



## **COUNCIL MEETING, DECEMBER 16, 2003**

### **CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET**

Council met in Committee-of-the-Whole 6:30 p.m. and in open session at 7:50 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, D. Beaudoin, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora..

**Members of the Staff and Others Present:**

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (7:00 p.m.)

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:50 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:50 p.m.)

General Manager of Planning and Development Services D. Thorpe

Regional Councillor J. Mastroianni (7:50 p.m.)

**04-25** Moved by Chiocchio and Beaudoin 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;
- b) personal matters about an identifiable individual, including municipal employees;
- c) a proposed or pending acquisition of land for municipal purposes; and
- d) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED**

*(Mayor Goulbourne was not present during Committee-of-the-Whole discussion on a land acquisition matter for municipal purposes. Vice Mayor Larouche assumed the Chair during discussion on this matter).*

**04-25** Moved by Chiocchio and Beaudoin that the Committee-of-the-Whole arise from its closed meeting at 7:40 p.m.

**CARRIED**

### **DISCLOSURE OF INTEREST:**

Mayor Goulbourne disclosed an interest in Ref. No. 04-42 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as the party involved in the land exchange is his father-in-law. During discussion on this issue, Mayor Goulbourne vacated the Chair and Vice Mayor Larouche presided.

Councillor Larouche disclosed an interest in Ref. No. 04-45 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed with the 2003 Broker of Record.

Councillor Grenier disclosed an interest in Ref. No. 04-45 and did not take part in the Consideration and discussion of same, and refrained from voting thereon, as he is employed with the 2003 Broker of Record.

Councillor Chiocchio disclosed an interest in Ref. No. 04-45 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his wife is employed by a local broker.

### **PUBLIC HEARING PURSUANT TO SECTION 357 OF THE MUNICIPAL ACT – TAX WRITE-OFFS**

City Treasurer, B. Silvestri advised that he had received a request from applicant No. 03-12 for their application to be turned over to the Assessment Review Board.

No one else requested to speak.

**PRESENTATION:**

City Manager Travers Fitzpatrick announced to Council City employees who received service awards in 2003:

**30 Year Service**

Jean Roy, Lawrence Domitrek, David Hominuk, Ronald Nadeau, Tony Gallaccio, Gaston Denis, and Matthew Morog.

**25 Year Service**

Lino Ventresca, Gabriella Ristine, Guy Wilson, and Ronald Kundrat.

**20 Year Service**

Debra Lavictoire, Dave Nenadovich, Rudy Moldowan and Jerome Boc.

**15 Year Service**

Linda Chapelle, Silvestro Ravenda, Rosanne Mantesso, Lisa Bisson, Frank Reddon, Fred Ciantar, Pierre Godbout, Gary Schryer, Joe keca, Don Lucescu, Dan Smith, Tony Battista, Lorraine Denis, and David Romano.

**10 Year Service**

Clairmond Breton, Terry Robins, Kevin Check and Robert McCauley.

**DELEGATION:**

**03-141** Ninetta Gallant addressed Council regarding a request for an extension of watermain to service 200 Moyer Road.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 93-162** Welland River Water Level Fluctuation Study, Ontario Power Generation/NPCA.  
**96-48** Retention of C.N. Watson and Associates Ltd. to update the City of Welland Development Charges Background Study and By-law.  
**96-48** A By-law to authorize the retention of C.N. Watson and Associates Ltd. to update the City of Welland Development Charges Background Study.  
**96-119** Gen. Mgr. of Planning and Development Services D. Thorpe – Niagara Centre Developments Subdivision (File 26T-14-97003) – Request for extension to Draft Approval.  
**97-49** Janet Beckett, City Clerk, City of Port Colborne – Commitment to Recruit and Retain Family Physicians and Specialists.  
**99-99** Matter regarding the Welland Recreational Canal Waterways and its usage.

- 99-125** A By-law to authorize the re-conveyance of 160 Dain Avenue to Stelpipe Ltd.
- 01-2** Review of City's current Business Licensing By-law.
- 01-154** Review By-law from West Lincoln re sexual exploitation of children & child pornography.
- 02-22** Concerns of Parking lane widths and traffic speed at East Main and Division Streets.
- 03-1** 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 16th day of December, 2003.
- 03-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Application for Tax-Write-Offs – Section 357.
- 03-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – November 27, 2003 – December 5, 2003.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz - Update on Pelham Service.
- 03-15** A By-law to authorize the entering into a Collective Agreement with the Industrial, Wood and Allied Workers of Canada (representing all Volunteer Firefighters for the Corporation of the City of Welland) effective November 7, 2001 to December 31, 2005.
- 03-22** Petition from the residents of Dain City along the Kingsway and surrounding areas regarding parking signs.
- 03-22** Removal of turning Restrictions – Grassy Brook Road and Moyer Road.
- 03-22** Parking Operations – Grace Period for Parking Meters and Free Parking at Market Square Parking Lot.
- 03-22** Parking Restriction Exemptions during snow clearing operations.
- 03-22** Traffic Operations & Safety Concerns – Clare Avenue.
- 03-22** Administrative Update – Traffic and Parking Operations.
- 03-23** A By-law to authorize the entering into an Extension Agreement with Lidkea, Stob, Venema & Associates.
- 04-36** Gen. Mgr. of Planning and Development Services D. Thorpe – Renaming of Lincoln Street from Murdoch Street easterly to Riverside Drive.
- 04-41** Gen. Mgr. of Planning and Development Services D. Thorpe – Request for easement over city lands – Linear Pathway south of Woodlawn Road, east of Clare Avenue – Par Construction Limited.
- 03-42** South Pelham Road and the Fitch Street Pumping Station Extraneous flow Study.
- 03-73** Oxford-Atlas-Wellington Sewer Separation Project Update.
- 03-75** 2006 Dragon Boat World Championship Bid.
- 03-84** West Nile Virus - develop and enact a standing water by-law.
- 03-141** Update on Water Service for 200 Moyer Road.
- 03-157** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Hellems – Bugar Area Sewer Separation – Phase 1- Randolph – Grove – Young – Victoria Streets.
- 03-157** A By-law to authorize the entering into a contract with Nexterra Substructures Incorporated for the Hellems-Bugar Area Sewer Separation (Phase 1); and Randolph-Grove-Young-Victoria Streets Sewer Separation (Phase 1).
- 04-4** 2003 United Way of South Niagara Campaign – request for financial contribution.
- 04-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Temporary Borrowing – 2004.
- 04-24** A By-law to authorize the appointment of Donald B. Thorpe as General Manager, Planning and Development Services of the Corporation of the City of Welland.
- 04-29** City Clerk C.A. Stirtzinger – 2004 Council Meeting Dates.
- 04-43** A By-law to substitute the Office of General Manager, Planning and Development Services, for the Office of Director of Development Services in every By-law where the latter is designated to perform some duty or function.
- 04-45** 2004 City and Welland Recreational Canal Corporation Insurance Renewals.

**04-1** Moved by Dzugan and Grenier that the Minutes of the Inaugural Meeting of December 1, 2003 and Regular Council Meeting of December 2, 2003 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**93-162** Moved by Larouche and Grenier that Report Eng-2003-31 Re: Welland River Water Level Fluctuation Study, Ontario Power Generation/NPCA be again referred to staff for further information including: comments of NPCA, comments of other municipalities, shoreline impact and financial costs.

**CARRIED**

**96-48** Moved by Larouche and Grenier

1. That the City of Welland retain C.N. Watson and Associates Ltd., at an upset limit of \$26,700.00 plus G.S.T., to update the City of Welland Development Charges Background Study and new By-law;
2. That a contingency allowance of \$5,000.00 be budgeted for any required Engineering work and advertising costs;
3. That the Study be funded from the Development Charges Account; and
4. That the City Solicitor be directed to prepare the necessary By-law.

**CARRIED**

**96-119** Moved by Larouche and Grenier that Council approve an extension to Draft Approval for the Niagara Centre Developments Subdivision (File 26T-14-97003) for one (1) year to October 9, 2004 as requested.

**CARRIED**

**97-49** Moved by Fortier and Alexander that Welland City Council supports the request from the City of Port Colborne to urge the Provincial Government to immediately move forward their commitment to recruit and retain family physicians and specialists.

**CARRIED**

**99-99** Moved by Larouche and Grenier that the Welland Recreational Canal waterways and its usage be again referred to the Welland Recreational Canal Corporation.

**CARRIED**

**01-2** Moved by Larouche and Grenier that staff be again directed to review the City's current Business Licensing By-law.

**CARRIED**

**01-154** Moved by Larouche and Grenier that the Licensing By-law from West Lincoln regarding the sexual exploitation of children and the devastating effects of pornography on society be again referred to staff for review.

**CARRIED**

**02-22** Moved by Larouche and Grenier that staff be again requested to review concerns relative to parking lane widths and traffic speed on East Main and Division Streets; and further That this review include consideration of the need for bicycle traffic lanes on these streets as part of the Regional Bicycle Path Plan.

**CARRIED**

**03-4** Moved by Beaudoin and O'Dell that pursuant to Section 357 of the Municipal Act, 2001, Council approve the write off of taxes in the amount of \$28,184.57 as contained in the attached report as amended listing the reasons for reduction or cancellation and assessment values.

**CARRIED**

**03-7** Moved by Larouche and Grenier that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	28-Nov-03	\$	79,057.12
2	01-Dec-03		620,975.00
3	02-Dec-03		3,556,165.64
4	05-Dec-03		<u>592,230.95</u>
	<b>Total</b>	<b>\$</b>	<b>4,848,428.71</b>

**CARRIED**

**03-13** Moved by Dzugan and Beaudoin

1. That Council authorizes the modification of the previously approved trial for the addition of up to three return runs per day during normal service hours to the Town of Pelham for the period of January 5 to May 1, 2004 inclusive.
2. That the service be reviewed in April and brought back to Council for a further decision.

**CARRIED**

**03-22** Moved by Larouche and Grenier that the petition from the residents of Dain City along the Kingsway and surrounding areas regarding parking signs be again referred to staff for study and review.

**CARRIED**

**03-22** Moved by Larouche and Grenier that the City Solicitor be directed to prepare a By-law to amend Schedule 'R' of By-law 89-2000 by:

- i) DELETING the following:

Column 1	Column 2	Column 3	Column 4	Column 5
Highway	At	Traffic Proceeding	Prohibited Turn	Period

				<b>Times/Day</b>
Grassy Brook Road	Regional Road #84 (Moyer Road)	Westbound	Left	Anytime

**CARRIED**

**03-22** Moved by Sharpe and O'Dell that Traffic and Parking Operations staff implement a 10 minute grace period initiative as outlined in Report TRAF 2003-26, as part of a 3 month pilot project.

**CARRIED**

**03-22** Moved by Larouche and Grenier that the City Solicitor be directed to prepare a By-law to amend Section 1 of By-law 2000-17 by:

- i) ADDING the following:
  - (d) no vehicle shall park for a longer period than 12 hours at any one time;
  - (e) no vehicle shall park between the hours of 2:00 a.m. and 6:00 a.m.

**CARRIED**

**03-22** Moved by Fortier and Grenier that the City Solicitor be directed to prepare a By-law to amend Schedule 'C1' of By-law 89-2000 by:

- 1) ADDING the following:

<b>Column 1</b>	<b>Column 2</b>	
<b>Highway</b>	<b>From</b>	<b>To</b>
Cady Street	Crowland Avenue	West limit of roadway
Fell Street	Merritt Street	Fitch Street
Seventh Street	Iron Street	Jones Lane
McAlpine	A point 70 meters south of East Main Street	A point 100 meters south of East Main Street
Scholfield Avenue	Hagar Street	A point 80 meters south of Hagar Street
Wallace Avenue	A point 50 meters south of Welland Street	A point 100 meters south of Welland Street
Lyons Avenue	A point 120 meters north of Welland Street	A point 180 meters north of Welland Street
John Street	River Road	East limit of roadway
Pine Street	Niagara Street	Aqueduct Street
Harriet Street	Orchard Avenue	Railroad Avenue
Shotwell Street	Merritt Street	Fitch Street
Almond Street	River Road	Ross Street
First Street	Plymouth Road	King Street

**CARRIED**

**03-22** Moved by Sharpe and Fortier that the City Solicitor be directed to prepare a By-law to amend Stopping Prohibitions, Schedule "A" of By-law 89-2000 by:

- i) ADDING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
Highway	SIDE	FROM	TO	PERIOD (TIMES/ DAY)
Clare Avenue	West	Thorold Road	Vanjo Drive	7:30a.m. to 5:00p.m.; Mon. to Fri.

**CARRIED****03-22** Moved by Larouche and Grenier

1. That the City Solicitor be directed to prepare a By-law to amend Schedule 'C' of By-law 89-2000 by:

i) DELETING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
Highway	SIDE	FROM	TO	PERIOD (TIMES/ DAY)
Redwood Court	West Side & North Side	Cedar Park Drive	South Limit of Municipal Address #134	AT NO TIME

ii) ADDING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
Highway	SIDE	FROM	TO	PERIOD (TIMES/ DAY)
Redwood Court	West/East/North	Cedar Park Drive	West Limit of Municipal Address #152	AT NO TIME

**CARRIED****03-42** Moved by Larouche and Grenier that a detailed survey of South Pelham Road and the local sewers within the Fitch Street Pumping Station Drainage Area be undertaken in order to establish the source(s) and point(s) of entry of extraneous sewer inflows.**CARRIED****03-73** Moved by Larouche and Grenier that Council receive report ENG 2003-67 on the Oxford-Atlas-Wellington sewer separation project.**CARRIED**

**03-75** Moved by Larouche and Grenier that the request from Dragon Boat Canada regarding the 2006 Dragon Boat World Championships be again referred to staff and to the Welland Recreational Canal Corporation for review and report.

**CARRIED**

**03-84** Moved by Larouche and Grenier that staff be again directed to review the request from the Region to develop and enact a standing water by-law that would specifically address mosquito-breeding sites.

**CARRIED**

**03-141** Moved by Spadafora and Grenier that the request by Ninetta Gallant regarding the extension of the watermain on Moyer Road to service 200 Moyer Road be received for information and filed.

**CARRIED**

**03-157** Moved by Larouche and Grenier that Council accepts the tender of Nexterra Substructures Incorporated for the Hellems – Burgar Area Sewer Separation – Phase 1; Randolph – Grove – Young – Victoria Streets, as presented in report ENG-2003-68;

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 \$376,963.40, plus applicable G.S.T.;

That, based on the low tender, the project budget be set at \$450,000.00 funded by means of:

Canada-Ontario Infrastructure Program	\$289,000.00
Operating Budget	\$ 80,000.00
Water and Sewer Surplus	\$ 50,000.00
Municipal Debenture	\$ 31,000.00

That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

**CARRIED**

**04-4** Moved by Larouche and Grenier that the request from 2003 United Way of South Niagara Campaign for financial contribution be again referred to the Budget Review Committee.

**CARRIED**

**04-4** Moved by Fortier and Chiocchio

1. That Council authorize the Treasurer to borrow on an interim basis up to \$16,000,000 to meet current and capital expenditures while awaiting permanent funding by way of taxation, Provincial and Federal grants and Regional debentures.
2. That the City Solicitor be instructed to prepare the necessary by-law.

**CARRIED**

**04-29** Moved by Larouche and Grenier that the Regular Council Meetings scheduled for January 6th, 2004 and March 16th, 2004 be cancelled; and further

That the 2004 summer Council Meetings be scheduled as follows:

Tuesday, July 20th, 2004 at 7:00 p.m.

Tuesday, August 17th, 2004 at 7:00 p.m.

**CARRIED****04-36** Moved by O'Dell and Fortier

1. That Council request the Regional Municipality of Niagara to rename that portion of Lincoln Street from Murdoch Street easterly to Riverside Drive as Webber Road; and
2. That the City Clerk be directed to forward a copy of this Resolution and accompanying Staff Report to the Region of Niagara Public Works Department.

**CARRIED****04-41** Moved by Larouche and Grenier

1. That Council authorize a Construction Easement for the installation of hydro service over Part 1 shown on a preliminary Reference Plan prepared by P.D. Reitsma Surveying Ltd. (File 03-30-1) for City lands south of Woodlawn Road, east of Clare Avenue, for the benefit of Par Construction Limited subject to final location approval by Engineering and Parks and Recreation Staff, the restoration of the City lands to their existing condition or better, the posting of appropriate insurance, a security deposit of \$3,000.00 and the payment of a fee of \$300.00;
2. That Council authorize a permanent Easement over Part 1 as above to Welland Hydro-Electric Corp. upon successful completion of the hydro installation and restoration of the City's lands;
3. That Council accept an Easement from Par Construction Limited at no cost over Part 3 on the above-noted plan for storm sewer maintenance purposes, free and clear of all encumbrances with all deed preparation and registration at the expense of the City; and
4. That Council authorize Staff to prepare the necessary By-laws.

**CARRIED**

**04-45** Moved by Beaudoin and Sharpe that Council approves the recommendation from Risk Pro Management Consulting to renew the City's and Welland Recreational Canal Corporation's insurance for 2004 with Frank Cowan Company Limited including the following enhancements: eliminate deductible under conflict of interest and legal expense; increase garage auto liability limit to \$15 million.

**CARRIED****BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****02-52**

**04-10** Moved by Grenier and Chiochio that Councillors Sandy O'Dell and Jim Larouche be appointed to the Humberstone Landfill Site Public Liaison Committee.

**CARRIED**

**04-10** Moved by Grenier and Chiochio that the appointment of Mary Jane Keenan to the Welland Public Library Board be rescinded due to ineligibility.

**CARRIED****04-42** Moved by Beaudoin and Dzugan

1. That Council accept the transfer of Parts 4 and 5 shown on a draft Reference Plan prepared by P.D. Reitsma Surveying Ltd. (File 99-92-3) from 1006136 Ontario Limited in exchange for the transfer from the City of Welland to 1006136 Ontario Limited of Parts 2 and 3 on the noted Plan subject to the following:
  - assurance that Parts 1, 4 and 5 are able to accommodate all future storm runoff as envisioned by the existing facility/lands;
  - the submission of an acceptable Phase I Environmental Assessment ensuring that the subject lands (Parts 4 and 5) are not contaminated;
  - that the existing right-of-way over Part 4 be eliminated;
  - that the transfer of Parts 4 and 5 shall be free and clear of all encumbrances;
2. That the value of the transfer shall be \$1.00;
3. 1006136 Ontario Limited shall be responsible for all associated costs of the land exchange; and
4. That Staff be authorized to prepare the necessary By-laws.

**CARRIED**

**04-48** Moved by Alexander and Sharpe that subject to funding, staff be authorized to execute agreement for the review of the Atlas Steels Plant.

**CARRIED****BY-LAW ARISING FROM COMMITTEE-OF-THE-WHOLE****BY-LAW PRESENTED FOR FIRST READING:**

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

**96-172**

BYL 2003 - 188

A By-law to authorize execution of a counter-offer for the sale of Part 25, Plan 59R-1680, being vacant land in the Southwell Industrial Park Subdivision to Lorena Holdings Limited in Trust.

And that the same be now read a first time.

**CARRIED****BY-LAW PRESENTED FOR SECOND AND THIRD READING:**

2. Moved by Belcastro and Larouche 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 Clerk do sign and seal the same.

**CARRIED**

## **BY-LAWS**

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

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

**96-48**

BYL 2003 - 189

A By-law to authorize the retention of C.N. Watson and Associates Ltd. to update the City of Welland Development Charges Background Study.

...continued...

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

**99-125**

BYL 2003 - 190

A By-law to authorize the re-conveyance of 160 Dain Avenue to Stelpipe Ltd.

**03-15**

BYL 2003 - 191

A By-law to authorize the entering into a Collective Agreement with the Industrial, Wood and Allied Workers of Canada (representing all Volunteer Firefighters for the Corporation of the City of Welland) effective November 7, 2001 to December 31, 2005.

**03-23**

BYL 2003 - 192

A By-law to authorize the entering into an Extension Agreement with Lidkea, Stob, Venema & Associates.

**03-157**

BYL 2003 - 193

A By-law to authorize the entering into a contract with Nexterra Substructures Incorporated for the Hellems-Burgar Area Sewer Separation (Phase 1); and Randolph-Grove-Young-Victoria Streets Sewer Separation (Phase 1).

**04-24**

BYL 2003 - 194

A By-law to authorize the appointment of Donald B. Thorpe as General Manager, Planning and Development Services of the Corporation of the City of Welland.

**04-43**

BYL 2003 - 195

A By-law to substitute the Office of General Manager, Planning and Development Services, for the Office of Director of Development Services in every By-law where the latter is designated to perform some duty or function.

**04-1**

BYL 2003 - 196

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 16th day of December, 2003.

And that the same be now read a first time.

**CARRIED**

**BY-LAWS PRESENTED FOR SECOND AND THIRD READING:**

4. Moved by Dzugan and Belcastro that the By-laws 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 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, January 14, 2004 for inclusion on the January 20, 2004 Regular Council Meeting Agenda.**

Council adjourned at 9:35 p.m.

These Minutes approved and adopted by Motion of Council this 20<sup>th</sup> day of January, 2004.

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**MAYOR**

**CLERK**

