for inclusion of costs for the entire term of this Council.

CARRIED**05-21**

05-140 Moved by Belcastro and Larouche that Welland City Council approves the application of Sacred Heart Church 85th Anniversary Committee to hold a procession on Sunday, October 2, 2005 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

05-28 Moved by Chiocchio and Fortier that he presentation by Gisele Quesnel, Member of Board of Directors, Alzheimer Society of the Niagara Region regarding the 10th Annual National Coffee Break Day be received for information.

CARRIED

05-104 Moved by Sharpe and Spadafora that resolution respecting reporting expectations of external committees to Council be referred to staff for report at the October 11, 2005 General Committee Meeting.

CARRIED

05-140 Moved by Fortier and Larouche that the presentation by Daniel Roy, organizer of the 85th Anniversary Committee of Eglise du Sacré-Coeur requesting Council to name the French Historical District be received for information.

CARRIED

05-140 Moved by Fortier and Larouche that Welland City Council, in recognition of the request by the Committee of the 85th Anniversary of Eglise du Sacré-Coeur, approves to name the area bounded by East Main Street on the north, Burgar Street on the west, Hagar Street on the south, and Crowland Avenue

on the east as the French Historical District” commonly known to the citizens of Welland and its surroundings as “Frenchtown”; and

That Council present on behalf of the City of Welland a plaque recognizing this historical event to the organizing committee at a planned ceremony on October 2, 2005; and further

That Council request Heritage Welland to officially look into the possibility of recognizing this historical area in its 2006 agenda.

CARRIED

05-141 Moved by O'Dell and Alexander

That Council encourage the ongoing effort for blues, jazz and arts and invite the organizers to bring these plans to Council as soon as practical, and further

That the Parks, Recreation and Culture Master Plan Steering Committee be requested to include these needs in the Master Plan.

CARRIED

05-145 Moved by Dzugan and Grenier that Council waives the building permit fee in the amount of \$75.00 for an accessibility ramp to be constructed at 98 Chaffey Street as the cost for this project is being sponsored by the Welland Rotary Club on behalf of the owner.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

99-125 Moved by Belcastro and Sharpe

1. That the City of Welland agree to lease and convey 160 Dain Avenue to Lakeside Steel Corporation under the terms and conditions set out in Report CM 2005-15; and
2. That the City of Welland enter into a License of Occupation Agreement with Lakeside Steel Corporation with respect to the water intake facility on the east side of the Welland Recreational Canal under the terms and conditions set out in Report CM 2005-15; and
3. That the City Solicitor be instructed to prepare all the necessary documents; and further
4. That the Mayor and Clerk be authorized to execute all necessary documents to effect a Conveyance and Lease Agreement and License of Occupation Agreement.

CARRIED

05-10

05-118 Moved by Larouche and Belcastro that Council appoints the following resident representatives to the Conservation Program Committee: Giulia Forsythe, Gary King and Margaret Moroz.

CARRIED

05-12 Moved by Grenier and Sharpe that the following Councillors be appointed to serve as Vice Mayor for the periods indicated below:

December 1, 2005 to February 28, 2006 - Mark Dzugan

March 1, 2006 to May 31, 2006 - David Alexander

June 1, 2006 to August 31, 2006 - Michael Belcastro

September 1, 2006 to November 30, 2006 - Pat Chiochio

CARRIED

05-12 Moved by Belcastro and Grenier that the following Councillors be appointed to serve as Chairs of the Standing Committees.

Community Services Chair - Jim Larouche
 Corporate Services Chair - David Alexander
 Operational Services Chair - Mark Dzugan

CARRIED

05-133 Moved by Dzugan and Belcastro

1. That Report 2005-71 from Planning and Development Services dated September 20, 2005 regarding the purchase City-owned lands on the south side of Lyons Creek Road, west of Doan's Ridge Road, (Part Lot 13, Concession 5, Township of Crowland, now City of Welland, being Parts 4, 5 and 6, Plan 59R-7963) be received;
2. That Council offer the lands on the south side of Lyons Creek Road west of Doan's Ridge Road (Part Lot 13, Concession 5, Township of Crowland, now City of Welland, being Parts 4, 5 and 6, Plan 59R-7963) for sale as lot additions to existing properties, known municipally as 637, 645, 653 and 657 Lyons Creek Road; and,
3. That revenue generated for the sale of lands on the south side of Lyons Creek Road west of Doan's Ridge Road (Part Lot 13, Concession 5, Township of Crowland, now City of Welland, being Parts 4, 5 and 6, Plan 59R-7963) be directed to the Planning Act Reserve Fund.

CARRIED

05-146 Moved by Dzugan and Alexander

1. That the City of Welland enter into a Pleasure Lease with the Owner of Cheers Restaurant at 292 East Main Street at an annual rate of \$500.00 for the use of approximately 6.4 square metres (69 square feet) of land on the west side of Ross Street (being Part of the Ross Street Road Allowance) as shown on the Location Map attached to Report PDS-2005-70, dated September 20, 2005;
2. That the Owner of 292 East Main Street be responsible for obtaining liability insurance in the amount of two (2) million dollars naming the City as additional insured and indemnifying the City for all liability;
3. That the City Solicitor be directed to prepare the Pleasure Lease concerning 292 East Main Street; and,
4. That the Owner of 292 East Main Street be responsible for any legal costs associated with the preparation and/or registration of the Pleasure Lease.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

05-13

BYL 2005 – 131

A By-law to authorize the purchase of two conventional transit buses from

Capital Bus Sales.

05-22

BYL 2005 – 132

A By-law to amend Schedules “VII”, “XIII”, “XV”, “XX”, “XXI”, “XXVII”, “VI”, of By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.

...continued...

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

05-22

BYL 2005 – 133

A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000, at the Welland County General Hospital; and to repeal By-law 2004-129.

05-127

BYL 2005 – 134

A By-law to authorize acceptance of an Offer to Purchase from Michael Papp and Christina Papp for the sale of a daylighting triangle being that portion of the closed Willson Road Allowance at Colbeck Drive designated as Part 10 on Plan 59R-12793.

05-134

BYL 2005 – 135

A By-law to authorize the entering into an agreement with Hertz Equipment for the rental of four John Deere Front End Loaders.

05-138

BYL 2005 – 136

A By-law to accept the quotation of Serianni Construction Ltd. for the Summit Circle Storm Sewer Correction.

05-129

BYL 2005 – 137

A By-law to authorize the entering into a pleasure lease with George Racine and Michael Racine carrying on business as Horses Unlimited

05-1

BYL 2005 – 138

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 20th day of September, 2005.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Belcastro 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, September 28, 2005 for inclusion on the next Regular Council Meeting Agenda of October 4, 2005.

Council adjourned at 10:00 p.m.

These Minutes approved and adopted by Motion of Council this 4th day of October, 2005.

MAYOR

CLERK