



COUNCIL MEETING, NOVEMBER 16, 2004

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 7:35 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 (until 9:40 p.m.), M. Belcastro, P. Chiocchio,
M. Dzugan (until 9:45 p.m.), D. Fortier, P. Grenier, M. A. Grimaldi,
J. Larouche (until 8:55 p.m.), S. O'Dell, B. Sharpe and J. Spadafora (6:30 p.m.).

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger
City Solicitor G. Banks
City Manager T. Fitzpatrick
General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:35 p.m.)
Administrative Assistant/Deputy Clerk B. Gallaccio
General Manager of Planning and Development Services D. Thorpe
Deputy Fire Chief K. Roach (7:35 p.m.)
Manager, Economic Development and Tourism D. Degazio (7:35 p.m.)
Secretary-Economic Development L. Henri (7:35 p.m.)

04-25 Moved by Dzugan and Larouche 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; and
- b) personal matters about an identifiable individual, including municipal employees.

CARRIED

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

CARRIED

PUBLIC HEARING PURSUANT TO SECTION 357 OF THE MUNICIPAL ACT – TAX WRITE-OFFS

The City Treasurer requested that application Nos. 01-78, 02-37 and 03-36 for adjustment of taxes under section 357 be removed from the list contained in Report FIN-04-28.

There being no submissions the hearing was concluded.

DELEGATION:

01-161 Dan Degazio, Manager, Economic Development & Tourism and Barb Fennessy, Niagara Economic & Tourism Corporation addressed Council regarding the City of Welland Community Economic Development Strategy.

THE FOLLOWING CORRESPONDENCE WAS READ:

04-155 A resolution was introduced regarding the recent appointment of Wendy Southall as Police Chief of the Regional Municipality of Niagara.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

96-58 Snow Removal Committee Oral Report.

2000-68 Request for part Lot Control Exemption – Part 26, Plan 59R-10738 - Part of Stonegate Estates Subdivision.

2000-68 A By-law to exempt certain lands from Part-Lot Control Part of Block 14, Plan M-86 being Part 26, Plan 59R-10738, City of Welland.

01-4

02-4

03-4 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Application for Tax Write-Offs – Section 357.

04-4

01-126 The Concept of a Competitive Property Assessment System in Ontario.

01-161 Dan Degazio, Manager, Economic Development & Tourism and Barb Fennessy, Niagara Economic & Tourism Corporation - City of Welland's Community Economic Development Strategy.

02-96Z Presentation by Dan Degazio, Manager, Economic Development & Tourism regarding the Community Economic Development Strategy.

02-96Z A By-law to amend City of Welland Zoning by-law 2667 (Caisse Populaire Welland Limitee – File 2004-04) 59 Empire Street.

02-160 Council Agenda. Time Allocation for Item 7.3.

03-31 Proposal to develop a facility at Maple Park.

03-133

04-5 Gen. Mgr. of Planning and Development Services D. Thorpe - Acceptance of grant from the Green Municipal Enabling Fund for the Welland Brownfield Redevelopment Community Improvement

Plan and to authorize a RFP for the study.

04-1 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 9th day of November, 2004 and 16th day of November, 2004.

04-3 City Clerk C.A. Stirtzinger – Lottery License.

04-3 Mrs. J. Watts, Secretary, The Niagara Falls Rainbow Blind Bowlers -requesting permission to sell raffle tickets in the City of Welland.

04-7 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Accounts Payable – October 26, 2004 to November 9, 2004.

04-13

04-60 Dedicated Gas Tax Funds Program for Public Transit.

04-15 Negotiations/discussions with St. Lawrence Seaway Management Corporation to provide fire protection and other services to ships on the Welland Ship Canal.

04-15 Fire Chief P. Olah – Emergency Management Program –Emergency Management Plan.

04-15 A By-law requiring an emergency management program for the protection of public safety, health, environment, the critical infrastructure and property, and to promote economic stability and a disaster-resilient community.

04-15

04-19 A By-law to authorize the entering into a contract with Hard-Rock Construction Inc. for the Reconstruction/Rehabilitation of Welland Arena Parking Lot; and the Reconstruction/Rehabilitation/Expansion of Fire Station No. 3 Parking Lot.

04-19 A By-law to authorize acceptance of the proposal from Henderson Recreation Equipment Limited for the supply and assembly of playground equipment at River Road Park.

04-22 Photo Enforcement.

04-55 Gen. Mgr. of Planning and Development Services D. Thorpe - Acceptance of Easement for Storm Sewer Purposes – 762 South Pelham Road – Request by Urbex Engineering Limited for Woodlawn Meadows Subdivision.

04-55 A By-law to accept the transfer of an easement(s) for storm sewers from John Chiki and Geraldine Chiki to the Corporation of the City of Welland the Woodlawn Meadows Subdivision.

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

04-87 Paving of the old train path between Colbeck Drive and Thorold Road.

04-108 Installation of Basketball Net – Highland Gardens.

04-131 Request for contribution to City of Peterborough State of Emergency Relief Fund.

04-144Z Proposed Amendment to Zoning By-law 2667 – Avondale Stores Limited, 947 Niagara Street (File 2004-05).

04-144Z A By-law to amend City of Welland Zoning By-law 2667 (Avondale Stores Limited – File 2004-05).

04-1 Moved by Dzugan and Grenier that the Minutes of the Regular Council Meeting of November 2, 2004 and Special Council Meeting November 9, 2004 be and the same are hereby approved and adopted as circulated.

CARRIED

96-58 Moved by Larouche and Chiocchio that the oral report from Councillor Dzugan regarding snow removal be received and referred to staff for report.

CARRIED

97-67

98-57 Moved by Grenier and Sharpe that staff report at the December 7, 2004 Council

Meeting re: exploring negotiations with the Downtown Business Improvement Area Board to establish, for the 2004-2005 winter season, a cost sharing arrangement for the clearing of snow from sidewalks with the BIA.

CARRIED

2000-68 Moved by Larouche and Chiocchio

1. That Council grant an exemption to Part Lot Control for Part of Block 14, Plan M-86 being Part 26, Plan 59R-10738 so the subject lands can be incorporated into the Stonegate Estates Plan of Subdivision; and
2. That Staff be authorized to prepare the necessary By-law.

CARRIED

01-4

02-4

03-4

04-4 Moved by Larouche and Belcastro that pursuant to Section 357 of the Municipal Act, 2001, Council approve the write off of taxes in the amount of \$5,310.43 as contained in Report FIN-04-28 and amended by the Treasurer listing the reasons for reduction or cancellation and assessment values.

CARRIED

01-126 Moved by Larouche and Chiocchio that the request from Cole Layer Trumble (CLT) Canada Inc. to support a competitive property assessment system in Ontario be received and filed.

CARRIED

01-161 Moved by Larouche and Dzugan that the presentation by Dan Degazio, Manager, Economic Development & Tourism and Barb Fennessy, Niagara Economic & Tourism Corporation regarding the Community Economic Development Strategy be received for information.

CARRIED

01-161 Moved by Larouche and Chiocchio that Council endorse the City of Welland Community Economic Development Strategy.

CARRIED

02-96Z Moved by Larouche and Chiocchio that Zoning By-law 2667, as amended be further amended for 59 Empire Street (Lots 21, 23 and Part of Lot 19, Plan 566) by including in the Site Specific RM4-X10 Zone a maximum of four (4) apartment units as an additional use on the land as requested by Caisse Populaire Welland Limitee.

CARRIED

02-160 Moved by Larouche and Chiocchio that CLK Report 2004-12, re: Council Agenda Procedures: Item 7.3 (Councillors Issues Discussed with Staff and Not Yet Resolved) be received for information; and
That a 10:30 p.m. "unofficial curfew" be initiated for Council Meetings to the end of the year to allow time for discussion of Item 7.3 ("Councillor issues discussed with staff and not yet resolved") and Item 8 (Corporate Reports); and further
That the Mayor be directed to oversee the process.

CARRIED

03-31 Moved by Larouche and Chiocchio that the proposal to develop a facility at Maple Park including meetings with the Sherwood Activity Centre to expedite the needs of the group be again referred to staff for study and report.

CARRIED

03-133

04-5 Moved by Alexander and Grenier

1. That Council accept the Green Municipal Enabling Fund Grant of \$60,000.00 for the development of a Brownfield Community Improvement Plan Study and authorize Staff to finalize the terms of the Agreement; and
2. That Council authorize Staff to prepare and issue a Request for Proposals for the Brownfield Community Improvement Plan Study.

CARRIED

04-3 Moved by Larouche and Chiocchio that a Lottery License be granted to the following:
Gateway Residential & Community Support Services - Single Bingo.

CARRIED

04-3 Moved by Larouche and Chiocchio that permission is hereby granted to the Niagara Falls Rainbow Blind Bowlers to sell raffle tickets in the City of Welland under authority of License M403985; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

04-7 Moved by Larouche and Chiocchio that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	27-Oct-04	\$	53,216.33
2	28-Oct-04		1,293,994.46
3	01-Nov-04		96,686.66
4	03-Nov-04		44,485.09
5	04-Nov-04		186,038.95
6	05-Nov-04		296,891.36
7	09-Nov-04		<u>273,987.69</u>
	Total	\$	2,245,300.54

CARRIED

04-13

04-60 Moved by Larouche and Chiocchio that Council direct the Treasurer to set up a Dedicated Gas Tax Fund Reserve Account to receive the provincial gas tax funding, and

That Council approves the signing of the Letter of Agreement between the City of Welland and the Province of Ontario related to the conditions for eligible expenditures which can be applied against the provincial funding provided under the Dedicated Gas Tax Funds for Public Transportation Program.

That Staff be directed to bring a report back to Council on the proposed use of the 2004 Gas Tax Funding.

CARRIED

04-15 Moved by Larouche and Chiocchio that the Fire Chief be again directed to continue negotiations/discussions with the St. Lawrence Seaway Management Corporation in an effort to effect a new Agreement for the City of Welland, to provide fire protection and other services to ships on the Welland Ship Canal.

CARRIED

04-15 Moved by Grenier and Sharpe

1. That Council approve the development and implementation of an Emergency Management Program.
2. That Council approve the revised City of Welland Emergency Management Plan.
3. That the City Solicitor be directed to prepare a new By-law directing the development and implementation of an Emergency Management Program.
4. That By-law 11299 be repealed.

CARRIED

04-22 Moved by Larouche and Chiocchio that REPORT TRAF-2004-29 Photo Enforcement be received for information.

CARRIED

04-22 Moved by Alexander and Chiocchio that in addition to the proposed traffic lights at Rice Road and Quaker Road that an effective traffic management solution be enacted for events and activities in association with the Welland Soccer Club and the Niagara College sports fields.

CARRIED

04-48 Moved by Fortier and Dzugan that staff prepare a comprehensive written report in reference to Slater Steel to reflect the municipal obligations and provide a better understanding of financial impact to the city taxpayers.

NOT PUT

04-48 Moved by Beaudoin and O'Dell that the report by staff on Slater Steel Re: municipal obligations be referred until January 2005.

CARRIED

04-55 Moved by Larouche and Chiocchio

1. That Council accept the conveyance of part of Lot 246, former Township of Thorold, now in the City of

Welland, being Part 1 on a Draft Reference Plan prepared by P.D. Reitsma Surveying Ltd., dated October 22, 2004 for Storm Water purposes in favour of the proposed Woodlawn Meadows Subdivision subject to the subject lands being free and clear of all encumbrances, existing fences being relocated and any trees affecting the Easement being removed at no cost to the municipality; and

2. That Staff be authorized to prepare the necessary By-laws and related documentation.

CARRIED

04-57 Moved by Alexander and Grenier

1. That Council request that the Ministry of Municipal Affairs and Housing to review Greenbelt Draft Plan considering the comments outlined in Report PDS-2004-64 dated November 16, 2004, and, as such, remove the "Protected Countryside" designation from lands within the City of Welland more specifically described as part of Lots 175 and 176, Concession 1, former Township of Thorold, now in the City of Welland; and
2. That the City Clerk be directed to send a copy of Report PDS-2004-64 to the Ministry of Municipal Affairs and Housing and to the Regional Municipality of Niagara for information purposes.

CARRIED

04-87 Moved by Larouche and Chiocchio that staff again be directed to investigate the possibility of paving the existing old train rail path from Colbeck Drive travelling north to Thorold Road for the following reasons:

- better accessibility to all residents throughout the year and specifically safety issues in the winter time.
- to study the possibility of partnership with the Region and the private sector to be considered for the budget year of 2005.

CARRIED

04-108 Moved by Sharpe and Alexander that the permanent basketball hoop located along the road right-of-way on Highland Gardens be removed.

CARRIED

YEAS: Councillors O'Dell, Grimaldi, Dzugan, Fortier, Beaudoin, Alexander, Chiocchio, Belcastro and Mayor Goulbourne.

NAYS: Councillors Sharpe, Grenier, Larouche and Spadafora.

04-131 Moved by Larouche and Chiocchio that the letter from the Town of Fort Erie challenging the City and other area of municipalities to contribute to the City of Peterborough State of Emergency Relief Fund be again referred to staff for study and report.

CARRIED

04-144Z Moved by Larouche and Chiocchio that the Application by Avondale Stores Limited to amend Zoning By-law 2667, as amended, for the City of Welland for property located at 947 Niagara Street (File 2004-05) be approved and that the Highway Commercial C4 Zone permitted uses be amended to permit a Clinic as an additional use in the Zone Section 22 of By-law No. 2667.

CARRIED

04-155 Moved by Fortier and Chiochio that Welland City Council congratulate Wendy Southall on her appointment as Chief of Police for the Regional Municipality of Niagara.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

01-44 Moved by Beaudoin and Grimaldi

1. That Council offer for sale those lands associated with the closure of Colbeck Drive north of Webber Road to adjacent property owners as lot additions for the values identified in the October 18, 2004 Appraisal Report prepared by D.J. Penwarden Appraisals Limited for the subject lands plus all additional costs incurred by the City as per City Policy; and
2. That compensation for the transfer of lands west of the walkway/servicing corridor to the adjacent property as a lot addition be in the amount of \$11,769.44 including appraisal, advertising costs and legal fees; and
3. That compensation for the transfer of lands east of the walkway/servicing corridor to the adjacent property as a lot addition be in the amount of 18,669.44 including appraisal, advertising costs and legal fees; and
4. That the proceeds of these sales (in the amount of \$28,900.00) be credited to the Civic Square Reserve Fund; and further
5. That the City Solicitor be authorized to prepare the necessary documentation to facilitate the sale of the lands resulting from the closure of Colbeck Drive, north of Webber Road, to the adjacent property owners as lot additions.

CARRIED

04-10 Moved by Spadafora and Grimaldi that the following citizens be appointed to the following Committees:

Local Architectural Conservation Advisory Committee - December 1, 2004 to November 30, 2006:

Paula Esposito, Tina Hill, John Mastroianni, Glenys McFarlane and Mary Mollica.

Property Standards Committee - December 1, 2004 to November 30, 2007:

Margaret Hudak.

CARRIED

04-10 Moved by Spadafora and Grimaldi that the following Councillors be appointed to serve as Chairs of the Standing Committees.

Community Services Chair - Councillor Sandy O'Dell

Corporate Services Chair - Councillor David Alexander

Operational Services Chair - Councillor Mark Dzugan.

CARRIED

04-12 Moved by Larouche and Alexander that the following Councillors be appointed to serve as Vice Mayor for the periods indicated below:

- ? December 1, 2004 to February 28, 2005 – Councillor Paul Grenier

- ? March 1, 2005 to May 31, 2005 – Councillor Barry Sharpe
- ? June 1, 2005 to August 31, 2005 – Councillor Mary Ann Grimaldi
- ? September 1, 2005 to November 30, 2005 – Councillor Pat Chiocchio.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

2000-68

BYL 2004 - 151

A By-law to exempt certain lands from Part-Lot Control Part of Block 14, Plan M-86 being Part 26, Plan 59R-10738, City of Welland.

02-96Z

BYL 2004 - 152

A By-law to amend City of Welland Zoning by-law 2667 (Caisse Populaire Welland Limitee - File 2004-04) 59 Empire Street.

04-15

BYL 2004 - 153

A By-law requiring an emergency management program for the protection of public safety, health, environment, the critical infrastructure and property, and to promote economic stability and a disaster-resilient community.

04-15

04-19

BYL 2004 - 154

A By-law to authorize the entering into a contract with Hard-Rock Construction Inc. for the Reconstruction/Rehabilitation of Welland Arena Parking Lot; and the Reconstruction/Rehabilitation/Expansion of Fire Station No. 3 Parking Lot.

04-19

BYL 2004 - 155

A By-law to authorize acceptance of the proposal from Henderson Recreation Equipment Limited for the supply and assembly of playground equipment at River Road Park.

04-55

BYL 2004 - 156

A By-law to accept the transfer of an easement(s) for storm sewers from John Chiki and Geraldine Chiki to the Corporation

of the City of Welland the Woodlawn Meadows Subdivision.

04-144Z

BYL 2004 - 157

A By-law to amend City of Welland Zoning By-law 2667
(Avondale Stores Limited - File 2004-05).

...continued...

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

04-1

BYL 2004 - 158

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 9th day of November, 2004 and 16th day of November, 2004.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Belcastro 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, December 1, 2004 for inclusion on the next Regular Council Meeting Agenda of December 7, 2004.

Council adjourned at 10:00 p.m.

These Minutes approved and adopted by Motion of Council this 7th day of December, 2004.

MAYOR

CLERK