



COUNCIL MEETING, JULY 18, 2006

CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:35 p.m. and in open session at 7:25 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present: Councillors D. Alexander, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier (6:40 p.m.), M. A. Grimaldi, J. Larouche, S. O'Dell, B. Sharpe (6:50 p.m.) and J. Spadafora (6:50 p.m.).

Members of the Staff and Others Present:

Acting City Manager C. Stirtzinger
City Solicitor G. Banks (until 9:15 p.m.)
Acting Chief, Fire & Emergency Services K. Roach (7:25 p.m.)
General Manager Engineering, Public Works & Transportation Services D. Shantz
General Manager Financial & Corporate Services/Treasurer B. Silvestri
General Manager of Parks and Recreation B. LaPlante (7:25 p.m.)
Deputy Clerk C. Mintoff
General Manager of Planning and Development Services D. Thorpe
Records Clerk C. Viger (7:25 p.m.)
Facilities Manager P. Inman (7:25 p.m.)
Transit Manager D. Stuart (7:25 p.m. – 9:15 p.m.)

06-25 Moved by Larouche and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:35 p.m. to consider:

- a) the security of the property of the municipality;
- b) a proposed or pending acquisition or disposition of land for municipal purposes; and
- c) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED

06-25 Moved by Belcastro and Chiocchio that the Committee-of-the-Whole arise from its closed meeting at 7:15 p.m.

CARRIED

PRESENTATION:

Community Involvement Recognition

Presentation of plaque by Mayor Goulbourne to Ms. Yvette Ward.

DELEGATION:

- 06-19** Pam Swick Janjac, Chairperson for the Planning Committee addressed Council regarding the 40th
06-52 Anniversary/Reunion at Centennial Secondary School.

BOARDS, AGENCIES, COMMISSIONS REPORT(S)

- 05-167** Councillor Alexander introduced Council John Armstrong, Vice President and General Manager of OEB International to present findings of consultation process for improved communication.
- 06-13** Transit Manager D. Stuart introduced Council Wayne Ettinger of Trillium Railway to speak to Transit Report 2006-14 – Assessing the Feasibility of Providing a Rail Link with Hamilton Go Transit utilizing Trillium Railway Co.

THE FOLLOWING CORRESPONDENCE WAS READ:

- 06-6** Letter from The Hope Centre requesting Council to declare August 5th, 2006 as “Day of Hope” in the City of Welland.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

02-85

06-26 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of tender for construction of new sidewalks and sidewalk ramps.

04-91 Gen. Mgr. Parks and Recreation B. LaPlante – Former Museum Building – Demolition – 65 Hooker Street.

05-104 Acting City Clerk B. Gallaccio – Citizen Advisory Committees and Appointments.

06-1 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 18th day of July, 2006.

06-3 Jeff Richard, Port Colborne Marine Rescue Auxiliary – requesting permission to sell lottery tickets in the City of Welland.

- 06-3** Dennis Ullman, Special Projects Consultant, Ontario March of Dimes – requesting permission to sell raffle tickets in the City of Welland.
- 06-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – June 14, 2006 to July 11, 2006.
- 06-13** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Assess the feasibility of providing a Rail Link With Hamilton Go Transit utilizing Trillium Railway Co.
- 06-19**
- 06-52** Pam Swick Janjac, Chairperson for the Planning Committee for the 40th Anniversary/ Reunion at Centennial Secondary School.
- 06-20** Russell M. McPherson, President, Welland & District Slo-Pitch League Inc. – request for Special Occasion Permits for the Welland Sports Complex canteen area.
- 06-20**
- 06-21**
- 06-117** Pam Seabrook, General Manager, Niagara Food Festival Inc. – requesting permission for the following during the Niagara Food Festival: – A fireworks display; exemption to the Noise By-law; – Temporary street closures; and – Use of Sports Complex parking lot.
- 06-48**
- 06-48Z** Gen. Mgr. Planning and Development Services D. Thorpe – Proposed Amendment to the Official Plan and Zoning By-law 2667 Lots 50-75, inclusive, the Lane and Part of Closed Trufal Avenue, Plan 942, being Parts 1 to 4, Plan 59R-12322 and Parts 1 and 2, Plan 59R-12189 – Tina DeLuca and Leo Aita – 170 Broadway (File 2005-16).
- 06-49** Gen. Mgr. Planning and Development Services D. Thorpe – Proposed Subdivider’s Agreement with Lea Silvestri Investments Ltd. (File 26T-14-05003) Whispering Pines Extension Subdivision (Block 29, 59M-328) north side of Thorold Road, east of Foxtail Avenue.
- 06-49** A By-law to authorize the signing of a Subdivider's Agreement with Lea Silvestri Investments Ltd. with respect to the Development of Whispering Pines Extension Subdivision.
- 06-49** A By-law to accept the transfer of certain 0.3 metre reserves from Lea Silvestri Investments Ltd. to the Corporation of the City of Welland in the Whispering Pines Extension Subdivision (File 26T-14-05003).
- 06-49** A By-law to accept the transfer of a temporary right-of-way/easement(s) for public access purposes from B. Breunissen to the Corporation of the City of Welland (Whispering Pines Extension Subdivision).
- 06-49** A By-law to accept the transfer of an easement(s) for storm sewers from Lea Silvestri Investments Ltd. to the Corporation of the City of Welland in the Whispering Pines Extension Subdivision.
- 06-59** A By-law to authorize acceptance of the offer to purchase from Pointe of View Developments Inc. for the sale of vacant land west of the Old Welland Recreational Canal being Part Lot 27, Concession 6, former Township of Crowland.
- 06-61** Susan Daniels, Deputy City Clerk, City of Thorold – request to support re: Thorold – Abitibi – Northland Cogeneration Project.
- 06-63** A By-law to designate 140 King Street in the City of Welland, known as the Carnegie Building, of Historic or Architectural Value or Interest.
- 06-113** Gen. Mgr. Planning and Development Services D. Thorpe – Deeming By-law – Lots 2383 to 2389 inclusive, Plan 984, southeast corner of Broadway and unopened Schneider Avenue.
- 06-113** A By-law to designate Lots 2383 to 2389 inclusive, Plan 984 to be deemed not to be within a Registered Plan of Subdivision.
- 06-118** Cheryl Miclette, Town Clerk, Town of Pelham – MOE (Report of the Experts Panel on Sound-Sorb, January 31, 2005).
- 06-119** Gen. Mgr. Planning and Development Services D. Thorpe – Interim Report and Recommendations Concerning the Review of the Planning Function in Niagara.
- 06-120** Gen. Mgr. Planning and Development Services D. Thorpe – Demolition Permit Process.
- 06-121** Gen. Mgr. Planning and Development Services D. Thorpe – Acceptance of a Storm Sewer Easement – Tracy Donna Little – 3 Chippawa Street, Welland.
- 06-121** A By-law to accept the transfer of an easement(s) for storm sewers from Tracy Donna Little to the Corporation of the City of Welland at 3 Chippawa Street.
- 06-122** Brandon Bellerose – requesting exemption from By-law 7540, regarding the keeping of any kind of exotic or non-domestic animal in the City of Welland.

06-123 Gen. Mgr. Parks and Recreation B. LaPlante – Asbestos Material In Buildings – Municipal Service Centre & Plymouth Park Building.

06-1 Moved by Larouche and Dzugan that the Minutes of the Regular Council Meetings of June 20, 2006 and June 27, 2006 be and the same are hereby approved and adopted as circulated.

CARRIED

02-85

06-26 Moved by Fortier and Chiocchio

1. That Council accepts the tender of A. Poulin Curb Construction Ltd. at the tender price of \$285,935.00, plus applicable G.S.T. for the Construction of New Sidewalks on Woodlawn and Rice Roads and Walk Ramps in the Downtown and Dover Road areas, as presented in report ENG-2006-32; and
2. That detail financing of the project be in accordance with the approved revised 2006 Sidewalks Capital Budgets, and previously approved 2004, 2005 and 2006 Accessibility Funding allocations; and
3. 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.

CARRIED

04-91 Moved by Fortier and Grenier that Council approves the demolition of the building at 65 Hooker Street, recently the site of the old Museum and formerly the Queen Street School.

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04-91 Moved by Grenier and Fortier that Council removes the subject property surrounding 65 Hooker Street from the list of surplus property and returns the site to the inventory parkland property; and further That the Parks, Recreation and Culture Master Plan along with future discussions with residents will help cultivate an effective recommendation for the best use of the remaining property.

CARRIED

FOLLOWING THE AMENDING MOTION, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND

CARRIED

04-126 Moved by Dzugan and Belcastro that the City of Welland increase the number of “Dog Waste” signs in the City to cover all parks, heavy pedestrian used areas, the downtown and to increase the fine from \$85.00 to \$500.00 to strictly enforce this By-law.

NOT PUT

04-126 Moved by Fortier and Belcastro that the matter regarding “Dog Waste” signage and fines be referred to staff for study and report.

CARRIED

04-140 Moved by Larouche and that Alexander that the Council of the Corporation of the City of Welland urges the Region of Niagara to withdraw its request to the Ministry of the Environment to increase its Air (Certificate of Approval) from 6,000 tonnes to 12000 tonnes, as an indication of its commitment to the residents of Port Colborne and Welland as well as to the Elm Street Landfill Site Public Liaison Committee (PLC); and That the Ministry of the Environment be asked to deny any request by the Region should it not withdraw its application as the current diversion practices to alternative compost site(s) has helped reduce the odours at Elm Street; and further That the City of Port Colborne be requested to pass a similar resolution with copies sent to the Ministry of the Environment, Region of Niagara, Area Regional Councillors, MPP’s, MP’s and the Minister of the Environment.

CARRIED

05-104 Moved by Alexander and Sharpe Council receive for information Report CLK-2006-11, Citizen Advisory Committees and Appointments.

CARRIED

05-167 Moved by Belcastro and Alexander that the presentation by John Armstrong Vice President and General Manager of OEB International regarding findings of the consultation process for improved communication be received for information and endorsed.

CARRIED

06-3 Moved by Dzugan and Fortier that permission is hereby granted to Ontario March of Dimes to sell raffle tickets in the City of Welland under authority of Lottery License M406489; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

06-3 Moved by Dzugan and Fortier that permission is hereby granted to Port Colborne Marine Rescue Auxiliary to sell raffle tickets in the City of Welland under authority of Lottery License M508908; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

06-6 Moved by Dzugan and Fortier that the Mayor declares August 12, 2006, as "**Day of Hope**" in the City of Welland; and further That Council invites the organizers of the "**Day of Hope**" to its August 1, 2006 Council meeting to make a presentation regarding the activities of the Hope Centre.

CARRIED

06-7 Moved by Dzugan and Fortier that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list of accounts as follows:

1	14-Jun-2006	\$	17,104.83
2	16-Jun-2006		262,230.87
3	21-Jun-2006		1,411,944.50
4	22-Jun-2006		3,122,565.38
5	27-Jun-2006		156,071.72
6	28-Jun-2006		322,493.44
7	29-Jun-2006		37,209.22
8	03-Jul-2006		404,790.42
9	04-Jul-2006		48,585.05
10	05-Jul-2006		<u>227,358.23</u>
	Total	\$	6,010,353.66.

CARRIED

06-13 Moved by Dzugan and Spadafora that the oral presentation by Wayne Ettinger of Trillium Railway regarding Transit Report 2006-14 - Assessing the Feasibility of Providing a Rail Link with Hamilton Go Transit Utilizing Trillium Railway Co. be received for information.

CARRIED

06-13 Moved by Dzugan and Fortier

1. That Council approves the utilization of resources to establish a joint task force to move forward with stakeholder meetings to support a demand analysis of establishing a direct rail link with the GO Transit in Hamilton.
2. That a joint demand analysis be pursued to determine the potential viability of this initiative.

CARRIED**06-19**

06-52 Moved by Fortier and Grimaldi that the presentation by Pam Swick Janjac, Chairperson of the Planning Committee for the upcoming 40th Anniversary/Reunion for Welland Centennial Secondary School be received for information; and further That the request for "in-kind donations" be forwarded to the Parks and Recreation department for review of provisions regarding such donations within existing policies.

CARRIED

06-20 Moved by Dzugan and Fortier that Welland City Council has no objection to the application by Welland & District Slo-Pitch League Inc., for a Special Occasion Permit to operate an alcoholic beverage tent at a baseball tournament being hosted by Welland and District Slow Pitch League Inc. at the Welland Sports Complex on July 21, 22 & 23, 2006; and That Welland City Council declares the event as municipally significant.

CARRIED**06-20****06-21**

06-117 Moved by Dzugan and Fortier that the letter from Niagara Food Festival requesting permission for 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 22, 23, and 24, 2006 be received and referred to staff for study and report.

CARRIED**06-48**

06-48Z Moved by O'Dell and Larouche that the proposed amendment to the Official Plan and Zoning By-law 2667 – Lots 50-75, inclusive, the lane and part of closed Trufal Avenue, Plan 942, being Parts 1 to 4, Plan 59R-12322 and Parts 1 and 2, Plan 59R-12189 – Tina Deluca and Leo Aita – 170 Broadway (File 2005-16) be denied until the current inflow/infiltration study and any remedial measures to sewers are completed.

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06-48

06-48Z Moved by Dzugan and Belcastro that motion 06-48/06-48Z be amended to delete the following: "**until the current inflow/infiltration study and any remedial measures to sewers are completed**" be removed from the main motion.

CARRIED

***FOLLOWING THE VOTE ON THE AMENDING MOTION, THE MAIN MOTION
WAS AMENDED AND PUT AS FOLLOWS.....***

06-48

06-48Z

Moved by O'Dell and Larouche that the proposed amendment subject to the Official Plan and Zoning By-law 2667 – Lots 50-75, inclusive, the lane and part of closed Trufal Avenue, Plan 942, being Parts 1 to 4, Plan 59R-12322 and Parts 1 and 2, Plan 59R-12189 – Tina Deluca and Leo Aita – 170 Broadway (File 2005-16) be denied.

AND.....

CARRIED

YEAS: Councillors O'Dell, Grimaldi, Dzugan, Fortier, Sharpe, Alexander, Grenier, Chiochio, Larouche, Belcastro, Spadafora and Mayor Goulbourne.

06-49

Moved by Dzugan and Fortier

1. That the City of Welland enter into a Subdivider's Agreement with Lea Silvestri Investments Ltd. with respect to the development of 4 Blocks for the construction of twenty-three (23) street townhouse units (Whispering Pines Extension Subdivision) on Block 29, 59M-328, north side of Thorold Road, east of Foxtail Avenue;
2. That the Mayor and Clerk be authorized to execute any necessary documents associated with the Subdivision; and
3. That the Mayor be authorized to sign the Final Plan of Subdivision to allow the Plan to be registered once all Conditions of Draft Approval have been met and the Plan has been checked for conformity.

CARRIED

06-61

Moved by Dzugan and Fortier that Welland City Council supports, in principle, the resolution of the City of Thorold dated June 20, 2006 recognizing the significant energy, environmental and economic benefits that Northland Power Inc.'s co-generation proposal will generate and hereby provides its support for the proposal soon to be submitted to the Ontario Government.

CARRIED

06-118

Moved by Dzugan and Fortier that Welland City Council supports the resolution from the Town of Pelham regarding the implementation of all the recommendations in the Ministry of the Environment's Report of the Experts Panel on Sound-Sorb; and
That the Clerk advise the proper authorities, accordingly.

CARRIED

06-119

Moved by Alexander and Chiochio

1. That Council endorse the recommendations outlined in Regional Niagara's Interim Report and Recommendations Concerning the Review of the Planning Function in Niagara save and except the first part of Condition 5 as it relates to the creation of an appeal body to be appointed by Regional Council;
2. That further review of the creation of an appeal body be undertaken prior to Regional Council's consideration; and
3. That the Report and Council's Recommendations be forwarded to Mike Trojan, Chief Administrative Officer, Patrick Robson, Director, Community Integration and Corwin Cambray, Commissioner of Planning, Regional Municipality of Niagara.

CARRIED

06-120 Moved by Sharpe and Grenier that Council receive Report PDS-2006-57 concerning the demolition Permit process, and direct Staff to put an annual Notice in the Civic Corner that there is no Public Notification of private construction and demolition projects, in view of the statutory requirements for Permits.

NOT PUT

06-120 Moved by Spadafora and Fortier that the matter regarding Report PDS-2006-57 concerning the demolition Permit process be referred back to staff for further study and report.

CARRIED

06-121 Moved by Dzugan and Fortier

1. That Council accept the Transfer of Easement from Tracy Donna Little, 3 Chippawa Street for a storm sewer Easement along the south portion of the subject lands; and
2. That Staff be authorized to prepare the necessary By-laws and the Mayor and Acting Clerk be authorized to execute any required documentation.

CARRIED

06-122 Moved by Dzugan and Fortier that the letter from Brandon Bellerose requesting exemption from By-law 7540, regarding the keeping of any kind of exotic or non-domestic animal in the City of Welland be received and referred to staff for study and report.

CARRIED

06-123 Moved by Grimaldi and Belcastro that Council receives Report P&R 2006-09 Asbestos Material in Buildings - Municipal Service Centre & Plymouth Park Building for information and approves development of an ongoing asbestos management program for all City owned buildings according to Ontario Regulation 278/05 Designated Substance - Asbestos on Construction Projects and In Buildings and Repair Operations. The program to consist of building audits to identify and inventory asbestos containing materials, controls to protect employees and the public, with the ultimate goal to have all City-owned buildings asbestos free where practical.

CARRIED

06-129 Moved by Dzugan and Fortier

1. That Council enact a By-law to designate Lots 2383 to 2389 inclusive, Plan 984 southeast corner of Broadway and unopened Schneider Avenue to be deemed not to be within a registered plan of subdivision; and
2. That the Deeming By-law be registered on Title against Lots 2383 to 2389 inclusive, Plan 984.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

05-158 Moved by Dzugan and Alexander

1. That Council accept the Offer of Purchase and Sale from Leno Mori for approximately 12.95 hectares of land located south of Cambridge Road, west of Brown Road (Part of Lots 21 and 22, Concession 3, former Township of Crowland, now in the City of Welland) in the amount of \$2,870,000.00;

2. That in addition to the \$50,000.00 deposit, the Purchaser shall provide an additional deposit of \$450,000.00 on or before August 28, 2006;
3. That the Purchaser pay the balance, upon closing, on or before May 1, 2007; and
4. That the net proceeds of the sale (less Mortgage due and related expenses) be retained in a Reserve Account for use in the development of the remaining City-owned lands on the east side of River Road, north of Ross Street.

CARRIED

BY-LAWS ARISING FROM COMMITTEE-OF-THE-WHOLE

BY-LAW PRESENTED FOR FIRST READING:

1. Moved by Dzugan and Fortier that leave now be given to introduce the following proposed By-law:

05-158

BYL 2006 – 100

A By-law to authorize the sale of vacant land on the south side of Cambridge Road, west of Brown Road being Part of Lots 21 and 22, Concession 3 to Leno Mori.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Fortier that the By-law listed in the foregoing motion for first reading, having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Deputy Clerk do sign and seal the same.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

06-63

BYL 2006 - 101

A By-law to designate 140 King Street in the City of Welland, known as the Carnegie Building, of historic or architectural value or Interest.

06-129

BYL 2006 - 102

A By-law to designate Lots 2383 to 2389 inclusive, Plan 984 to be deemed not to be within a Registered Plan of Subdivision. (Southeast corner of Broadway and unopened Schneider Avenue.)

06-49

BYL 2006 - 103

A By-law to authorize the signing of a Subdivider's Agreement with Lea Silvestri Investments Ltd. with respect to the development of Whispering Pines Extension Subdivision.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:**06-49**

BYL 2006 - 104

A By-law to accept the transfer of certain 0.3 metre reserves from Lea Silvestri Investments Ltd. to the Corporation of the City of Welland in the Whispering Pines Extension Subdivision (File 26T-14-05003).

06-49

BYL 2006 - 105

A By-law to accept the transfer of a temporary right-of-way/easement(s) for public access purposes from B. Breunissen to the Corporation of the City of Welland (Whispering Pines Extension Subdivision).

06-49

BYL 2006 - 106

A By-law to accept the transfer of an easement(s) for storm sewers from Lea Silvestri Investments Ltd. to the Corporation of the City of Welland in the Whispering Pines Extension Subdivision.

06-59

BYL 2006 - 107

A By-law to authorize acceptance of the offer to purchase from Pointe of View Developments Inc. for the sale of vacant land west of the Old Welland Recreational Canal being Part Lot 27, Concession 6, former Township of Crowland.

06-121

BYL 2006 - 108

A By-law to accept the transfer of an easement(s) for storm sewers from Tracy Donna Little to the Corporation of the City of Welland at 3 Chippawa Street.

06-1

BYL 2006 - 109

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 18th day of July, 2006.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Dzugan and Fortier 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 Deputy 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 26, 2006 for inclusion on the next Regular Council Meeting Agenda of August 1, 2006.

Council adjourned at 10:56 p.m.

These Minutes approved and adopted by Motion of Council this 1st day of August, 2006.

MAYOR

ACTING CLERK