



COUNCIL MEETING, JUNE 21, 2005

CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:30 p.m. and in open session at 7:30 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Councillor Joe Spadafora assumed the Chair from 6:45 p.m. to 7:05 p.m. in order for the Mayor to attend the premier screening of "Our Town – Welland" by WNED Buffalo being held in the Community Room at the Civic Square.

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 (8:10 p.m.), J. Larouche (6:45 p.m.), B. Sharpe and J. Spadafora.

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 of Parks and Recreation B. LaPlante (7:30 p.m.)

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

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

Acting Mgr. Budgets & Fin. Rprt./Dep. Treas. K. Douglas (7:30 p.m.)

05-25 Moved by Grenier and Sharpe that Council meet in Committee-of-the-Whole, closed to the public at 6:30 p.m. to consider:

- a) the security of the property of the municipality.

CARRIED

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

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

CARRIED

DISCLOSURE OF INTEREST:

Councillor Spadafora disclosed an interest in Ref. No. 04-48 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his company does work for Atlas Steels.

DELEGATIONS:

05-116 Chris McQueen, Transition Manager, Niagara Ambulance Communication Service, Niagara Region Public Health Department addressed Council regarding the Niagara Ambulance Communications Service, the new ambulance dispatch facility located in Niagara-on-the-Lake.

99-99 John Levick, Anglers Advisory Committee addressed Council regarding the opposition to the watercraft restrictions by-law on the Welland Recreational Canal.

99-99 Bill Marr, Welland resident addressed Council regarding the opposition to the Welland Recreational Canal Corporation watercraft restrictions by-law.

99-99 Dave Marynuik addressed Council regarding the opposition to the Welland Recreational Canal Corporation watercraft restrictions by-law.

99-99 Mark Carl, Chair and Mike Lottridge, Secretary Treasurer of the Welland Recreational Canal Corporation were present to answer questions of Council with respect to the water restrictions by-law.

THE FOLLOWING CORRESPONDENCE WAS READ:

99-99 Petition submitted by John Oakes in support of the ban on motorized watercraft on the Welland Recreational Canal.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

96-48 Development Charges 2004 Year End Statement.

99-43 Michael J. Pace, Barristers & Solicitors, Miller Thomson – Consolidated version of the

Shareholder Declaration to reflect the changes that were approved by the City of Welland on December 21, 2004.

- 99-53** A By-law to authorize the entering into an Agreement with Niagara Regional Broadband Network Limited and Cygnal Technologies Corporation for the provision of new internet service to the City of Welland.
- 99-99** A By-law to adopt a 'Go Quiet' Policy and 'Urban Fishing Initiative' respecting the use of the Welland Recreational Canal Waterway; and to repeal By-law 2003-77.
- 01-126** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- The Concept of a Competitive Property Assessment System in Ontario.
- 03-133** International Brownfield Summit.
- 03-133**
- 05-10** Brownfield Strategy/Community Improvement Plan Liaison Committee.
- 04-19** Gen. Mgr., Parks and Recreation B. LaPlante – Parks, Recreation and Culture Master Plan Terms of Reference.
- 04-79** A By-law to authorize the entering into a Municipal Access Agreement with Allstream.
- 04-94** Gen. Mgr., Planning and Development Serv. D. Thorpe – Forks Commons Subdivision (Formerly Forks End Subdivision) (File 26T-97004) – Request for extension of Draft Approval.
- 04-124** Consideration of In-House Staffing for Universal Water Meter Implementation Program.
- 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 14th day of June, 2005 and 21st day of June, 2005.
- 05-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – June 1, 2005 to June 13, 2005.
- 05-13** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Port Colborne – Niagara Falls Worker Charter Shuttle Service.
- 05-13** A By-law to authorize the entering into an Amending Agreement with Pattison Outdoor Advertising, a division of Jim Pattison Industries Ltd., for the installation, maintenance and advertising on Welland Transit Bus Shelters.
- 05-19** Janice Makepeace, Community Recreation Coordinator, City of Welland Parks and Recreation Department – requesting permission for a fireworks display for Canada Day Celebrations to be held at Memorial Park on Friday, July 1, 2005 and for the annual Family Day to be held on Sunday, August 7, 2005 at St. George Park.
- 05-20** Leya Poulouski, Tourism of Welland Niagara – requesting permission for the following
- 05-21** during the Niagara Food Festival:
- 05-121** - Special Occasion Permit for September 23, 24 & 25, 2005; - A fireworks display; exemption to the Noise By-law; temporary street closures; and use of Sports Complex parking lot.
- 05-22** A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Handicapped By-law 9840, Fire Route By-law 10011, and Traffic and Parking By-law 89-2000, at Seaway Mall; and to Repeal By-law 2005-9.
- 05-39** Bill 124 – Changes to the Building Permit Process.
- 05-39** A By-law respecting permits for construction, demolition, occupancy and change of use, transfer of permits, and inspections and to repeal By-law 10230 and all amendments thereto.
- 05-94** Anne Hepplewhite, Acting Regional Clerk, Regional Municipality of Niagara - New Capping Options for 2005 and Funding the 2005 Capping Program.
- 05-105** A By-law to authorize the acceptance of tender and the entering into a contract with Vic Vatrt Contracting Limited for the Lincoln Street Water Service Lateral Replacement from Crowland Avenue to Coventry Road.
- 05-106** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of Tender – Utility Cut Final Reinstatement 2005.
- 05-114Z** Proposed Amendment to By-law 2667 – 1276304 Ontario Inc. – 289 Daimler Parkway (File 2005-07).
- 05-114Z** A By-law to amend City of Welland Zoning By-law 2667 (1276304 Ontario Inc. –File 2005-07) 289 Daimler Parkway.
- 05-115Z** Proposed Amendment to By-law 2667 – Klaas Mans – 9 Asher Street and 204 and 206

Hellems Avenue, Part of Block V, Plan 565 (File 2005-06).

05-115Z A By-law to amend City of Welland Zoning By-law 2667 (Klaas Mans - File 2005-06) 9 Asher Street, 204 and 206 Hellems Avenue.

05-118 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Implementation of Water Conservation Program.

05-119 A By-law to approve and authorize the execution of a Subdivision Agreement with Wayne and Deborah Cook for land at 29, 31, 31 ½ and 33 Thorold Road.

05-119Z Gen. Mgr., Planning and Development Serv. D. Thorpe – Proposed By-law to remove the Holding (H) Symbol from land located at 24, 31, 31 ½ and 33 Thorold Road, west of Aqueduct Street.

05-119Z A By-law to amend Zoning By-law 2667 upon the application of Wayne Cook to remove the Holding Symbol "H" from certain lands on the south side of Thorold Road, west of Aqueduct Street known municipally as 29, 31, 31 ½ and 33 Thorold Road.

05-1 Moved by Larouche and Dzugan that the Minutes of the Regular Council Meeting of June 7, 2005 and Special Council Minutes of June 14, 2005 be and the same are hereby approved and adopted as circulated.

CARRIED

96-48 Moved by Dzugan and Grenier that the Treasurer's Statement attached to Report FIN-05-05, in accordance with the Development Charges Act and O. Reg. 104/98, be received and the City Clerk be instructed to forward a copy of this Statement to the Minister of Municipal Affairs within 60 days of giving this report to Council as per Section 43(3).

CARRIED

99-43 Moved by Dzugan and Grenier that Council, as the Sole Shareholder, authorize the Mayor and Clerk to sign the Amended and Restated Shareholder Declaration respecting the Welland Hydro-Electric Holding Corp., its subsidiaries and affiliates to reflect changes approved by Council up to and including December 21st, 2004.

CARRIED

99-99 Moved by Dzugan and Grenier that the petition submitted by John Oakes in support of the ban on motorized watercraft on the Welland Recreational Canal be received for information.

CARRIED

99-99 Moved by Beaudoin and Larouche that the presentation by John Levick, Anglers Advisory Committee regarding the opposition to the watercraft restrictions By-law on the Welland Recreational Canal be received for information.

CARRIED

99-99 Moved by Dzugan and Grenier that the presentation by Bill Marr and petition on behalf of approximately 500 people, regarding the opposition to the watercraft restrictions By-law on the Welland Recreational Canal be received for information.

CARRIED

99-99 Moved by Fortier and Dzugan that the presentation by Dave Marynuik regarding the opposition to the watercraft restrictions By-law on the Welland Recreational Canal be received for information.

CARRIED

99-99 Moved by Spadafora and Chiocchio that By-law 2005-92 being a By-law "To adopt a 'Go Quiet' Policy and 'Urban Fishing Initiative' respecting the use of the Welland Recreational Canal Waterway; and to repeal By-law 2003-77" be referred back to staff for review and consideration by the Welland Recreational Canal Corporation (WRCC) based on the presentations and discussions this evening, and that the WRCC hold a public meeting (July 6, 2005) and report back to the July 19, 2005 Council Meeting.

CARRIED

YEAS: Councillors Grimaldi, Dzugan, Fortier, Sharpe, Beaudoin, Alexander, Grenier
Chiocchio, Larouche, Belcastro, Spadafora and Mayor Goulbourne.

99-99 Moved by Larouche and Sharpe that the Welland Recreational Canal Corporation be requested to fast track the re-opening of the Thorold Road boat ramp.

CARRIED

01-126 Moved by Dzugan and Grenier that Council of the City of Welland resolves that the assessment service delivery needs of the City of Welland and other Ontario Municipalities can be best met with one property assessment body in the Province of Ontario.

CARRIED

03-133 Moved by Dzugan and Grenier that Council receive Report PDS-2005-48 concerning the International Brownfield Summit dated June 14, 2005.

CARRIED

03-133

05-10 Moved by Dzugan and Grenier that Council receive Report PDS-2005-49 concerning the Brownfield Strategy/Community Improvement Liaison Committee dated June 14, 2005 and endorse the list of individuals recommended to form the Liaison Committee for the Brownfield Strategy/Community Improvement Plan currently being undertaken by the City; and further That Councillor David Alexander be appointed to the Brownfield Strategy/Community Improvement Liaison Committee.

CARRIED

04-19 Moved by Larouche and Grenier

1. Council accept the Terms of Reference as prepared by the Parks and Recreation Master Plan Steering Committee to undertake a comprehensive Parks, Recreation and Culture Master Plan Study as outlined in Report P&R-2005-08; and
2. That an additional \$15,000 be allocated to the Master Plan Project to take into consideration the added Arts and Cultural components of the project.

CARRIED

04-94 Moved by Dzugan and Grenier that Council approve an extension to Draft Approval for the Forks Commons Subdivision (formerly Forks End Subdivision) (File 26T-97004) for one (1) year to June 29, 2006 as requested by Patrick Luciani on behalf of ATXX Corporation.

CARRIED

04-124 Moved by Beaudoin and Dzugan that the City of Welland tender a single multi-year contract for the supply and installation of water meters in private residences.

CARRIED

YEAS: Councillors Sharpe, Alexander, Grenier, Chiocchio, Larouche, Belcastro, Spadafora and Mayor Goulbourne

NAYS: Councillors Grimaldi, Dzugan, Fortier and Beaudoin.

05-7 Moved by Dzugan and Grenier that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list of accounts as follows:

1	01-June-2005	\$	309,220.02
2	02-June-2005		15,250.68
3	03-June-2005		426,472.41
4	07-June-2005		1,341,866.83
5	08-June-2005		416,574.86
6	09-June-2005		<u>138,674.29</u>
	Total	\$	2,648,059.09

CARRIED

05-19 Moved by Dzugan and Grenier that Council approves the application from the Welland Recreation Projects Association to hold fireworks displays on Friday, July 1, 2005 as part of the "**Canada Day Celebrations**" at Memorial Park and on Sunday, August 7, 2005 as part of the annual "**Family Day**" at St. George Park subject to the applicant's completion of all conditions of the City of Welland's Fireworks By-law 2003-127.

CARRIED

05-20

05-21

05-121 Moved by Dzugan and Grenier that the letter from Tourism of Welland Niagara requesting permission for a Special Occasion Permit, a fireworks display, exemption to the Noise By-law, temporary street closures and use of Sports Complex parking lot during the "Niagara Food Festival" to be held on September 23, 24, and 25, 2005 be received and referred to staff for study and report.

CARRIED

05-39 Moved by Dzugan and Grenier

1. That Council endorse Report PDS-2005-47 concerning Bill 124 Changes To The Building Permit Process and authorize Staff to present a new Building By-law to Council to effect the changes; and

further

2. That Council approve a permit fee increase of 7.5% with the minimum fee increasing from \$44 to \$75.

CARRIED

05-106 Moved by Grenier and Belcastro

1. That Council accept the tender of Serianni Construction Ltd. for the Utility Cut Final Reinstatement 2005, as presented in report ENG-2005-21; and
2. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction, at the tender price of \$250,052.50, plus applicable taxes; and further
3. That financing of the project be from the approved 2005 Sanitary Sewers and Waterworks Operating Budgets, and Roadways Capital Budget.

CARRIED

(Councillor Fortier asked to be recorded as opposed to this Resolution).

05-114Z Moved by Dzugan and Grenier that Zoning By-law 2667, as amended, be further amended for lands known municipally as 289 Daimler Parkway (Block 168, Plan 59M-269) to add the use of platform tennis courts and accessory uses to the existing Site Specific C1-X4 Zone.

CARRIED

05-115Z Moved by Dzugan and Grenier that Zoning By-law 2667, as amended, be further amended for 9 Asher Street and 204 and 206 Hellems Avenue (Part of Block V, Plan 564) in the City of Welland from Multiple Dwelling – Second Density Zone – RM2 to a Site Specific RM2 Zone to permit a reduced front yard, side yards, rear yard, lot coverage and parking requirements.

CARRIED

05-116 Moved by Spadafora and Belcastro that the presentation by Chris McQueen, Transition Manager, Niagara Ambulance Communication Service, Niagara Region Public Health Department regarding the Niagara Ambulance Communications Service, the new ambulance dispatch facility located in Niagara-on-the-Lake be received and referred to staff for report.

CARRIED

05-119Z Moved by Sharpe and Belcastro

1. That Council pass a By-law to remove the Holding (H) Symbol on land located at 29, 31, 31 ½, 33 Thorold Road, west of Aqueduct Street, to permit the development of four (4) townhouse units in accordance with the regulations of Zoning By-law Amendment Number 10177; and
2. That the City of Welland enter into a Development Agreement with Wayne Cook with respect to the development of land to contain four (4) townhouse units (file 93-8); and further
3. That the Mayor and Clerk be pre-authorized to execute all necessary documents associated with the

development.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

04-48 Moved by Belcastro and Chiochio that the City of Welland petition the Minister of Municipal Affairs to issue and promulgate a Regulation to provide authority to the City of Welland to write-off arrears of taxes, late charges and other charges without first conducting an unsuccessful tax sale under Part XI of the Municipal Act, 2001 pursuant to Section 354(2) of the Act in relation to those parcels of land described in Schedules A and B hereto.

CARRIED

04-48 Moved by Belcastro and Chiochio that the City of Welland petition the Minister of Finance to issue and promulgate a Regulation pursuant to Section 327(10) of the Municipal Act, 2001 to exempt those parcels described in Schedules A and B hereto from the application of Part IX of the Municipal Act, 2001 for 2004 and 2005.

CARRIED

BY-LAWS

BY-LAW PRESENTED FOR FIRST READING:

1. Moved by Chiochio and Sharpe that leave now be given to introduce the following proposed By-law entitled:

99-99

BYL 2005 - 92

A By-law to adopt a 'Go Quiet' Policy and 'Urban Fishing Initiative' respecting the use of the Welland Recreational Canal Waterway; and to repeal By-law 2003-77.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR FIRST READING:

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

99-53

BYL 2005 - 82

A By-law to authorize the entering into an Agreement with Niagara Regional Broadband Network Limited and Cygnal Technologies Corporation for the provision of new internet service to the City of Welland.

04-79

BYL 2005 - 83

A By-law to authorize the entering into a Municipal Access Agreement with Allstream.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...Cont'd.:**05-13**

BYL 2005 - 84

A By-law to authorize the entering into an Amending Agreement with Pattison Outdoor Advertising, a division of Jim Pattison Industries Ltd., for the installation, maintenance and advertising on Welland Transit Bus Shelters.

05-22

BYL 2005 - 85

A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Handicapped By-law 9840, Fire Route By-law 10011, and Traffic and Parking By-law 89-2000, at Seaway Mall; and to Repeal By-law 2005-9.

05-105

BYL 2005- 86

A By-law to authorize the acceptance of tender and the entering into a contract with Vic Vatrt Contracting Limited for the Lincoln Street Water Service Lateral Replacement from Crowland Avenue to Coventry Road.

05-114Z

BYL 2005 - 87

A By-law to amend City of Welland Zoning By-law 2667 (1276304 Ontario Inc. – File 2005-07) 289 Daimler Parkway.

05-115Z

BYL 2005 - 88

A By-law to amend City of Welland Zoning By-law 2667 (Klaas Mans - File 2005-06) 9 Asher Street, 204 and 206 Hellems Avenue.

05-119Z

BYL 2005 - 89

A By-law to amend Zoning By-law 2667 upon the application of Wayne Cook to remove the Holding Symbol "H" from certain lands on the south side of Thorold Road, west of Aqueduct Street known municipally as 29, 31, 31 ½ and 33 Thorold Road.

05-119

BYL 2005 - 90

A By-law to approve and authorize the execution of a Subdivision Agreement with Wayne and Deborah Cook for land at 29, 31, 31 ½ and

33 Thorold Road.

05-39

BYL 2005 - 91

A By-law respecting permits for construction, demolition, occupancy and change of use, transfer of permits, and inspections and to repeal By-law 10230 and all amendments thereto.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...Cont'd.:

05-1

BYL 2005 - 93

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 14th day of June, 2005 and 21st day of June, 2005.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

3. Moved by Dzugan and Grenier 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, July 13, 2005 for inclusion on the next Regular Council Meeting Agenda.

Council adjourned at 11:00 p.m.

These Minutes approved and adopted by Motion of Council this 19th day of July, 2005.

MAYOR

CLERK