



**SPECIAL COUNCIL MEETING, MARCH 23, 2004**

**IN COMMITTEE-OF-THE-WHOLE TO CONSIDER  
A PERSONAL MATTER; AND  
IN OPEN SESSION  
TO CONSIDER THE ITEMS AS OUTLINED IN THE SPECIAL COUNCIL AGENDA.**

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

Council met in Committee-of-the-Whole at 6:45 p.m. and in open session at 7:05 p.m. and again in Committee-of-the-Whole at 9:25 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

**Members Present:** Councillors D. Alexander, D. Beaudoin, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier (until 10:20 p.m.), P. Grenier, M. A. Grimaldi, O'Dell, 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.)

Chief, Fire & Emergency Services P. Olah (7:05 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:05 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:05 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:05 p.m.)

General Manager of Planning and Development Services D. Thorpe (7:05 p.m.)

Acting General Manager of Parks and Recreation R. Morwald (7:05 p.m.)

Executive Assistant to the Mayor and City Manager L. Ip (7:05 p.m.)

Regional Councillor J. Mastroianni (7:05 p.m.)

Shawn Patterson, Mgr., Allstream, was present to answer questions from Council with regards to Ref. 04-79 Report CM-2004-10 – Municipal Access Agreement with Allstream.



**04-25** Moved by Belcastro and Chiochio that Council meet in Committee-of-the-Whole, closed to the public at 6:45 p.m. to consider:

- a) personal matters about an identifiable individual, including municipal employees.

**CARRIED**

**04-25** Moved by Chiochio and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 7:00 p.m.

**CARRIED**

### **THE FOLLOWING CORRESPONDENCE WAS READ:**

**04-14** Report from Gen. Mgr. Engineering, Public Works and Transp. Serv./City Engineer D. Shantz - Annual Conference Report, being an addendum to the 2004 Conference Reports.

**04-14** Report from Chief, Fire and Emergency Services P. Olah – Annual Conference Report, being an addendum to the 2004 Conference Reports.

**04-18** Report from Chief, Fire and Emergency Services P. Olah – Welland Fire Department Statistics to end of February 2004, being an addendum to the February 2004 Department Reports.

### **THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

**93-162** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Welland River Water Level Fluctuation Study Ontario Power Generation/NPCA.

**98-62** Gen. Mgr. Planning and Development Services D. Thorpe – Request for Red-Lined Revision to Draft Plan – The Masters Subdivision (File 26T-14-97005) – 1276343 Ontario Limited.

**98-152** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Council Remuneration – One-Third Expense Allowance.

**97-77** Acting Gen. Mgr. Parks & Recreation R. Morwald – Recommendations for the Operation of the Welland Baseball Stadium (Sports Complex) during the 2004 Season.

**99-99** Joe Krar and Bill Lewis, event organizers - requesting to name a representative to a committee to commemorate the anniversary of the first passage through the First Welland

**04-6** Canal and to declare November 28 to December 4, 2004 as the ***“175<sup>th</sup> Anniversary of the Opening of the First Welland Canal”***.

**04-32** City Mgr. T. Fitzpatrick – Cost of Strategic Planning Session – January 9 & 10, 2004.

**01-161** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Safe Drinking Water Act, 2002 Ontario Regulation 170/03 Summary Report.

**02-165** Susan Alexander, Program Manager, Waste Management Services, Niagara Region - Upcoming Waste Plan Workshop – Wednesday, March 24, 2004.

**02-170** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - 2003 Remuneration and Expense Report – Members of Council.

**03-14** Chief, Fire and Emergency Services P. Olah – Fire Response Statistics – 2003.

**03-15** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Replacement of Culvert on Colbeck Drive.

**03-88** Gen. Mgr. Planning and Development Services D. Thorpe – City Policy for the sale of city-owned lands including the Stopping Up and Closing of Highways.

**03-110** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Properties Eligible for Tax Registration.

**04-4**

- 04-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Accounts Payable – February 11, 2004 to March 15, 2004.
- 04-14** City Mgr. T. Fitzpatrick – 2004 Conference Reports.
- 04-18** City Mgr. T. Fitzpatrick – February 2004 Departmental Reports.
- 04-19** Acting Gen. Mgr. Parks & Recreation R. Morwald – Invitation from ‘Communities in Bloom – Ontario’ to participate in the 2004 Competition.
- 04-21** William A. Coyle, Criterium Chrmn. on behalf of the St. Catharines Cycling Club to hold the “**Rose Festival Criterium**” (bicycle race) on May 23, 2004.
- 04-58** Gen. Mgr. Planning and Development Services D. Thorpe – Request for Encroachment Agreement – Chippawa Park – 56 Weller Avenue.
- 04-59** City Clerk C.A. Stirtzinger – Elaboration of Ward Redistribution Options.
- 04-79** City Mgr. T. Fitzpatrick – Municipal Access Agreement with Allstream Corp.

**93-162** Moved by O'Dell and Grenier that the Niagara Peninsula Conservation Authority be advised that the City of Welland support Alternative 3A – Diversion of Welland River to the Hydro Electric Power Commission (H.E.P.C.) Canal, which is “The Preferred Solution”, as outlined in the ‘Draft Final’ report ‘Welland River Water Level Fluctuation Study’ prepared by Philips Engineering Limited for Ontario Power Generation (O.P.G.) and the Niagara Peninsula Conservation Authority (N.P.C.A.) dated November 2003.

**CARRIED**

**97-77** Moved by Sharpe and O'Dell

1. That Council approves the proposed user fees for the Welland Baseball Stadium attached as Schedule 'A'; and
2. That Council approves the proposed Terms of Reference for the Welland Baseball Stadium Committee attached as Schedule 'B'; and further
3. That Council authorizes staff to issue a Request for Tender for the operation of the concession at the Welland Baseball Stadium.

**CARRIED**

**98-62** Moved by Spadafora and Dzugan

1. That the City of Welland hereby grants a red-lined Amendment to The Masters Subdivision (formerly St. Andrews) File 27T-14-97005 owned by 1276343 Ontario Limited being part of Lots 18 and 19, Concession 2, part of the road allowance between Lots 18 and 19, Concession 2 and part of the road allowance between Concession 2 and 3, former Township of Crowland, now in the City of Welland prepared by Hynde Paul Associates Incorporated as red-lined by City Council on March 23, 2004 showing thirteen (13) Blocks for residential development, one (1) Block for secondary access, one (1) Block for future development, one (1) Block for an addition to the existing golf course, one (1) Block for future access and eight (8) Blocks for 0.3 metre Reserves subject to the following Conditions:
  - (a) That the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
  - (b) That no grading or construction work shall commence on the site until such time as the Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation have been registered on Title;
  - (c) That Blocks 18 through 25, being 0.3 metre Reserves, be conveyed to the City of Welland free and clear of all encumbrances;
  - (d) That any 0.3 metre Reserves required for Phasing of the development be conveyed to the City of Welland free and clear of all encumbrances;
  - (e) That all necessary Easements required for utility and servicing purposes shall be granted to the appropriate Authority free and clear of all encumbrances;
  - (f) That Block 15 be transferred to the Owner of the adjacent lands to the west to be used for golf

course purposes;

...continued...

**98-62...CONT'D.**

- (g) That Block 6 be conveyed to the City of Welland, free of all encumbrances, for secondary access/pedestrian purposes; and be developed in accordance with City standards with required heavy duty asphalt and fencing;
- (h) That an Encroachment Agreement be entered into between the City and the Owner of Hunter's Pointe Golf Course to acknowledge the existing private water line crossing the proposed Daimler Parkway;
- (i) That Block 17 be transferred to the City of Welland for future roadway purposes and be dedicated as a public highway and that the Owner shall be responsible for the construction of a public highway on Block 17;
- (j) The Owner shall submit geotechnical information to the satisfaction of the City of Welland prior to the construction of any roads within the Plan;
- (k) The Owner shall provide comprehensive geotechnical soils investigations for each building site which must make recommendations on the use of the site for the construction of buildings prior to the issuance of a Building Permit;
- (l) That Daimler Parkway be dedicated as a public highway and be constructed as a divided roadway with a minimum road allowance width of 26.0 metres;
- (m) Should any Phasing of development occur, temporary cul-de-sacs shall be constructed and conveyed to the City of Welland as required;
- (n) Concrete sidewalks, to City Standards, shall be constructed on both sides of Daimler Parkway and on the north and east side of Street "A";
- (o) The existing watermain may be extended south to Street "A" in order to service Blocks 1 through 5 inclusive. Prior to additional extensions, the Owner must undertake an Engineering Review to determine the limit of the servicing area;
- (p) The Owner shall acknowledge promptly to the Regional Planning Department that the Draft Approval of this Subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara. Servicing allocation will be assigned instead at the time of Final Approval of this Subdivision for registration purposes;
- (q) That immediately following notice of red-line Revision, the Owner shall provide the Regional Planning Department with a written undertaking that all Offers of Purchase and Sale that may be negotiated prior to registration of the Subdivision shall contain a clause clearly indicating that a servicing allocation for the Subdivision will not be assigned until the Plan is granted Final Approval for registration;
- (r) That the detailed design drawings for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval;
- (s) That the Ministry of the Environment Certificate of Approval be obtained for the necessary servicing (water, sanitary sewer and storm drainage) for the development prior to Final Approval for registration;
- (t) That prior to Approval of the Final Plan, the Owner shall submit to the Regional Planning Department for review and approval a detailed Storm Water Management Plan for the Subdivision completed in accordance with the Ministry of the Environment documents entitled Storm Water Management Planning and Design Manual, March 2003 and Storm Water Quality Guidelines for new development, May 1991, endorsed by a suitably qualified Professional Engineer. Furthermore, the Owner agrees in the Subdivider's Agreement to implement the approved Storm Water Management Plan;
- (u) That detailed lot grading and drainage plans, indicating both existing and proposed grades, and the means whereby major storm system flows will be accommodated across the site, be submitted to the Niagara Peninsula Conservation Authority for review and approval;
- (v) That the Owner shall submit to the Ministry of the Environment and the Regional Planning and Development Department a record of Site Condition pursuant to the "Guidelines for Use of Contaminated Sites" (June 1996 and Amendments) verifying the soil testing undertaken on the site prior to Final Approval of the Plan;

...continued...

**98-62...CONT'D.**

- (w) That prior to the granting of Approval for the Final Plan, City of Welland Planning and Development Services will require written notice from the following upon their respective Conditions having been met satisfactorily:
- Regional Niagara Planning and Development Department for Conditions: p, q, t, v  
Regional Niagara Public Works Department for Condition: r  
Niagara Peninsula Conservation Authority for Condition: w  
Ministry of the Environment for Conditions: s, v.

**CARRIED**

**98-152** Moved by Spadafora and Dzugan that in accordance with Section 283 of the Ontario Municipal Act, Welland Council states its intention that one-third of the remuneration paid to elected members of Council is deemed as expenses incidental to the discharge of their duties as members of Council.

**CARRIED****99-99****04-6**

**04-32** Moved by Spadafora and Dzugan that the Mayor declares November 28 to December 4, 2004 as the "***175th Anniversary of the Opening of the First Welland Canal***" as requested by Bill Lewis and Joe Krar, event organizers of this anniversary.

**CARRIED**

**01-161** Moved by Sharpe and Grenier that Council receive Report CM-2004-08 concerning the costs of the Strategic Planning Meetings held by Welland Council and Senior Staff on January 9 and 10, 2004.

**CARRIED**

**02-165** Moved by Alexander and Grenier that Report ENG-2004-09 regarding the annual Summary Report as required per Safe Drinking Water Act 2002, Ontario Reg. 170/03 be received for information purposes.

**CARRIED**

**02-170** Moved by Spadafora and Dzugan that the information submitted by Susan Alexander, Program Manager, Waste Management Services, Niagara Region regarding the Niagara-Hamilton Waste Plan Workshop be received for information.

**CARRIED**

**03-14** Moved by Spadafora and Dzugan that the 2003 Remuneration and Expenditures report covering Members of Council attached to Report FIN-04-09 be received and placed on file in the Clerk's Department.

**CARRIED**

**03-15** Moved by Spadafora and Dzugan that the Report F&ES-2004-04 on Fire Response Statistics for 2003 be received for information purposes.

**CARRIED**

**03-88** Moved by Fortier and Grenier that Council consider/give early budget approval to partner with the Niagara Peninsula Conservation Authority in the engineering work to improve the Drapers Creek culvert under Colbeck Drive, should Council consider the works a matter of priority.

**CARRIED**

**03-110** Moved by Fortier and Spadafora

1. That Council adopt the attached City of Welland Policy for the Sale of City-Owned Lands and the Stopping Up and Closing of Highways; and
2. That City of Welland Policies SER-013-0001 (Lot Purchases – Broadway Industrial District), SER-013-0002 (Sale of City-Owned Lands), SER-013-0003 (Sale of Laneways), SER-013-0005 – Laneways – Closings), SER-013-0008 (Construction of Buildings on Lots Sold by the City); SER-013-0009 (Sale of City-Owned Land – Unserviced) and SER-013-0010 (Land Appraisals) be repealed; and
3. That By-law 10570 being a By-law to establish a procedure governing the sales of real property be repealed; and further
4. That Staff prepare the necessary By-law to adopt the Policy.

**CARRIED**

**04-4** Moved by Sharpe and Spadafora

1. That the delinquent tax accounts (3 years in arrears) listed in Schedule 'A' and attached to Report FIN-04-08 be placed under tax registration.
2. That the delinquent tax accounts (3 years in arrears) listed in Schedule 'B' and attached to Report FIN-04-08, having commenced financial repayment agreements, not be placed under tax registration at this time.
3. That any accounts listed in Schedule 'B' be placed under tax registration upon default of their repayment agreement.

**CARRIED**

**04-7** Moved by O'Dell and Belcastro that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	11-Feb-04	\$	21,598.67
2	12-Feb-04		72,400.95
3	13-Feb-04		1,024,737.38
4	17-Feb-04		5,221,589.44
5	19-Feb-04		779,794.61
6	23-Feb-04		870,038.18
7	24-Feb-04		109,088.81
8	26-Feb-04		1 1,917.84
9	01-Mar-04		286,024.64
10	02-Mar-04		60,815.92
11	04-Mar-04		56,581.44
12	05-Mar-04		35,479.03
13	08-Mar-04		228,927.28
14	10-Mar-04		133,351.10
15	15-Mar-04		<u>270,731.75</u>
	<b>Total</b>	<b>\$</b>	<b>9,183,077.04</b>

**CARRIED**

**04-14** Moved by Fortier and Grimaldi that the Conference Report CM-2004-09 and addendums be referred to the April 6 Council Meeting.

**CARRIED**

**04-14** Moved by Spadafora and Beaudoin that Council Members report on Conferences attended at a following Council meeting; and  
That staff report in writing on conferences attended.

**CARRIED**

**04-18** Moved by Spadafora and Dzugan that Report CM-2004-07, February 2004 Departmental Reports including an addendum from the Fire Department be received for information.

**CARRIED**

**04-19** Moved by Spadafora and Dzugan

1. That the City of Welland declines the invitation from 'Communities in Bloom - Ontario' to participate in the 2004 competition; and further
2. That staff enter into discussions with potentially interested community organizations to consider future participation in the 'Communities in Bloom' program.

**CARRIED**

**04-21** Moved by Sharpe and Grenier that Welland City Council approves the application of the St. Catharines Cycling Club to hold the "**Rose Festival Criterium**" (Bicycle race) on May 23, 2004 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**

**04-58** Moved by Spadafora and Dzugan

1. That Council agree to recognize an existing 0.85 to 1.04 metre encroachment onto Weller Avenue for a brick retaining wall and a 9.75± metre by 18.3± metre encroachment onto unopened Manor Road being part of Chippawa Park for property known municipally as 56 Weller Avenue (Lots 562, 563 and 564, Plan 598); and
2. That the City Solicitor be authorized to prepare the necessary documents and By-law; and further
3. That the Applicant pay for the cost of documentation and registration in the amount of \$300.00.

**CARRIED**

**04-59** Moved by Spadafora and Dzugan that Report CLK-2004-05, Elaboration of Ward Redistribution Options, be received for information.

**CARRIED**

**04-59** Moved by Alexander and Grenier that, pursuant to Section 217 of the Municipal Act, notice be given to the public that Council intends to pass a By-law to change the composition of Council; and further  
That a Public Meeting be held at a future date in the Council Chambers for that purpose.

**LOST**

**04-79** Moved by Beaudoin and Spadafora that the City of Welland enter into a Municipal Access Agreement with Allstream for the provision of telecommunications services on municipal rights of way in the City of Welland.

**CARRIED**

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

**99-99**

**04-10**

**04-32** Moved by Belcastro and Chiochio that Councillor Sandy O'Dell be appointed as a liaison to the First Welland Canal 175th Anniversary Committee.

**CARRIED**

**04-25** Moved by Spadafora and Alexander that Council meet in Committee-of-the-Whole, closed to the public at 9:25 p.m. to consider:

- a) personal matters about an identifiable individual, including municipal employees.

**CARRIED**

**04-25** Moved by Spadafora and Alexander that the Committee-of-the-Whole arise from its closed meeting at 11:20 p.m. without report.

**CARRIED**

Council adjourned at 11:20 p.m.

These Minutes approved and adopted by Motion of Council this 6<sup>th</sup> day of April, 2004.

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**MAYOR**

**CLERK**