



COUNCIL MEETING, SEPTEMBER 23, 2008

BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND, LITIGATION OR POTENTIAL LITIGATION, AND CLOSED UNDER ANOTHER ACT (MFIPPA) MATTERS; AND IN OPEN SESSION TO HOLD A PUBLIC MEETING PURSUANT TO THE MUNICIPAL ACT, 2001; AND

**BY PROCEDURAL BY-LAW 2007-178:
TO RATIFY THE ACTIONS OF GENERAL COMMITTEE**

**CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET**

Council met in Special Meeting Committee-of-the-Whole closed to the public at 6:30 p.m. and in open session at 7:18 p.m. to hold a Public Meeting pursuant to Section 357 of the *Municipal Act, 2001*; and recessed at 7:20 p.m.; and pursuant to By-law 2007-178, the Procedural By-law of Council, reconvened following the General Committee Meeting at 8:05 p.m. on the above date.

Acting Mayor Paul Grenier in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Champion, P. Chiochio, M. Dzugan, J. Larouche, S. O'Dell and B. Sharpe (6:45 p.m.).

Members of the Staff and Others Present:

City Manager, C. Stirtzinger

City Clerk, B. Gallaccio

Deputy Fire Chief, K. Roach (7:18 p.m.)

General Manager, Engineering, Public Works & Transportation Services/City Engineer, S. Iannello
Manager, Budgets and Financial Reporting/Deputy Treasurer, K. Douglas

General Manager, Planning & Development Services, D. Thorpe

General Manager, Parks, Facilities and Leisure Services, B. Fenwick

General Manager, Human Resources, R. Mantesso

Deputy Clerk, B. Nistico-Dunk

Games Licensing & Committee Clerk, L. Bubanko (7:18 p.m.)

08-25 Moved by Belcastro and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Acting Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:30 p.m. to consider:

- a) a proposed or pending acquisition of land or disposition of land by the municipality;
- b) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and in addition to consider the following:
- c) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- d) a matter in respect of which a council, board, committee or other board has authorized a meeting to be closed under another Act (MFIPPA).

CARRIED**08-25** Moved by Belcastro and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:03 p.m.

CARRIED**DISCLOSURE OF INTEREST:**

Councillor Belcastro disclosed an interest in Ref. No. 03-139 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is President of the Seaway Mall.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF SEPTEMBER 23, 2008:

99-99 Gen. Mgr., Planning & Development Serv., D. Thorpe – Welland Canals Heritage Corridor Initiative – Federal Recognition of Welland Canal System.

03-139 Gen. Mgr., Planning & Development Serv., D. Thorpe – Request for extension of Draft Plan Approval – Niagara Centre Developments Subdivision – Calloway Reit (Welland) Inc. and Niagara Centre Land Development Corporation Limited (File: 26T-14-97003).

08-3 David S. Brown, Executive Director, Air Cadet League of Canada – request to sell raffle tickets in the City of Welland.

08-4 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri – Application for Tax Write-Offs – Section 357.

08-4 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri – Capital Project Close Out Reports.

08-13 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Ontario Bus Replacement Program Funding Agreement for Public Transit.

08-22 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Authorization for Private Property Tagging and/or Towing.

08-22 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Memorial Park Drive – Posted Speed Rate Reduction.

08-46 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Purchase of one new 2009 Cargo Van, Extended 9,600 GVW.

08-46 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Purchase of one new 2009 Full Size Extended Van (Passenger Type).

08-46 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Purchase of two new 2009 Compact Pick-up Trucks Extended Cab.

08-46 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Purchase of one new Top Dressing Machine.

08-49 Michael Olson, Niagara Food Festival Chair, requesting the waiving of fees for the 2008 Niagara Food Festival.

08-141 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri – Municipal Performance Measurement Program for the Year 2007.

THE FOLLOWING BY-LAWS WERE RECEIVED:

- 06-114** A By-law to authorize the acceptance of tender and the entering into a contract with Friesens Corporation to assist with the 150TH Anniversary Commemorative Book.
- 08-13** A By-law to establish a reserve account for the Ontario Bus Replacement Program.
- 08-24** A By-law to authorize the appointment of a Deputy Clerk of the Corporation of the City of Welland.
- 08-46** A By-law to authorize the purchase of one 2009 Cargo Van from Gillespie Pontiac Buick Cadillac Ltd.
- 08-46** A By-law to authorize the purchase of two 2009 Compact Pick-Up Trucks from Forbes Ford Sales Ltd.
- 08-46** A By-law to authorize the purchase of one Top Dressing Machine from Bannerman Ltd.
- 08-46** A By-law to authorize the purchase of one 2009 Passenger Van from Colombo Motors LP.
- 08-1** 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 23rd day of September, 2008.

PUBLIC MEETING PURSUANT TO SECTION 357 OF THE MUNICIPAL ACT, 2001

The Acting Mayor explained the purpose of the Public Meeting.

08-4 Regarding Tax Write-Offs.

No one was present to speak.

There being no submissions the public meeting was concluded.

99-99 Moved by Belcastro and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND endorses the Welland Canals Heritage Designation Initiative and supports the proposed modified written description for the City of Welland as contained in Report PDS-2008-53 and the accompanying map.

CARRIED

03-139 Moved by Larouche and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND approves an extension to Draft Plan Approval for the Niagara Centre Developments Subdivision (File: 26T-14-97003) for one (1) year to October 9, 2009 as requested by Mario Bevacqua on behalf of Calloway Reit (Welland) Inc. and Niagara Centre Land Development Corporation Limited.

CARRIED

08-3 Moved by Belcastro and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND grants permission to the Air Cadet League of Canada - 87th Eagle Squadron to sell raffle tickets in the City of Welland under authority of Lottery License 945; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

08-4 Moved by Belcastro and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND approves the write-off of taxes in the amount of \$67,640.63 as contained in Report FIN-2008-12 for the reduction or cancellation of taxes, pursuant to Section 357 of the Municipal Act, 2001.

CARRIED

08-4 Moved by Belcastro and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the capital project close out report; and further

THAT Welland City Council approves staff recommendations for the capital project surplus identified in Report FIN-2008-13.

CARRIED

08-13 Moved by Belcastro and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the Treasurer to establish an Ontario Bus Replacement Program (OBRP) Capital Account for the provincial funding for 2008; and further,

THAT Welland City Council authorizes a municipal By-law to receive these funds; and further,

THAT Welland City Council authorizes the Mayor and the City Clerk to sign the 2008 Letter of Agreement, between the City of Welland and the Province of Ontario, related to the conditions for eligible expenditures under the Ontario Bus Replacement Program.

CARRIED

08-22 Moved by Belcastro and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare the necessary By-law to amend By-law 89-2000, Part III, as follows:

Add with the following:

b) Schedule "I"

SKETCH No.	LOCATION	COMMON NAME
A- 28	303 Niagara Street	The Parish Community of St. Kevin
A- 29	250 Thorold Road West	Niagara Region
A- 30	285 East Main Street	Adolescent's Family Support Services of Niagara
A-31	50 Division Street	Ensign Electronic Alarm Systems

NOTE

NO SKETCH Items A-12 to A-22, A-25 and A-27 to A-31.

CARRIED

08-22 Moved by Belcastro and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to modify By-law 89-2000 Schedule "XXVII", Speed Limits to include a reduced Rate of Speed on Memorial Park Drive between Ontario Road and Lincoln Street, to 40 km/h.

ADD:

COLUMN 1 HIGHWAY	COLUMN 2	COLUMN 3 MAXIMUM SPEED
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			(KM/HR)
	FROM	TO	
Memorial Park Drive	Ontario Road	Lincoln Street	40

CARRIED

08-46 Moved by Belcastro and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the purchase from Gillespie Pontiac Buick Cadillac Ltd. of "one" new 2009 cargo van, extended type.

CARRIED

08-46 Moved by Belcastro and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the purchase from Colombo Motors LP of "one" new 2009 full size extended van (passenger type).

CARRIED

08-46 Moved by Belcastro and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the purchase from Forbes Ford Sales Ltd. of "two" new 2009 ¼ ton compact pick-up trucks extended cab.

CARRIED

08-46 Moved by Belcastro and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the purchase from Bannerman Ltd. of "one" new Top Dressing Machine.

CARRIED

08-49 Moved by Belcastro and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the waiving of fees up to the amount of \$9,977.00 for the Niagara Food Festival event scheduled for October 03, 04, and 05, 2008.

CARRIED

08-141 Moved by Belcastro and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND receives the results of the Corporation of the City of Welland 2007 Municipal Performance Measurement Program (MPMP); and further
 THAT Welland City Council approves that the results be posted on the City of Welland's website to comply with the provincial publication requirements.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

06-116 Moved by Larouche and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the stopping up and closing of a portion of the Road Allowance between Lots 24 and 25, Concession 5, former Township of Humberstone, now City of Welland, being Part 2, 59R-13781, north of Forks Road and East of Highway 58; and further
 THAT Welland City Council declares surplus Part 2, 59R-13781; and further

THAT Welland City Council authorizes Staff to prepare the necessary By-law.

CARRIED

07-123 Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the stopping up and closing of part of the Willson Road Allowance, being Part 6, Plan 59R-12793, north of Colbeck Drive; and further

THAT Welland City Council directs Staff to prepare the necessary By-laws to stop-up and close part of unopened Willson Road Allowance being Part 6, Plan 59R-12793; and further

THAT Welland City Council declares a portion of the subject lands situated south of Draper's Creek and north of Part 7, Plan 59R-12793 surplus; and further

THAT Welland City Council directs Staff to have prepared a Reference Plan to describe the various parcels; and further

THAT Welland City Council directs Legal Services Staff to prepare an Offer of Purchase with Ravenda Homes Ltd, for the purchase of a portion of Willson Road Allowance as conditioned in Report PDS-2008-54; and further

THAT Welland City Council directs Staff to discuss with various property Owners adjacent to Willson Road Allowance the transfer of 0.3 metre Reserves at nominal value; and further

THAT Welland City Council directs Staff to prepare any necessary By-laws and legal documentation.

CARRIED

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

BY-LAW PRESENTED FOR FIRST READING:

1. Moved by Belcastro and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-law entitled:

07-123

BYL 2008-150

A By-law to authorize the Stopping-Up and Closing of a portion of unopened Willson Road Allowance, north of Colbeck Drive, being Part 6, Plan 59R-12793; and the sale of Part _____, Plan 59R-_____.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Alexander and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-law listed in the foregoing motion as reproduced in this evening's Council Agenda, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal same.

CARRIED

BY - LAWS

BY-LAW PRESENTED FOR FIRST READING:

3. Moved by Alexander and Larouche
THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-law entitled:

06-114

BYL 2008-151

A By-law to authorize the acceptance of tender and the entering into a contract with Friesens Corporation to assist with the 150TH Anniversary Commemorative Book.

And that the same be now read a first time.

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

NAYS: Councillors O'Dell, Campion and Alakas.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Alexander and Larouche
THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-law listed in the foregoing motion as reproduced in this evening's Council Agenda, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal same.

CARRIED

(Councillor Campion asked to be recorded as opposed to By-law 2008-151).

BY-LAWS PRESENTED FOR FIRST READING:

5. Moved by Belcastro and Alexander
THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

08-13

BYL 2008-152

A By-law to establish a reserve account for the Ontario Bus Replacement Program.

08-24

BYL 2008-153

A By-law to authorize the appointment of a Deputy Clerk of the Corporation of the City of Welland.

08-46

BYL 2008-154

A By-law to authorize the purchase of one 2009 Cargo Van from Gillespie Pontiac Buick Cadillac Ltd.

...Continued...

BY-LAWS PRESENTED FOR FIRST READING Cont'd:

08-46

BYL 2008-155

A By-law to authorize the purchase of two 2009 Compact Pick-Up Trucks from Forbes Ford Sales Ltd.

08-46

BYL 2008-156

A By-law to authorize the purchase of one Top Dressing Machine from Bannerman Ltd.

08-46

BYL 2008-157

A By-law to authorize the purchase of one 2009 Passenger Van from Colombo Motors LP.

08-1

BYL 2008-158

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 23^d day of September, 2008.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

6. Moved by Belcastro and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion as reproduced in this evening's Council Agenda, as amended, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal same.

CARRIED

Council adjourned at 8:31 p.m.

These Minutes approved and adopted by Motion of Council this 7th day of October, 2008.

MAYOR

DEPUTY CLERK