



COUNCIL MEETING, APRIL 20, 2004

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 6:45 p.m. and in open session at 7:30 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 (7:30 p.m.), J. Larouche, S. O'Dell, B. Sharpe (7:00 p.m.) and J. Spadafora (6:50 p.m.).

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (7:30 p.m.)

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah (7:30 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:30 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:30 p.m.)

Acting General Manager of Parks and Recreation R. Morwald (7:30 p.m.)

Executive Assistant to the Mayor and City Manager L. Ip (7:30 p.m.)

Regional Councillor J. Mastroianni (7:30 p.m.)

Mgr., Budgets & Financial Reporting/Deputy Treasurer S. Nagel (7:30 p.m.)

Transit Office Co-ordinator M. Fortin (7:30 p.m.)

04-25 Moved by Larouche and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:45 p.m. to consider:

- a) the security of the property of the municipality; and
- b) personal matters about an identifiable individual, including municipal employees.

CARRIED

04-25 Moved by Belcastro and Larouche that the Committee-of-the-Whole arise from its closed meeting at 7:25 p.m.

CARRIED

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

No one requested to speak.

PUBLIC HEARING PURSUANT TO THE MUNICIPAL ACT

04-4 To consider changes to the 2004 Sewer Capital Budget.

No one requested to speak.

There being no other submissions, the hearing was concluded.

PRESENTATION:

Presentation by Mayor Goulbourne to the following: Scott Schihl, Skip; Matt Maracle, Vice Skip; David Dickson, Second; J.P. Toulous, Lead; Tony Drummond, Alternate Vice Sip; and Scott Brown, Coach in recognition of achieving the gold medal in the 2004 Canadian Curling Special Olympics "B" Flight Championships at the National Winter Games in Charlottetown, Prince Edward Island.

DELEGATIONS:

99-125 Gord Chatwin, President, CAW Local 523, Rick Alakas, Shop Chairperson, Stelpipe and Bob McCallion, Chief Steward, Stelpipe addressed Council regarding the Pension Benefit Guarantee Fund.

04-13 Dennis Fletcher, Entra Consultants addressed Council regarding the Transit Review Study.

04-37 John Parisee addressed Council and presented a Petition regarding Water Rates.

THE FOLLOWING CORRESPONDENCE WAS READ:

- 04-14** Report from City Manager, T. Fitzpatrick – 2004 Conference Report.
- 02-111** Report from City Manager T. Fitzpatrick – Agreement with Business Education Council of Niagara concerning connecting Niagara.
- 04-84** A By-law to authorize the entering into a Services Agreement with Business Education Council of Niagara.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**93-162**

99-99 Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Reconstruction and Rehabilitation of Bridge Decks Welland River Syphon Structure & approval of Welland Recreational Canal Corporation 2004 Capital Budget.

99-125 Gord Chatwin, President, CAW Local 523, Rick Alakas, Shop Chairperson, Stelpipe and Bob McCallion, Chief Steward, Stelpipe – Pension and Benefit Guarantee Fund.

01-23 Update on Rodrigues Report Recommendations.

01-110

04-15 Chief, Fire and Emergency Services, P. Olah – Niagara Children's Safety Village.

04-15 Chief, Fire and Emergency Services, P. Olah – Volunteer Firefighter Pagers.

01-161 City of Welland Strategic Plan.

02-4

03-4 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri – Application for Tax Write-Offs – Section 357.

02-151 Closed Circuit TV Inspection of Sewers.

03-13 Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Extension of Student Pass Agreement Brock University Student Union.

03-22 By-law Amendment to 89-2000 – Schedule 'C1' – No Parking Zones.

03-110 A By-law to establish and adopt a City Policy governing the sale of city-owned land including the stopping up and closing of highways; and to revoke certain policies respecting land; and to repeal By-law 10570.

03-129 Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Kingsway Bridge Rehabilitation – 2003/2004.

03-157 Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Award of Tender – Hellems – Bugar Area Sewer Separation – Phase 2 from Dorothy Street to Victoria Street.

04-1 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 20th day of April, 2004.

04-3 City Clerk C.A. Stirtzinger – Lottery License.

04-3 Petra Scott, Heart and Stroke Foundation of Ontario – requesting permission to sell raffle tickets in the City of Welland.

04-7 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – March 31, 2004 to April 13, 2004.

04-13 Dennis Fletcher, Entra Consultants – Transit Review Study.

04-13 Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Welland Transit Terminal-Confectionery Store.

04-19 Replacement and operation the City of Welland Parade Float.

04-20

04-21 Patsy Ramundo, President - permission to hold a religious procession - "**49th Annual Feast of the Assumption**".

04-21 Welland County Motorcycle Club Annual "Spring Mud Run".

04-21 Marlene Goss, Zellers - requesting permission to hold its annual "**Zellers Walk for Cystic Fibrosis**" to be held on May 30, 2004.

04-21 Welland Rose Festival Committee requesting permission to hold the 43rd Annual Rose Festival Parade on Sunday, June 13th, 2004.

04-21 Khayyam Syne, Principal, Notre Dame College School – requesting permission to hold the "**The Walk Against Male Violence**" to be held on May 5, 2004.

04-37 John Parisee – Petition for Water Rates.

04-58 Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Amend 2004 Sewer Capital Budget and Award of Tender – Lincoln Street Combined Sewer Separation Project Phase 2 and 4 under Oxford-Atlas-Wellington Area Sewer Separation, 2004 – Watermain Replacement on Empress and Hughes Avenue.

04-58 A By-law to permit an encroachment onto Weller Avenue for the purposes of a retaining wall, and an encroachment onto the unopened Manor Road allowance, being Part of Chippawa Park, for the purposes of a driveway, to benefit the owners from time to time of the property known municipally as 56 Weller Avenue.

04-72 Tender Award – Supply of Asphaltic Materials.

04-75 Quotation – Supply of Top Soil.

04-74 Tender Award– Supply of Stone.

04-76 Tender Award – Supply of RS1 Asphalt Emulsion.

04-77 Tender Award– Supply and Application of Road Surface Treatment Materials.

04-78 Tender Award - Tire Maintenance Service.

04-82 Letter from Gerb Sammut, S.N.S. Pavement Maintenance – regarding poor road conditions and recommendation to prevent roads from further deterioration.

04-84 A By-law to authorize the entering into a Services Agreement with Business Education Council of Niagara.

04-1 Moved by Dzugan and Belcastro that the Minutes of the Regular Council Meeting of April 6, 2004 be and the same are hereby approved and adopted as circulated.

CARRIED

02-93 Moved by Larouche and Grenier that Council receive for information Report HR-2004-01, concerning the Rodrigues Organizational/Structural Review of the City of Welland; and That Council adopt the revised Organization Chart contained in the Report as recommended by the Human Resources Committee.

CARRIED

93-162

99-99 Moved by Fortier and O'Dell

1. That Council accept the tender from Underground Services (1983) Ltd. for the Reconstruction and Rehabilitation of Bridge Decks, Welland River Syphon Structure, at a tender price of \$2,736,457; and

2. That the total project cost be established at \$3,220,000; and
3. That financing for the project be by way of debenture; and

...continued...

93-162

99-99 ...Cont'd.

4. That Council approve the 2004 Welland Recreational Canal Corporation Capital Budget consisting of the Reconstruction & Rehabilitation of the Bridge Decks, Welland River Syphon Structure in the amount of \$3,220,000.; and
5. That any subsidies received be directed to the Canal Reserve Fund; and furthermore
6. That the City Solicitor be directed to prepare all necessary by-laws to execute same.

CARRIED

99-125 Moved by Alexander and Grimaldi that Welland City Council endorses the resolution from CAW Local 523 with respect to requesting the Provincial Government to immediately strengthen the Ontario Pension and Benefit Guarantee Fund; and

That the resolution be forwarded to the Provincial Government for its urgent attention; and further

That this resolution be circulated to the Region of Niagara and the Area Municipalities as well as to the Association of Municipalities of Ontario (AMO) and all municipalities in Ontario for their endorsement.

CARRIED

01-110

04-15

Moved by Fortier and Chiocchio

1. That subject to participation by other area Municipalities the City of Welland provide financial support in the amount of \$5,500 to the Niagara Region Children's Safety Village, to be used to offset the cost of providing Coordinator/Instructors for the fire safety programs that are to be delivered at the Safety Village.
2. That the \$5,500 provided for the Niagara Region Children's Safety Village, be provided for in the Fire & Emergency Services Department 2004 operating budget.

CARRIED

01-161

Moved by Fortier and Belcastro

1. That Council receive Report CM-2004-05 - City of Welland Strategic Plan; and
2. That Council establish a Strategic Plan Implementation Committee to build upon the guidelines outlined in the Strategic Planning Report attached to Report CM-2004-05 developed on January 9 & 10, 2004; and further
3. That this Report be shared with the public and the Region of Niagara's Strategic Planning Task Force.

CARRIED

02-4

03-4

Moved by Beaudoin and Alexander that pursuant to Section 357 of the Municipal Act, 2001, Council approve the write off of taxes in the amount of \$9,534.98 as contained in Report FIN-04-12 listing the reasons for reduction or cancellation and assessment values.

CARRIED

02-111

Moved by Larouche and Grenier that the Mayor and Clerk be authorized to execute an agreement with the Business Education Council of Niagara concerning the Connecting Niagara initiative.

CARRIED

02-151 Moved by Larouche and Grenier that Council authorize the General Manager Engineering, Public Works and Transportation Services to proceed with the preparation of Tenders to qualified Sewer Pipeline Inspectors to undertake closed circuit TV inspection of the sewer system.

CARRIED

02-160 Moved by Sharpe and Grenier that Council adhere to the rules of meeting procedure as contained in the Procedural By-law 9972, as amended and Bourinot's Rules of Order requiring that a motion be duly moved and seconded before debate occurs on all business before Council. It is understood that certain sections of the Agenda, specifically Oral Reports and Delegations, would be exempt. However, once a presentation and questions of clarification have been completed, a motion is required before any discussion or debate takes place.

NOT PUT

02-160 Moved by Fortier and Beaudoin that the motion with respect to adherence to the Procedural By-law be referred until further review of the Procedural By-law at the next General Committee Meeting of April 27, 2004.

CARRIED

03-22 Moved by Larouche and Grenier that the City Solicitor be requested to prepare a By-law to amend Schedule 'C' No Parking Zones of By-law 89-2000 by:

i) DELETING the following:

Column 1	Column 2	Column 3		Column 4
Street	Side	From	To	Period (Times/Day)
Kingsway	West Side	Forks Road	Southerly Termination	At No Time

ii) ADDING the following:

Column 1	Column 2	Column 3		Column 4
Street	Side	From	To	Period (Times/Day)
Kingsway	East	Forks Road	South limit of roadway	At No Time
Glenwood Parkway	Both	Kingsway	Crescent Drive	At No Time
Talbot Avenue	Both	Kingsway	East limit of roadway	At No Time

CARRIED

03-129 Moved by Larouche and Grenier

1. That Council confirms pre-budget approval of \$50,000.00 for the Kingsway Bridge Deck Repair project, as proposed in the 2004 Roadways Capital Budget, as presented in report ENG-2004-24; and

2. That staff be authorized to proceed with the Kingsway Bridge Deck Rehabilitation as previously detailed in Report ENG-2003-54 of September 2, 2003, by authorizing Rankin Construction Inc., the low bidder at the time to proceed with the final section of work as tendered; and furthermore
3. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to extend the existing contract with the said contractor, to execute the construction, at the tender price of \$37,862.00, plus applicable G.S.T. for the Kingsway Bridge portion of works tendered; which is the balance of tender.

CARRIED**03-157** Moved by Beaudoin and Belcastro

1. That Council amends the 2004 Sewer Capital Budget for the Hellems-Burgar Area Separation from \$1,450,000 to \$1,700,000, as shown in Schedule "A"; and
2. That Council accepts the tender of Centennial Construction and Contracting (Niagara) Inc. for the Hellems – Burgar Area Sewer Separation – Phase 2 from Dorothy Street to Victoria Street as presented in report ENG-2004-12; 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, at the tender price of \$1,460,553.00 plus applicable G.S.T. for separation work up to Victoria Street as tendered; and
4. That, based on the low tender, the project budget shall be set at \$1,700,000.00 funded as indicated in the revised 2004 Sanitary Sewer Capital Budget, dated 20 April, 2004.; and
5. That Council authorize staff to retain K.T. Howe Engineering Ltd., the designing consultant of the subject sewer separation project, to carry out the construction administration, quality control and inspection services, in the approximate sum of \$48,000.00, excluding G.S.T., to be funded within the total project allotment; and furthermore
6. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED**04-3** Moved by Larouche and Grenier that a Lottery License be granted to the following:
St. John Ambulance – Raffle; Gordon School – Raffle and Gordon School - Bazaar.**CARRIED****04-3** Moved by Larouche and Grenier that permission is hereby granted to the Heart and Stroke Foundation of Ontario to sell raffle tickets in the City of Welland under authority of Provincial Lottery Licence P040302, subject to the receipt of a \$25.00 administration fee for processing this request.**CARRIED****04-7** 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	01-Apr-04	\$	115,272.05
2	05-Apr-04		204,941.22
3	06-Apr-04		148,898.98
4	08-Apr-04		111,533.96
5	13-Apr-04		<u>730,582.71</u>
	Total	\$	1,311,228.92

CARRIED**04-13** Moved by Beaudoin and Dzugan that the presentation by Dennis Fletcher, Entra Consultants regarding the Transit Review Study be received for information and referred to staff and the Transit Advisory Committee for report to Council.

CARRIED

04-13 Moved by Larouche and Grenier that Council authorizes the extension of the Brock University Students Union (BUSU), service presently provided to Brock University, in accordance with the terms and conditions set out in Report TRANS-2004-01.

CARRIED

04-13 Moved by Larouche and Grenier

1. That Council approve a three year extension of the service provider contract to Mr. Phil Gamsby commencing April 1, 2004 to March 31, 2007 for the confectionary store located at the Welland Transit Terminal; and
2. That the monthly rental revenue in the amount of \$250.00 be increased to \$300.00 plus G.S.T. for the first year; and furthermore
3. That the City Solicitor be directed to renew the service provider contract for a three year term maintaining the provisional clause to review Mr. Gamsby's financial statements annually to determine rental payments thereafter.

CARRIED

04-14 Moved by Larouche and Grenier

1. That subject to final Budget approval, Council approve the 2004 Conference Budget at \$68,000 with \$20,000 being allocated to Council Conference travel and \$48,000 being allocated to Staff Conference travel; and
2. That the matter of Conferences, including the number of conferences to be attended, any special considerations for City representation on association executives, the current regulating by-law be referred to the Human Resources Committee for review and report to Council.

CARRIED

04-15 Moved by Grenier and Grimaldi

1. That Council give pre-budget approval for the purchase of 60 Volunteer Firefighter pagers at a projected cost of \$24,000; and furthermore
2. That funding for this purchase be expensed through the 2004 Operational Budget, Mobile Communications Account, for the Fire and Emergency Services Department.

CARRIED

04-19 Moved by Larouche and Grenier

1. That Council authorizes staff to replace the existing parade float that is owned and operated by the City of Welland; and
2. That use of the parade float is limited to events that occur in the City of Welland.

CARRIED

04-20

04-21 Moved by Larouche and Grenier that Welland City Council approves the application for the "**49th Annual Feast of the Assumption**" on Saturday, August 7, 2004 and Sunday, August 8th, 2004 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities; and

That Welland City Council has no objection to the issuance of a Special Occasion Permit to the "**49th Annual Feast of the Assumption**" for events scheduled at the Welland Market Square on August 8th and August 9th, 2004 subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits; and designates the event as municipally significant.

CARRIED

04-21 Moved by Larouche and Grenier that Welland City Council approves the application for the "**The Walk Against Male Violence**" to be held on Wednesday, May 5, 2004 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

04-21 Moved by Larouche and Grenier that Welland City Council approves the application of the Welland Rose Festival to hold its "**43rd Annual Rose Festival Parade**" on Sunday, June 13th, 2004 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

04-21 Moved by Larouche and Grenier that the City of Welland grants approval to the Welland County Motorcycle Club for the use of the Welland Canal East-Side Trail to conduct its "**Spring Mud Run**" on Saturday, May 8, 2004, between the hours of 12:00 p.m. and 4:00 p.m., as set out in Mr. Rene Landry's letter of March 17, 2004, subject to the club providing proof of insurance in the amount of \$5,000,000.00 and that said insurance shall list the Corporation of the City of Welland named insured.

CARRIED

04-21 Moved by Larouche and Grenier that Welland City Council approves the application for its annual "**Zellers Walk for Cystic Fibrosis**" to be held on Sunday, May 30, 2004 at Chippawa Park subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

04-37 Moved by Chiocchio and Alexander that a Special Meeting of Council be called for May 11, 2004 to debate the following:

1. Should the City of Welland return any portion of the overpayment of sewer charges to the rate payers, or
2. Should overpayment monies be exclusively earmarked for water/sewer infrastructure projects, or
3. Should a combination of returning monies or earmarked projects be undertaken.

LOST

04-37 Moved by Beaudoin and Fortier that Council reconsider Report FIN-04-03 as amended 2004 Water/Sanitary Sewer Operating and Capital Budget - Universal Mandatory Metering & Rate Structure Review Study approved by Council on February 3, 2004.

LOST**Required a 2/3 majority**

YEAS: Councillors O'Dell, Grimaldi, Dzugan, Fortier, Beaudoin, Belcastro and Spadafora.

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

04-37 Moved by Belcastro and Chiocchio the presentation by John Parisee and submission of signed petition on behalf of residents regarding increase in water rates for 2004 be received for information and referred to the Water and Sewer Ad Hoc Committee for report to Council.

CARRIED

04-58 Moved by Beaudoin and Grenier that Council approve the Amendment of the 2004 Sewer Capital Budget as shown in Schedule "B" to show the line "Lincoln St Separation Ph 2, 4 (Additional Funding) \$400,000; and
That Council accepts the tender of Provincial Construction (Niagara Falls) Limited for the Lincoln Street

...continued...

04-58...Cont'd.

Combined Sewer Separation Project Phase 2 and 4 under the Oxford-Atlas-Wellington Area Sewer Separation, 2004 and Watermain Replacement on Empress Avenue from Lincoln Street to Harrison Avenue, and on Hughes Avenue from Lincoln Street to Lewis Street, as presented in report ENG-2004-17; and
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 \$2,077,746.07, plus applicable G.S.T.; and

That based on the low tender, the project budgets of each of the following respective constructions be allocated and funded as shown:

- ? Lincoln Street Combined Sewer Separation Phase II and IV - \$2,000,000 to be funded under 2003 and 2004 Sewer Capital Budgets, by an addition of \$400,000 from the Water/Sewer Reserve Fund, as shown in the amended 2004 Sewer Capital Budget.
- ? Watermain Replacement on Empress and Hughes Avenues - \$213,000 to be funded by means of the Operating Budget (C.F.R.) as per the 2004 Waterworks Capital Budget.
- ? Lincoln Street Storm Sewer Replacement - \$203,000 to be funded by means of a municipal debenture for \$175,000, as shown in the 2004 Sewer Capital Budget.
- ? Tetherwood Subdivision Sanitary Sewer Laterals - \$38,000 to be recovered from the Subdivider of Tetherwood Subdivision.

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

CARRIED

04-72 Moved by Larouche and Grenier that Council accept the tenders of Materials of Matrex Company for the supply of Fine and Course Blend Cold Mix and Hard Rock Paving for the supply of HL2, HL3, HL3A and HL8 Hot Mix Asphaltic Materials, at the lowest unit prices submitted, as these were the lowest of the four (4) tenders submitted.

CARRIED

04-74 Moved by Larouche and Grenier that Council accept the tenders of Port Colborne Quarries and Vineland Quarries for the Supply of Stone at the tendered prices of \$99,038.00 and \$5,080.40 respectively, using the lowest tendered price for each stone category in the corresponding Trucking Areas.

CARRIED

04-75 Moved by Spadafora and Grimaldi that Report ENG-2004-18 Re: Tender Supply of Top Soil be referred back to staff for further report.

CARRIED

04-76 Moved by Larouche and Grenier that Council accept the tender of Norjohn Ltd. Emulsion Division for the supply of RS1 or HF150S Asphalt Emulsions at the quoted price of \$20,900.00, this being the lowest tender of three (3) tenders meeting specifications.

CARRIED

04-77 Moved by Larouche and Grenier that Council accept the tender of Norjohn Emulsion Division for the supply and application of Road Surface Treatment Materials for the total price of \$58,440.00, as this being the lower of the two (2) tenders submitted meeting tender specifications.

CARRIED

04-78 Moved by Beaudoin and Belcastro that Report ENG-2004-23 Re: Tire Maintenance Services be referred back to staff for further report.

CARRIED

04-82 Moved by Larouche and Chiocchio that the letter from Gerb Sammut, S.N.S. Pavement Maintenance regarding poor road conditions and recommendation to prevent roads from further deterioration be received and referred to the Public Works staff for report to Council.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

01-161

04-10 Moved by Belcastro and Chiocchio that Council appoint the following to the Strategic Planning Implementation Committee:

- Councillors Paul Grenier, David Alexander, Barry Sharpe; and
- Regional Councillors George Marshall and John Mastroianni.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

03-110

BYL 2004 - 37

A By-law to establish and adopt a City Policy governing the sale of city-owned land including the stopping up and closing of highways; and to revoke certain policies respecting land; and to repeal By-law 10570.

04-58

BYL 2004 - 38

A By-law to permit an encroachment onto Weller Avenue for the purposes of a retaining wall, and an encroachment onto the unopened Manor Road allowance, being Part of Chippawa Park, for the purposes of a driveway, to benefit the owners from time to time of the property known municipally as 56 Weller Avenue.

02-111

BYL 2004 - 39

A By-law to authorize the entering into a Services Agreement with Business Education Council of Niagara.

04-1

BYL 2004 - 40

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 20th day of April, 2004.

And that the same be now read a first time.

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

2. Moved by Dzugan and Larouche 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, as amended 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, April 28th, 2004 for inclusion on the May 4th, 2004 Regular Council Meeting Agenda.

97-58

Councillor Alexander gave Notice of Motion of the following issue to be presented to Council at the May 4, 2004 Regular Council Meeting.

That Council strike an Ad Hoc Committee to review and report on the condition, liability and ownership of the murals and to determine the management and options for their curation, maintenance and legacy. This process shall take place in a timely manner and shall include the owners of the properties that have murals and other appropriate stakeholders. The outcome for this committee is to develop and recommend a plan of action that is consistent with policies on public art.

02-170

Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the May 4, 2004 Regular Council Meeting.

***That Council recommend that the Niagara Regional Government pursue lobbying the Provincial Government to investigate corporate initiatives in taking responsibility for their recyclable projects such as pop cans, wine and liquor bottles. Other provinces such as Nova Scotia, Quebec and British Columbia have their liquor control agencies cooperate in the recycling program by implementing a deposit fee upon purchases their goods; and further
That the Region also investigate the possibility of a partnership with Corporate Ontario in creating possibilities for revenue generating opportunities.***

04-87

Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the May 4, 2004 Regular Council Meeting.

That staff investigate the possibility of paving the existing old train rail path from Colbeck Drive travelling north to Thorold Road for the following reasons:

- ***better accessibility to all residents throughout the year and specifically safety issues in the winter time.***
- ***to study the possibility of partnership with the Region and the private sector to be considered for the budget year of 2005.***

Council adjourned at 10:55 p.m.

These Minutes approved and adopted by Motion of Council this 4th day of May, 2004.

MAYOR

CLERK