



COUNCIL MEETING, MARCH 1, 2005

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:15 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, D. Beaudoin, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi (7:40 p.m.), J. Larouche, and B. Sharpe.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (7:40 p.m. – 9:30 p.m.)

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz

General Manager Financial & Corporate Services/Treasurer B. Silvestri(7:40 p.m. – 9:30 p.m.)

General Manager Human Resources R. Beaumont (6:30 p.m. – 7:30 p.m.)

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

General Manager of Planning and Development Services D. Thorpe (7:40 p.m.)

General Manager of Parks and Recreation B. LaPlante (6:30 p.m.)

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

05-25 Moved by Belcastro and Grenier that Council meet in Committee-of-the-Whole, closed to the public at 6:15 p.m. to consider:

- a) the security of the property of the municipality;
- d) labour relations or employee negotiations; and
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED

05-25 Moved by Grenier and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 7:30 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Chiocchio disclosed an interest in Ref. No. 05-67Z and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is a member of CUPE Local 1263, the applicant of this proposed development.

Councillor Belcastro disclosed an interest in Ref. No. 05-66/05-66Z and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is the owner of Doral Holdings/Seaway Mall.

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

- No one was present to speak to this matter.

There being no submissions the hearing was concluded.

DELEGATION:

05-4 Susan T. McGovern, Vice President, Community Relations & Communications, Ontario Strategic Infrastructure Financing Authority addressed Council regarding funding.

THE FOLLOWING CORRESPONDENCE WAS READ:

04-115Z Faxed letter from Brian Miller, Solicitor for Larry Creighton the applicant requesting deferral of the proposed amendment to Zoning By-law 1538 for north side of Buchner Road, west side of unopened Matthews Road.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

98-82 City Mgr. T. Fitzpatrick – Award of Tender for the Supply and Delivery of Task Chairs.

- 02-35** Retention of Consultant, Intersection Redesign & Signalization Review, Thorold Road & Clare Avenue.
- 02-166** Dean Iorfida, City Clerk, The City of Niagara Falls – Reduction of Council Size at the Regional Government Level.
- 03-4**
- 04-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Application for Tax Write-Offs – Section 357.
- 03-55Z** A By-law to amend City of Welland Zoning By-law 2667 (U. Lucchetta Construction Limited – File 2004-13) south of Balsam Street, west of South Pelham Road.
- 03-133** Gen. Mgr. of Planning and Development Services D. Thorpe – Retention of Consultant for preparation of the City's Brownfield Strategy/Community Improvement Plan.
- 04-23** City Clerk C. Stirtzinger - Public Sector Salary Disclosure 2004.
- 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).
- 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 February, 2005 and 1st day of March, 2005.
- 05-4** Susan T. McGovern, Vice President, Community Relations & Communications, Ontario Strategic Infrastructure financing authority addressed Council regarding funding.
- 05-5** Welland Heritage Council – request for a sponsorship of the Cross Cultural Sensitivity conference to be held on April 6th, 2005 in Niagara Falls.
- 05-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – February 9, 2005 to February 22, 2005.
- 05-15** Gen. Mgr. Parks and Recreation B. LaPlante – Repairs to King Street Fire Hall Floor Slab Project.
- 05-21** Annette Mayes, Parent Council Member, Ecole Saint- Francois - requesting permission to hold a walk-a-thon on Thursday, April 28th, 2005 (rain date April 29th, 2005).
- 05-64Z** A By-law to amend City of Welland Zoning By-law 2667 (Baiocco Development Corp. – File 2004-07) east side of Clare Avenue, north of Lynbrook Lane.
- 05-66**
- 05-66Z** Proposed Amendment to the Official Plan and Zoning By-law 2667 – Doral Holdings Limited and 430635 Ontario Inc. – Pt. Lots 229, 230 Township of Thorold (Parts 1, 2, 3 and 4 Plan 59R-11781, Parts 1, 2, 3, 4 and 5 Plan 59R-1742) – 800 Niagara Street (File 2004-08).
- 05-66** A By-law to authorize the signing of Official Plan Amendment No. 114.
- 05-66Z** A By-law to amend City of Welland Zoning By-law 2667(Doral Holdings Limited - File 2004-08) east side of Woodlawn Road, west of Welland Recreational Waterway.
- 05-66Z** A By-law to amend City of Welland Zoning By-law 2667 (Doral Holdings Limited and 430635 Ontario Inc. - File 2004-08) 800 Niagara Street.
- 05-67Z** Proposed Amendment to Zoning By-law 2667 – Haun Drop Forge Co. Ltd. – 500 Major Street (File 2004-09).
- 05-67Z** A By-law to amend City of Welland Zoning By-law 2667 (Haun Drop Forge Co. Ltd. - File 2004-09) 500 Major Street.
- 05-69** Holly Dowd, Town Clerk, The Town of Niagara-On-The-Lake – Ontario Heritage Act Designation Process.

05-1 Moved by Dzugan and Grenier that the Minutes of the Regular Council Meeting of February 15, 2005 and Special Council Meeting of February 22, 2005 be and the same are hereby approved and adopted as circulated.

CARRIED

98-82 Moved by Larouche and Alexander that Council accepts the tender submitted by Beatties Basics for the supply and delivery of task chairs in the amount of \$15,480.00 plus G.S.T. being the lowest bid of six (6) tenders submitted.

CARRIED

02-35 Moved by Sharpe and Chiocchio

1. That the proposal for Engineering Services, received from Totten Sims Hubicki Associates, dated February 7, 2005, for the completion of the 'Intersection Redesign & Signalization for Thorold Road at Clare Avenue', having an estimated cost of \$38, 338 excluding G.S.T. be accepted; and
2. That the City Solicitor be directed to prepare the necessary by-laws to enter into an agreement with Totten Sims Hubicki Associates for the undertaking of this assignment; and further
3. That the City Solicitor be directed to prepare any necessary documentation or by-law to void the agreement between the City of Welland and the previous Consulting Firm.

CARRIED

02-166 Moved by Larouche and Alexander that the letter from the City of Niagara Falls requesting support of its resolution regarding reduction of Council size at the Regional Government level be received and referred to staff for study and report.

CARRIED

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 \$2,876.31 as contained in Report FIN-05-02 listing the reasons for reduction or cancellation and assessment values.

CARRIED

03-133 Moved by Alexander and Grenier

1. That the Proposal for the Brownfield Strategy/Community Improvement Plan submitted, as a result of the City's Request For Proposals, by RCI Consulting, together with Acres International Limited and GSP Group Inc. be accepted by Council in the amount of \$111,995.00, excluding GST, this being the proposal which best meets the needs of the City of Welland; and
2. That the funding for the Report be in accordance with the Grant from the Federation of Canadian Municipalities, as trustee of the Green Municipal Enabling Fund; and further
3. That Staff be authorized to prepare the necessary documentation.

CARRIED

04-23 Moved by Larouche and Alexander that the Record of Employees' Salaries and Benefits for the year 2004, dated March 1, 2005 and made in accordance with the Public Sector Salary Disclosure Act 1996, be received, noted and filed in the City Clerk's Office for the information of the public; and That a copy of this record be filed with the Ministry of Municipal Affairs and Housing as well as the City's Auditors, as required.

CARRIED

04-115Z Moved by Larouche and Chiocchio that the letter from Mr. R. Brian Miller, Leon Taylor & Fazari on behalf of Mr. Creighton requesting a deferral of rezoning application for property on Buchner Road be received and that the application be referred to the April 19, 2005 Council Meeting.

CARRIED

05-4

05-70 Moved by Grenier and Fortier that the presentation by Susan T. McGovern, Vice President, Community Relations & Communications, Ontario Strategic Infrastructure Financing Authority regarding funding be received for information.

CARRIED**05-5**

Moved by Fortier and Grimaldi that Council approve the request from the Welland Heritage Council for a \$500 sponsorship of the Cross Cultural Sensitivity Conference to be held on April 6th, 2005 in Niagara Falls and that the funds be allocated from the Promotions Account.

LOST**05-7**

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

1	10-Feb-05	\$	840,253.18
2	14-Feb-05		226,644.60
3	15-Feb-05		200,438.23
4	16-Feb-05		199,228.59
5	18-Feb-05		291,671.09
6	21-Feb-05		28,546.82
7	22-Feb-05		<u>1,720,096.37</u>
	Total	\$	3,506,878.88

CARRIED**05-15**

Moved by Larouche and Alexander that Council accepts the tender submission from Copeland's Contracting in the amount of \$31,565.00, which includes applicable taxes, for repairs to the concrete floor slab at the King Street Fire Hall as per specifications prepared by J. David Pounder Limited, Consulting Engineer and Architect.

CARRIED**05-21**

Moved by Larouche and Alexander that Welland City Council approves the application of Ecole Saint-Francois to hold a walk-a-thon on Thursday, April 28th, 2005 (rain date April 29th, 2005) subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED**05-66****05-66Z**

Moved by Larouche and Alexander

1. That the City of Welland adopt Amendment No. 114 respecting Part of Lots 229 and 230 former Township of Thorold, now in the City of Welland, being Parts 1, 2, 3 and 4 Plan 59R-11781 from Open Space Heritage Corridor to Recreational to permit a private/public recreational establishment; parking; and associated commercial enterprises;
2. That Zoning By-law 2667, as amended, be further amended for lands located on the north side of Woodlawn Road, west of the Welland Recreational Waterway (part of Lots 229 and 230, former Township of Thorold, now in the City of Welland, being Parts 1, 2, 3 and 4, Plan 59R-11781) from the existing O2 Zone to a Site Specific C4 (H)-Holding Zone to restrict the uses to a parking lot; recreational establishment; pro-shop, athletic shop, athletic sales store, restaurant, fast food outlet and convention activities including home show/seminars/trade shows/job fairs only in conjunction with a recreational establishment, subject to the approval of OPA 114;
3. That the Holding Symbol (H) be removed, upon Application, once all necessary studies are reviewed

and accepted and upon execution of the required Site Plan Control Agreement with the City of Welland;

4. That Zoning By-law 2667, as amended, be further amended for lands known municipally as 800 Niagara Street (part of Lots 229 and 230, former Township of Thorold, now in the City of Welland) from C2 for parking only, C2 with C3 uses and C3 to a Site Specific C4 Zone which will permit all uses in the C1, C2, C3 and C4 Zones and to provide for a reduced Front Yard Setback for the existing Red Rice Restaurant; and
5. That upon final approval of the By-law noted in Number 4 above, various amending Zoning By-laws as they pertain to lands known municipally as 800 Niagara Street, be repealed.

CARRIED

05-67Z Moved by Larouche and Alexander that Zoning By-law 2667, as amended, be further amended for part of Lot 21, Concession 4, former Township of Crowland known municipally as 500 Major Street from the I2 Zone to a Site Specific I2 Zone to permit a business office and meeting rooms as additional uses.

CARRIED

05-69 Moved by Larouche and Alexander that the letter from the Town of Niagara-On-The-Lake requesting support of its resolution regarding the Ontario Heritage Act Designation process be received and referred to the Welland Heritage Committee for recommendation.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

98-82 Moved by Larouche and Alexander that Mayor and Clerk be authorized to execute Minutes of Settlement between Buttcon Limited and the City of Welland and others.

CARRIED

04-114 Moved by Dzugan and Beaudoin

1. That Council accept the Request for Proposals from Laurent Viger Construction Limited for lands north of Promenade Richelieu, east of Wellington Street being Parts, 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 17, 18 and 19, Reference Plan 59R-7976 and a portion of unopened Roxborough Street in the amount of \$101,000.00; and
2. That Council authorize Staff to prepare the necessary Offer of Purchase and Sale Agreement with Laurent Viger Construction Limited; and
3. That unopened Roxborough Street north of Promenade Richelieu be stopped up and closed prior to the finalization of the transaction; and
4. That 10% of the net sale value be credited to the M.I.G. Fund with the remaining 90% credited to the Civic Square Reserve Fund; and further
5. That Council authorize Staff to prepare the necessary By-laws to finalize the transaction.

CARRIED

05-54 Moved by Larouche and Fortier

1. That the City of Welland advise Mr. Richard Terenne that his revised Offer of Purchase and Sale in the amount of \$43,000.00 for 37 Wavell Court (being Part of Parcel D, Plan 973, Parts 1,2,3,4,5 and 6, Plan 59R-10546) is accepted by the City; and
2. That Staff be authorized to prepare the necessary documents to proceed with this transaction; and further
3. That the net proceeds of the sale be credited to the Planning Act Trust Fund.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

03-55Z

BYL 2005 - 25

A By-law to amend City of Welland Zoning By-law 2667 (U. Lucchetta Construction Limited - File 2004-13) south of Balsam Street, west of South Pelham Road.

05-64Z

BYL 2005 - 26

A By-law to amend City of Welland Zoning By-law 2667 (Baiocco Development Corp. - File 2004-07) east side of Clare Avenue, north of Lynbrook Lane.

05-66

BYL 2005 -27

A By-law to authorize the signing of Official Plan Amendment No. 114.

05-66Z

BYL 2005 - 28

A By-law to amend City of Welland Zoning By-law 2667(Doral Holdings Limited - File 2004-08) east side of Woodlawn Road, west of Welland Recreational Waterway.

05-66Z

BYL 2005 - 29

A By-law to amend City of Welland Zoning By-law 2667 (Doral Holdings Limited and 430635 Ontario Inc. - File 2004-08) 800 Niagara Street.

05-67Z

BYL 2005 - 30

A By-law to amend City of Welland Zoning By-law 2667 (Haun Drop Forge Co. Ltd. - File 2004-09) 500 Major Street.

05-1

BYL 2005 - 31

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 February, 2005 and 1st day of March, 2005.

And that the same be now read a first time.

CARRIED

(Councillor Grenier asked to be recorded as opposed to By-law 2005-26)

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Larouche and Alexander 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

(Councillor Grenier asked to be recorded as opposed to By-law 2005-26)

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, March 30, 2005 for inclusion on the next Regular Council Meeting Agenda.

05-4 Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the April 1st, 2005 Regular Council Meeting:

That staff be directed to provide the following:

- ? ***A list of services provided in the water and sewer budget in order of priority, identifying what is essential including a dollar value for these itemized services; and***
- ? ***A detailed report to be reviewed by the Budget Committee and Council.***

Council adjourned at 10:05 p.m.

These Minutes approved and adopted by Motion of Council this 5th day of April, 2005.

MAYOR

CLERK