



COUNCIL MEETING , AUGUST 23 , 2005

CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:20 p.m. and in open session at 7:15 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, M. A. Grimaldi, J. Larouche, B. Sharpe and S. O'Dell (6:35 p.m.).

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 (7:15 p.m.)

Acting Mgr. Budgets & Fin. Rpt./Dep. Treas. K. Douglas

General Manager of Parks and Recreation B. LaPlante

Administrative Assistant/Deputy Clerk B. Gallaccio (7:15 p.m.)

General Manager of Planning and Development Services D. Thorpe (7:15 p.m.)

05-25 Moved by Belcastro 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.

CARRIED

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

CARRIED

DISCLOSURE OF INTEREST:

Mayor Goulbourne disclosed an interest in Ref. No. 05-31 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Niagara College. (During discussion on this matter Mayor Goulbourne vacated the chair which was assumed by Vice Mayor Grimaldi).

Councillor Sharpe disclosed an interest in Ref. No. 05-31 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Niagara College.

Mayor Goulbourne disclosed an interest in Ref. No. 05-137 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his wife is related to Mr. Fraraccio. (During discussion on this matter Mayor Goulbourne vacated the chair which was assumed by Vice Mayor Grimaldi).

DELEGATIONS:

05-4 James Brennan, CA Principal, Assurance and Business Advisory, Grant Thornton, City's Auditors presented the City's Consolidated Financial Report for the year ended December 31, 2004 and Audit Concluding Memorandum.

97-58 Dr. Steven E. Hegedus addressed Council requesting removal of Mural at 31 West Main Street causing moisture damage to the wall building.

05-137 Nick Fraraccio and Jerry Schertzing addressed Council opposing construction site on Lot 61 Hillsdale Rd.

05-31 Janice Arcaro, Manager and Crystal Parsons, Marketing and Promotions Director, Niagara College Tackle Football Team addressed Council requesting a special permit for use of Plymouth Park.

99-99 Douglas R. Thomas and Linda Baty addressed Council regarding the use of the Welland Recreational Canal Corporation by the citizens of Welland.

STATUTORY PUBLIC HEARING PURSUANT TO THE MUNICIPAL ACT.

05-4 To consider amendments to the 2005 Sewer & Water Capital Budget.

The following people were present to speak on the proposed Budget.

- ***No one spoke to the application.***

THE FOLLOWING CORRESPONDENCE WAS READ:

05-31 Letter from Mr. David Boone, Vice Chairperson, The Plymouth Park Soccer League opposing the use of Plymouth Park for football games by the Niagara College Football Team.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

97-49 T.M. Abraham, M.D. – Proposal for a Center for optimum mental health care for the City of Welland.

99-99 Gen. Mgr., Parks & Recreation B. LaPlante – Welland Recreational Canal Corporation 2005 Budget.

99-110 City Mgr., T. Fitzpatrick - Pathway Access Agreement with Canadian Pacific Railway Company (CPR) concerning the Welland Recreational Trail at the Swing Bridge.

04-4 Susan Daniels, Deputy City Clerk, City of Thorold – Ontario Municipal Partnership Fund (OMPF).

04-124 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of contract to install water meters.

04-124 A By-law to authorize the entering into a contract with Neptune Technology Group (Canada) Ltd. for the water meter installations.

04-124 A By-law to authorize the entering into a contract with Associated Engineering (Ont.) Ltd. for project administration and inspection of the Universal Water Meter Program Contract.

04-149 A By-law to authorize the entering into a contract with Kerry T.Howe Engineering for the extraneous flow study of the Ontario Road Pumping Station Sanitary Sewer Drainage Area.

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 20th of July, 2005 and 23rd day of August, 2005.

05-3 City Clerk C.A. Stirtzinger – Lottery Licenses.

05-4 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Final tax billing due dates for the commercial, industrial, large industrial and multi-residential tax classes.

05-4 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Changes to 2005 Water-Sewer Capital Budget.

05-4 A By-law to amend By-law 2005-75, being a By-law to establish tax ratios and tax rates and to levy taxes for the year 2005.

05-4 A By-law to provide for the final 2005 tax levy, to provide for the payment of taxes against multi-residential, commercial, industrial and large industrial classes, and to provide for penalty and interest.

05-4 John Clark, Chair, North Welland Business Improvement Area Association – 2005 Budget for the North Welland Business Improvement Area.

05-4 Jacqueline Bujold-Haist, Recording Secretary, Welland Downtown Business Improvement Area Board – 2005 Budget for the Welland Downtown Business Improvement Area Board.

05-6 Greg Whelan, Executive Director, Big Brothers Big Sisters of South Niagara Inc. – requesting the week of September 11th to 17th, 2005 be declared **“Big Brother-Big Sister Week”**.

05-6 Sandra Conley, Welcome Wagon Area Manager Niagara Region – Requesting the week of October 28th to November 4th, 2005 be declared as **“Welcome Wagon Week”** in honour of their 75th Anniversary.

05-7 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Accounts Payable – July 13, 2005 to August 5, 2005.

05-18 City Mgr., T. Fitzpatrick – Department Reports to June 30, 2005 and Departmental Initiatives.

05-21 Maria Andersen, Canadian Tire Financial Services – requesting permission to hold a Canadian Tire Financial Services employee parade for Tuesday, September 13, 2005.

- 05-22** Dean Iorfida, City Clerk, City of Niagara Falls – Free Parking for Veterans.
- 05-22** Letter and petition submitted by Ronald McCabe - Requesting an exemption to the Parking By-law.
- 05-22** A By-law to amend Schedules “I”, “III” and “V” of By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.
- 05-22** A By-law to authorize the entering into a Traffic Signal Maintenance Agreement with the Regional Municipality of Niagara.
- 05-50** A By-law to change the name of the Welland Heritage Committee to Heritage Welland.
- 05-120** Carolyn J. Kett, Town Clerk, Town of Fort Erie – Caldwell Report – Line Fences Act and Abandoned Rail Right of Ways.
- 05-132** Nora Reid, Secretary, Heritage Welland – designation of the Ukrainian Labor Temple at 342 Ontario Road, as being of architectural and historical significance.
- 05-136** Gen. Mgr., Planning and Development Serv. D. Thorpe – Proposed By-law to remove the holding (H) symbol from land located at the north east corner of Prince Charles Drive north and Lincoln Street municipally known as 90 Lincoln Street, Welland.
- 05-136** A By-law to amend Zoning By-law 2667 upon the application of 1612644 Ontario Inc. to remove the holding symbol “H” from north east corner of Prince Charles Drive north and Lincoln Street known municipally as 90 Lincoln Street.
- 05-138** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Summit Circle Storm Sewer Correction.
- 05-139** Pam Gilroy, Regional Clerk/Associate Director of Corporate Strategy, Region of Niagara – Resolution - Trespass to Property Act.

05-1 Moved by Belcastro and Chiochio that the Minutes of the Regular Council Meeting of July 19, 2005 and Special Council Meeting of July 20, 2005 be and the same are hereby approved and adopted as circulated.

CARRIED

97-58 Moved by Belcastro and Alexander that the presentation by Dr. S.E. Hegedus requesting removal of Mural at 31 West Main Street causing moisture damage to the wall building be received; and further That staff be asked to present options based on tonight’s discussion at a future date.

CARRIED

99-99 Moved by Belcastro and Alexander the presentation by Douglas R. Thomas and Linda Baty regarding the use of the Welland Recreational Canal Corporation by the citizens of Welland be received for information.

LOST

99-110 Moved by Dzugan and Grimaldi that the City of Welland enter into a Pathway Access Agreement with Canadian Pacific Railway Company (CPR) for the construction of two pathway crossings at the swing bridge in the City of Welland.

CARRIED

04-4 Moved by Dzugan and Grimaldi that the letter from the City of Thorold regarding the allocation of grants under the Ontario Municipal Partnership Fund be received and filed.

CARRIED

04-124 Moved by Belcastro and Sharpe that the Neptune Technology Group (Canada) Ltd. be awarded a contract to install water meters over a four year period at a total price of \$3,894,345 plus tax, and That Associated Engineering (Ont.) Ltd. be awarded a contract for project administration and inspection of the Universal Water Meter program contract to the end of 2006, at an estimated cost of \$108,230.

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04-124 Moved by Grimaldi and Fortier that Report ENG-2005-29 Re: Award of Contract to Install Water Meters be referred to the September 20, 2005 Council Meeting.

LOST

YEAS: Councillors O'Dell, Grimaldi, Fortier and Chiocchio.

NAYS: Councillors Dzugan, Sharpe, Alexander, Grenier, Larouche, Belcastro and Mayor Goulbourne.

AFTER THE LOST VOTE ON THE REFERRAL MOTION, THE MAIN MOTION WAS THEN PUT AND.....

CARRIED

YEAS: Councillors Dzugan, Sharpe, Alexander, Grenier, Larouche, Belcastro and Mayor Goulbourne.

NAYS: Councillors O'Dell, Grimaldi, Fortier and Chiocchio.

05-3 Moved by Dzugan and Grimaldi that a Lottery License be granted to the following: Kitty Cat Keep Pet Sanctuary – Raffle.

CARRIED

05-4 Moved by Grenier and Sharpe that the 2004 Auditor's Report of the Consolidated Financial Report and the Audit Concluding Memorandum for the fiscal year ending December 31, 2004, for the Corporation of the City of Welland be received for information.

CARRIED

05-4 Moved by Dzugan and Grimaldi that the final tax installment in the Commercial, Industrial, Large Industrial and Multi-Residential classes "Capped Classes" become due and payable on Monday, October 3, 2005 and that the City Solicitor be directed to prepare the necessary By-law.

CARRIED

05-4 Moved by Dzugan and Grimaldi that the 2005 Budget from the North Welland Business

Improvement Area Association in the amount of \$93,700 be approved; and further That the General Manager Financial and Corporate Services/Treasurer be authorized to make arrangements to levy an amount of \$32,000 against the business operations within the defined area.

CARRIED

05-4 Moved by Fortier and Chiocchio that the 2005 Budget from the Welland Downtown Business Improvement Area Board in the amount of \$53,200 be approved; and further That the General Manager Financial and Corporate Services/Treasurer be authorized to make arrangements to levy an amount of \$53,200 against the business operations within the defined area on condition that the required financial statements are submitted to the satisfaction of the Treasurer.

CARRIED

05-6 Moved by Dzugan and Grimaldi that the Mayor declare the week of September 11 – 17, 2005 as “**Big Brother-Big Sister Week**” in the City of Welland as requested by Big Brothers Big Sisters of South Niagara Inc.

CARRIED

05-6 Moved by Dzugan and Grimaldi that the Mayor declare the week of October 28th to November 4th, 2005 as “**Welcome Wagon Week**” in the City of Welland as requested by Welcome Wagon in honour of its 75th Anniversary.

CARRIED

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

1	13-Jul-2005	\$	101,702.90
2	15-Jul-2005		274,550.49
3	18-Jul-2005		7,372,937.14
4	19-Jul-2005		60,000.00
5	20-Jul-2005		163,978.91
6	22-Jul-2005		1,025,737.64
7	25-Jul-2005		110,478.25
8	26-Jul-2005		163,122.44
9	27-Jul-2005		202,292.25
10	28-Jul-2005		2,136.66
11	29-Jul-2005		384,595.33
12	05-Aug-2005		<u>1,437,059.09</u>
	Total	\$	11,298.591.10

CARRIED

05-13 Moved by Dzugan and Grimaldi that Council authorizes the purchase of two 1994 thirty one foot conventional transit buses from Capital Bus Sales, as per the quotation for \$130,000.00 (\$65,000.00 per vehicle) plus tax.

CARRIED

05-18 Moved by Alexander and Belcastro that Report CM-2005-13-Departmental Reports to

June 30, 2005 be received.

CARRIED

05-21 Moved by Dzugan and Belcastro that Welland City Council approves the application of the Canadian Tire Financial Services to hold an employee parade on Tuesday, September 13, 2005 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

05-22 Moved by Dzugan and Grimaldi that the letter and petition submitted from Mr. Ronald McCabe requesting an exemption to the Parking By-law to allow parking of tractor/trailer at the end of Humberstone Road be received and referred to staff for study and report.

CARRIED

05-29 Moved by Belcastro and Grenier that a Special Meeting of Council be called for Wednesday, August 24, 2005 at 5:00 p.m. in Council Chambers to complete the agenda of the August 23, 2005 Regular Council Meeting.

CARRIED

05-31 Moved by Dzugan and Grimaldi that the letter from David Boone, Vice Chairperson, The Plymouth Park Soccer League opposing the use of Plymouth Park for football games by the Niagara College Football Team be received for information.

CARRIED

05-31 Moved by Belcastro and Larouche that the presentation by Janice Arcaro, Manager and Crystal Parsons, Niagara College Tackle Football Team requesting a special permit for use of Plymouth Park for football for four days in October be denied.

CARRIED

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

05-120 Moved by Dzugan and Grimaldi that Council supports the resolution from the Town of Fort Erie requesting the Minister of Municipal Affairs and Housing to amend Section 20(1) of the Line Fences Act with respect to abandoned rail lines; and further That the Clerk advise the proper authorities accordingly.

CARRIED

05-136 Moved by Grenier and Belcastro

1. That Council pass a By-law to remove the Holding (H) Symbol on land located at 90 Lincoln Street, north east corner of Prince Charles Drive North and Lincoln Street, to permit the development of a Commercial Site in accordance with the regulations of Zoning By-law Amendment Number 10532;
2. That Staff be authorized to prepare the necessary By-law.

CARRIED

05-137 Moved by Grenier and Belcastro that the presentation by Nick Fraraccio and Jerry Schertzing opposing construction site on Lot 61 Hillsdale Rd. be received and referred to staff for study and report.

CARRIED

05-138 Moved by Dzugan and Grimaldi

1. That Council accepts the quotation of Serianni Construction Ltd. for the Summit Circle Storm Sewer Correction, as presented in report ENG-2005-31;
2. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to extend the Utility Cut Final Reinstatement contract with the said contractor, to include and to execute the construction, at the quoted price of \$12,000, plus applicable taxes; and
3. That financing of the project be from the revised 2005 Storm Sewers Capital Budget allocation of \$15,000.

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

05-129 Moved by Belcastro and Dzugan that the City of Welland enter into a pleasure lease with George and Michael Racine Horses Unlimited for that portion of Schisler Road, west of Farr Road.

CARRIED**BY-LAWS****BY-LAWS PRESENTED FOR FIRST READING:**

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

05-149

BYL 2005 - 118

A By-law to authorize the entering into a contract with Kerry T. Howe Engineering for the extraneous flow study of the Ontario Road Pumping Station Sanitary Sewer Drainage Area.

05-4

BYL 2005 – 119

A By-law to amend By-law 2005-75, being a By-law to establish tax ratios and tax rates and to levy taxes for the year 2005.

05-4

BYL 2005 – 120

A By-law to provide for the final 2005 tax levy, to provide for the payment of taxes against multi-residential, commercial, industrial and large industrial classes, and to provide for penalty and interest.

05-22

BYL 2005 – 121

A By-law to amend Schedules "I", "III" and "V" of By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.

05-22

BYL 2005 – 122

A By-law to authorize the entering into a Traffic Signal Maintenance Agreement with the Regional Municipality of Niagara.

05-50

BYL 2005 – 123

A By-law to change the name of the Welland Heritage Committee to Heritage Welland.

04-124

BYL 2005 – 124

A By-law to authorize the entering into a contract with Nepture Technology Group (Canada) Ltd. for the water meter installations.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...COND'T.:**04-124**

BYL 2005 – 125

A By-law to authorize the entering into a contract with Associated Engineering (Ont.) Ltd. for project administration and inspection of the Universal Water Meter Program Contract.

05-136

BYL 2005 – 126

A By-law to amend Zoning By-law 2667 upon the application of 1612644 Ontario Inc. to remove the holding symbol "H" from north east corner of Prince Charles Drive north and Lincoln Street known municipally as 90 Lincoln Street.

And that the same be now read a first time.

CARRIED

(Councillors O'Dell, Grimaldi and Fortier asked to be recorded as opposed to By-laws 2005-124 and 2005-125)

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Belcastro and Dzugan 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

(Councillors O'Dell, Grimaldi and Fortier asked to be recorded as opposed to By-laws 2005-124 and 2005 - 125)

CURFEW

Due to curfew, Council recessed at 11:00 p.m. to reconvene at 5:00 p.m. on August 24, 2005 as

per resolution no. 05-29 to complete the agenda.

These Minutes approved and adopted by Motion of Council this 20th day of September, 2005.

MAYOR

CLERK