



COUNCIL MINUTES

TWENTY-SIXTH MEETING REGULAR MONDAY, SEPTEMBER 22, 2008

Present: Mayor Brian McMullan
Councillor Jeff Burch
Councillor Dawn Dodge
Councillor Mark Elliott
Councillor Heather Foss
Councillor Andrew Gill
Councillor Joseph Kushner
Councillor Bill Phillips
Councillor Peter Secord
Councillor Len Stack
Councillor Jennifer Stevens
Councillor Greg Washuta
Councillor Bruce Williamson

Officials Present: Chief Administrative Officer, Mr. Colin Briggs
Director of Corporate Support Services, Mr. Ken Todd
Director of Financial Management Services, Ms. Shelley Chemnitz
Director of Transportation and Environmental Services,
Mr. Paul Mustard
Director of Planning Services, Mr. Paul Chapman
Acting Director of Recreation and Community Services,
Mr. James Benson
City Solicitor, Ms. Annette Poulin
Director of Economic Development and Tourism Services,
Mr. David Oakes
Assistant Chief, Fire and Emergency Management Services,
Mr. Daryl Whiteley
Council/Committee Co-ordinator, Ms. Susan Harrison

Mayor Brian McMullan took the chair and called the meeting to order in Council Chambers, City Hall, at six thirty-one o'clock p.m.

INVOCATION

The meeting convened with an invocation by Councillor Phillips.

CONFIRMATION OF MINUTES

ITEM NO. 327

MOVED BY COUNCILLOR SECORD:

SECONDED BY COUNCILLOR STACK:

That the Minutes of the Twenty-fifth Meeting, Regular, of City Council held on Monday, September 15, 2008, copies having been distributed to all members, be hereby approved.

CARRIED.

MAYOR'S REPORT

ITEM NO. 328
Mayor's Report
File: 10.3.99

Mayor Brian McMullan presented a verbal report on matters of community interest.

APPOINTMENTS

ITEM NO. 329
Presentation by Walter Sendzik, Executive Vice
President and General Manager, St. Catharines-Thorold
Chamber of Commerce, Phil Madden, Site Director,
Sitel, and Stan Droblich, Executive Director,
Employment Help Centre, Re: Need for Inter-Municipal
Transit Service
File: 35.60.2Q

Peter Papp, Executive Director, Opportunities Niagara, introduced the presenters who were in attendance to speak about the need for inter-municipal transit service. Stan Droblich advised the members of Council that many people seeking employment have to turn down jobs because transportation is not available. He stated that this leads to people continuing to rely on financial assistance which barely covers living expenses. People cannot afford a home, health care, and extras for their children such as piano lessons, and sports activities. He stated that 93% of unemployed people depend on public transportation.

Phil Madden advised that Sitel is a global business and the St. Catharines operation is the largest in North America. He stated that they are open 24 hours a day, seven days a week, and that 70% of their workforce rely on public transportation. He advised that many of their employees can only take a bus one way and have to walk home late at night because public transportation is unavailable.

Walter Sendzik stated that although the St. Catharines transit system is very well run, the larger issue of connectivity with other municipalities needs to be addressed. He stated that it takes 2 ½ hours for someone to get from Fort Erie to St. Catharines by public transit. Mr. Sendzik requested St. Catharines Transit to facilitate discussions with other municipalities for connectivity to allow people to get to work.

MOVED BY COUNCILLOR DODGE:
SECONDED BY COUNCILLOR GILL:

That the presentations by Walter Sendzik, Executive Vice President and General Manager, St. Catharines-Thorold Chamber of Commerce, Phil Madden, Site Director, Sitel, and Stan Droblich, Executive Director, Employment Help Centre, respecting the need for inter-municipal transit service, be received;

and that St. Catharines facilitate a meeting with St. Catharines Transit, Niagara Falls, Welland, the St. Catharines-Thorold Chamber of Commerce, and the presenters once Niagara Falls has completed its transit review.

CARRIED.

ITEM NO. 330

Presentation by Amanda O'Rourke and Sara Rotz

Re: Walk and Bike for Life

File: 77.37.4

The presenters advised the members of Council that Walk and Bike for Life is a not-for-profit organization whose project objectives are to educate, engage, and support communities in their initiatives to support cycling as a mode of transportation. Examples of bicycling initiatives in other cities and countries were given and the presenters advised that integrating trails and greenways is a great benefit to economic development of communities through tourism. St. Catharines has a number of trails that could attract many tourists. The presenters advised that they assist with facilitating the process of a community action plan. The Ministry of Health will supply 60% of the funding for projects, Walk and Bike for Life provides 25% and the community would be required to fund 15%. The organization's web site is www.walkandbikeforlife.org

MOVED BY COUNCILLOR ELLIOTT:

SECONDED BY COUNCILLOR BURCH:

That the presentation by Amanda O'Rourke and Sara Rotz respecting Walk and Bike for Life, be received;

and that Staff be directed to report on the Walk and Bike for Life initiative.

Councillor Foss requested the motion be considered in parts.

PART ONE

That the presentation by Amanda O'Rourke and Sara Rotz respecting Walk and Bike for Life, be received.

CARRIED.

PART TWO

That Staff be directed to report on the Walk and Bike for Life initiative.

CARRIED.

ITEM NO. 331

Presentation by Leanne Standryk and John Lehnen

Re: World Rowing Masters Campaign, 2010

Henley Island

File: 10.57.11

Leanne Standryk advised the Mayor and members of Council that the 2010 Fisa World Rowing Masters Regatta will be held in September 2010. She stated that although \$7m of improvements were made to the Henley Rowing course in 1999 for the World Rowing Championships, infrastructure upgrades are needed. These upgrades include: a weed harvesting system, floating marshal's tower, floating starter tower, start pontoons, docks and ramps, timing system, and scoreboard. Ms. Standryk suggested that the timing system is a significant naming opportunity and requested the City to consider this through a gift to the campaign of \$50,000 to be spread over as many as five years.

The presenter also advised that there are several projects for maintaining Henley Island such as: a long term plan to look after the Island's trees and banks; planting and maintaining grass on the north end of the island; and adding amenities in the future such as a walking/jogging track around the perimeter of the island with park benches placed strategically for enjoying views and a gazebo at the north end to provide shelter from sun and rain.

MOVED BY COUNCILLOR STACK:
SECONDED BY COUNCILLOR SECORD:

That the presentation by Leanne Standryk respecting the World Rowing Masters Campaign 2010, Henley Island, be received and be referred to the Ad Hoc Budget Committee for consideration.

CARRIED.

ITEM NO. 332

Presentation by Tracy Cotton, Elizabeth Fritshaw, Niagara Centre for the Arts Task Force, and Jason Cadieux, Downtown Alliance for the Performing Arts Re: Impact of Closing The Sullivan Mahoney Courthouse Theatre
File: 16.6.100

Tracy Cotton, on behalf of the Niagara Centre for the Arts Task Force, advised the Mayor and members of Council that the Sullivan Mahoney Courthouse Theatre is set to close December 31, 2009. He stated that the Carousel Players are an award winning theatre group that rent space in the court house and are landlords for other artistic groups in the community. He advised that the loss of the Courthouse theatre prior to the new performing arts centre opening would impact on the growth of downtown audiences.

Jason Cadieux, on behalf of the Downtown Alliance of Performing Arts, requested the City to extend the lease by two years when the City takes over as landlord on January 1, 2010. He advised that an extended lease would be a better investment in time and energy than to relocate the facility and stated that not knowing the future is interrupting business and they need to be able to plan performances for 2010.

MOVED BY COUNCILLOR ELLIOTT:
SECONDED BY COUNCILLOR KUSHNER:

That the presentation by Tracy Cotton, Elizabeth Fritshaw, Niagara Centre for the Arts Task Force, and Jason Cadieux, Downtown Alliance for the Performing Arts, respecting the impact of closing the Sullivan Mahoney Courthouse Theatre, be received and be referred to the In Camera session of General Committee later in the evening. (See General Committee Minutes, September 22, 2008, Item Number 508.)

MOTION TO REFER CARRIED.

ITEM NO. 333

Presentation by Jane Gardner and Pablo Felices Luna, Carousel Players, Re: Impact of Closing the Sullivan Mahoney Courthouse Theatre
File: 16.6.100

Pablo Felices Luna, Artistic Director, Carousel Players, advised the Mayor and members of Council that the performing arts is part of the creative cluster in the downtown. He stated that it

is not feasible to finance a search for new facilities if they have to close in 2010. He also advised that the Niagara Symphony will be using office space in the Courthouse commencing October 2008.

Jane Gardener requested that the City extend their lease for two years beyond 2010 and to keep the Courthouse Theatre open until the new arts centre opens. She advised that if there is an interruption in business, the theatre groups will lose their patrons.

MOVED BY COUNCILLOR ELLIOTT:
SECONDED BY COUNCILLOR KUSHNER:

That the presentation by Pablo Felices Luna and Jane Gardner, Carousel Players, , respecting the impact of closing the Sullivan Mahoney Courthouse Theatre, be received and be referred to the In Camera session of General Committee later in the evening. (See General Committee Minutes, September 22, 2008, Item Number 508.)

MOTION TO REFER CARRIED.

ITEM NO. 334

Presentation by Ron Palmer and Tom Janzen,
The Planning Partnership, and Syd Girling &
Associates Consulting Re: Downtown Liquor
License Establishment Study
File: 60.35.44

COUNCILLOR KUSHNER DECLARED A CONFLICT OF INTEREST (Pecuniary) to Item Number 334 of the City Council Minutes, September 22, 2008.

The presenters advised that the Study commenced in August of 2007, and its purpose is to examine issues associated with the concentration of licensed establishment in the downtown, provide an overview of existing conditions in downtown, review management approaches in other jurisdictions, review current policies, practices and procedures in St. Catharines, and identify potential solutions and recommendations to address the issues.

They advised that three basic conflict categories were identified as safety, noise and cleanliness/vandalism, and contributing issues were lack of co-ordination among enforcing agencies, inadequate transportation, and overserving. The establishment of an enforcement task force was one of the five short term actions recommended as well as creating a new classification/definition for nightclubs within the City's business licencing by-law and zoning by-law; using planning tools to control matters such as number, size, and concentration of nightclubs; co-ordination of regulating agencies; and licencing under the new AGCO's new risk-based licensing program.

MOVED BY COUNCILLOR FOSS:
SECONDED BY COUNCILLOR ELLIOTT:

That the presentation by Ron Palmer and Tom Janzen, The Planning Partnership, and Syd Girling & Associates Consulting respecting the Downtown Liquor License Establishment Study, be received and be referred to General Committee for consideration later in the evening. (See General Committee Minutes, September 22, 2008, Item Number 494.)

CARRIED.

REPORT OF COMMITTEE

ITEM NO. 335
General Committee Report
Re: Minutes of Meeting Held on
September 15, 2008

Councillor Peter Secord, Vice-Chair, presented the report of the Committee comprising the minutes of its meeting held on September 15, 2008.

MOVED BY COUNCILLOR SECORD:
SECONDED BY COUNCILLOR BURCH:

That the report and recommendations of the General Committee comprising the minutes of its meeting held on September 15, 2008, be hereby ratified and adopted.

MOVED BY COUNCILLOR FOSS:
SECONDED BY COUNCILLOR PHILLIPS IN AMENDMENT:

That Item Number 492 of the General Committee Minutes, September 15, 2008, be amended to reflect that Councillor Foss was not in attendance when the motion was read and discussion commenced.

AMENDMENT CARRIED.
ORIGINAL MOTION AS AMENDED CARRIED.

City Council recessed at nine-nineteen o'clock p.m. and General Committee convened at nine-twenty o'clock p.m. General Committee recessed at nine fifty-seven o'clock p.m. and City Council reconvened.

OTHER BUSINESS

ITEM NO. 336
MOVED BY COUNCILLOR SECORD :
SECONDED BY COUNCILLOR BURCH:

That those items approved FORTHWITH by the General Committee on September 22, 2008, be hereby ratified and adopted.

CARRIED.

BY-LAWS

Presentation of By-laws for First Reading

ITEM NO. 337
MOVED BY COUNCILLOR WASHUTA:
SECONDED BY COUNCILLOR WILLIAMSON:

That leave now be given to introduce the following By-laws, and that the same be now read a first time:

A By-law to authorize a Site Plan Agreement with 1049592 Ontario Inc. (Three readings - with respect to the construction of a second storey addition to the existing commercial building at 512 Welland Avenue. DELEGATION BY-LAW NO. 2004-277, AS AMENDED.) File: 60.51.99

A By-law to authorize a Site Plan Amendment Agreement with Calloway Reit (St. Catharines) Inc. (Three readings - with respect to the construction of three additional commercial buildings at 275 Fourth Avenue. DELEGATION BY-LAW NO. 2004-277, AS AMENDED.) File: 60.51.99

A By-law to authorize the acceptance of a Transfer of Easement from Gertrude Irene Kuska. (Three readings - with respect to an existing sanitary sewer easement over lands at 388 Queenston Street. DELEGATION BY-LAW NO. 2004-277, AS AMENDED.) File: 16.19.99

A By-law to authorize a contract with Brook Restoration Ltd. (Three readings - with respect to the Carlisle Street Parking Structure - 2008 Suspended Slab and Beam Shoring, under Project No. P08-169. DELEGATION BY-LAW NO. 2004-277, AS AMENDED.) File: 18.45.246

A By-law to deem a certain registered plan of subdivision not to be a registered plan of subdivision for the purposes of Section 50, subsection 3 of the Planning Act, R.S.O. 1990. (Three readings - with respect to lands at 7 Ziraldo Road. DELEGATION BY-LAW NO. 2004-277, AS AMENDED.) File: 60.46.99

A By-law to authorize an Agreement Amending Lease with 1669772 Ontario Limited. (Three readings - with respect to the restaurant/concession space at Seymour-Hannah Sports & Entertainment Centre at 240 St. Paul Street West. General, September 15, 2008, Item No. 492.) Files: 68.32.147, 16.19.99

A By-law to authorize the amalgamation of Horizon Utilities Corporation and Guelph Hydro Electric Systems Inc. (Three readings - Shareholders Meeting, September 22, 2008.) File: 35.60.19

A By-law to confirm the proceedings and decisions of the Council of The Corporation of the City of St. Catharines at its meeting held on the 22nd of September, 2008. (Three readings - with respect to the ratification and adoption of City Council Minutes dated September 15, 2008, and General Committee Minutes dated September 15, 2008.) File: 10.12.1

CARRIED.

Presentation of By-laws for Second and Third Reading

ITEM NO. 338

MOVED BY COUNCILLOR WASHUTA:

SECONDED BY COUNCILLOR WILLIAMSON:

That the following By-laws, having been read a first time and considered, be now read a second and third time and do pass and that the Mayor and the Clerk do sign and seal the same any rule of Council to the contrary notwithstanding:

By-law No. 2008-252 A By-law to authorize a Site Plan Agreement with 1049592 Ontario Inc. (Three readings - with respect to the construction of a second storey addition to the existing commercial building at 512 Welland Avenue. DELEGATION BY-LAW NO. 2004-277, AS AMENDED.) File: 60.51.99

By-law No. 2008-253 A By-law to authorize a Site Plan Amendment Agreement with Calloway Reit (St. Catharines) Inc. (Three readings - with respect to the construction of three additional commercial buildings at 275 Fourth Avenue. DELEGATION BY-LAW NO. 2004-277, AS AMENDED.) File: 60.51.99

By-law No. 2008-254 A By-law to authorize the acceptance of a Transfer of Easement from Gertrude Irene Kuska. (Three readings - with respect to an existing sanitary sewer easement over lands at 388 Queenston Street. DELEGATION BY-LAW NO. 2004-277, AS AMENDED.) File: 16.19.99

By-law No. 2008-255 A By-law to authorize a contract with Brook Restoration Ltd. (Three readings - with respect to the Carlisle Street Parking Structure - 2008 Suspended Slab and Beam Shoring, under Project No. P08-169. DELEGATION BY-LAW NO. 2004-277, AS AMENDED.) File: 18.45.246

By-law No. 2008-256 A By-law to deem a certain registered plan of subdivision not to be a registered plan of subdivision for the purposes of Section 50, subsection 3 of the Planning Act, R.S.O. 1990. (Three readings - with respect to lands at 7 Ziraldo Road. DELEGATION BY-LAW NO. 2004-277, AS AMENDED.) File: 60.46.99

By-law No. 2008-257 A By-law to authorize an Agreement Amending Lease with 1669772 Ontario Limited. (Three readings - with respect to the restaurant/concession space at Seymour-Hannah Sports & Entertainment Centre at 240 St. Paul Street West. General, September 15, 2008, Item No. 492.) Files: 68.32.147, 16.19.99

By-law No. 2008-258 By-law No. 2008-258A By-law to authorize the amalgamation of Horizon Utilities Corporation and Guelph Hydro Electric Systems Inc. (Three readings - Shareholders Meeting, September 22, 2008.) File: 35.60.19

By-law No. 2008-259 A By-law to confirm the proceedings and decisions of the Council of The Corporation of the City of St. Catharines at its meeting held on the 22nd of September, 2008. (Three readings - with respect to the ratification and adoption of City Council Minutes dated September 15, 2008, and General Committee Minutes dated September 15, 2008.) File: 10.12.1

CARRIED.

ADJOURNMENT

ITEM NO. 339

MOVED BY COUNCILLOR KUSHNER:

SECONDED BY COUNCILLOR ELLIOTT:

That this meeting do now adjourn.

CARRIED.

There being no further business, the meeting adjourned at ten o'clock p.m.

Certified Correct:

Confirmed By:

City Clerk

Mayor