



**COUNCIL MEETING, MAY 4, 2004**

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

Council met in Committee-of-the-Whole open to the public at 6:30 p.m. and in open session at 7:40 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. Chiochio, M. Dzugan, D. Fortier (6:40 p.m.), P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora (6:40 p.m.).

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

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:40 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:40 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:40 p.m.)

General Manager of Planning and Development Services D. Thorpe (7:40 p.m.)

Acting General Manager of Parks and Recreation R. Morwald

**04-25** Moved by Belcastro and Chiochio 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) personal matters about an identifiable individual, including municipal employees; and
- c) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED**

**04-25** Moved by Belcastro and Chiocchio that the Committee-of-the-Whole arise from its closed meeting at 7:30 p.m.

**CARRIED**

### **DISCLOSURE OF INTEREST:**

Councillor Belcastro disclosed an interest in Ref. No. 02-85 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Doral Holdings.

Councillor Alexander disclosed an interest in Ref. No. 97-58 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is the chair of the Mural Committee.

### **PUBLIC HEARING:**

**99-43** To consider merits of electing hydro representatives by general vote of the electorate.

There were no requests filed with the Clerk from the public to speak with respect to the selection of hydro representatives. Mr. G. Banks, City Solicitor presented the legal opinion of Aird & Berlis, dated April 28, 2004.

### **PRESENTATION:**

Presentation of plaques by Mayor Goulbourne and presentation of Provincial Scrolls by David Grimaldi on behalf of Peter Kormos, MLA to the following the Welland Warriors Basketball Team in recognition of winning the 2004 Ontario Provincial Novice AA Championship: Logan Watson, Christopher Rao, Tayler Sagloski, Will Sagloski, Mathew Lottridge, Sammy Nero, Fraser Moore, Domenic Graziani, Richard Stayzer, Taylor Root, Lucas Veloce and coaches Mike Rao, Jim Watson and Jerry Graziani.

### **DELEGATIONS:**

**04-90** Dan Degazio, Manager of Economic Development and Tourism, Bob Birrell, Director of Applied Research Service, Niagara College and Barbara Fennessy and Val Coombs, Niagara Trade Centre, Niagara Economic & Tourism Corporation (NETCORP) presented to Council the City's virtual reality project partnered with Niagara College; and NetCorp for industrial and economic development Marketing.

**04-48** Dan Degazio, Manager of Economic Development and Tourism, Barbara Fennessy and Val Kuhns, NetCorp addressed Council on the Welland Community Development Strategy Project.

**01-53** Stephen Butz, Chief Executive Officer, YMCA updated Council on the progress of the new YMCA.

### **THE FOLLOWING CORRESPONDENCE WAS READ:**

- 04-90** Dan Degazio, Manager of Economic Development and Tourism, Bob Birrell, Director of Applied Research Service, Niagara College and Barbara Fennessy, Manager, Niagara Trade Centre, Niagara Economic & Tourism Corporation requesting to appear as a delegation to demonstrate the City's virtual reality project partnered with Niagara College.
- 04-48** Dan Degazio, Manager of Economic Development and Tourism, Barbara Fennessy and Val Kuhns,  
**04-67** NetCorp requesting to appear as a delegation to update Council on the Welland Community Development Strategy Project.
- 04-91** Letter from John Mastroianni, Chair, on behalf of the Board of Directors of the Historical Museum requesting that the existing Carnegie Library building on King Street be made available as the future home of the Welland Museum after the Welland Library moves to the new Civic Centre.
- 04-6** Letter from the International Fibromyalgia Society requesting that May 12<sup>th</sup>, 2004 be declared as "International Fibromyalgia Awareness Day".
- 04-71** A By-law to designate 52 Chaffey Street in the City of Welland, known as the Chaffey-Fennessy House, of historic or architectural value or interest.

### **THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 97-77** Acting Mgr. Parks and Recreation R. Morwald – Proposal for operation of the concession at the Welland Baseball Stadium.
- 98-59** Acting Mgr. Parks and Recreation R. Morwald – Rental Agreement with the Welland Lawn Bowling Association.
- 99-43** Ross Peever, President & Chief Executive Officer, Welland Hydro-Electric Holding Corporation – Elected versus appointed Welland Hydro Directors.
- 99-43** Petition received from Yvette Ward with 981 names regarding the right to vote and elect board members to the Welland Hydro Electric Holding Corporation.
- 2000-43**
- 2000-83** Review of the City's Lot Grading & Drainage for Subdivisions Policy SER-007-004 to provide for improved enforcement procedures.
- 01-53** Stephen Butz, Chief Executive Officer, YMCA – update on the progress of the new YMCA Project.
- 01-126** Peter Senese, Director of Community and Corporate Services/City Treasurer, City of Port Colborne – Resolution regarding Sherkston Resorts Assessment for 2004.
- 01-155** Anne and John Schattmann, owners, Weed Man addressed Council regarding the use of pesticide on parks and home lawns.
- 01-155** Use of Pesticides in the City of Welland.
- 02-22** Traffic Operations Concerns – East Main Street and Division Street.
- 02-85** Russ Findlay, Chair, Accessibility Advisory Committee – Accessibility of the Wal-Mart/First Pro development.
- 02-160** Review of the Procedural By-law.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – End of Trial Transit Service to Town of Pelham.

- 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 4th day of May, 2004.
- 04-3** City Clerk C.A. Stirtzinger - Lottery License.
- 04-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Auditor Appointment.
- 04-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – April 14, 2004 to April 23, 2004.
- 04-13**
- 04-21** Ginger Kerho, Campaign Chair, Niagara South Hip Hip Hooray Campaign – requesting to book times at Merrit Island for the next 5 to 10 years, the use of transit services and waiving of fees for Sunday, May 30<sup>th</sup>, 2004.
- 04-19** Mary-Lou Ambrose-Little, Community Recreation Coordinator, City of Welland Parks & Recreation Department on behalf of Sherwood Recreation – requesting permission to hold a fireworks display at the Sports Complex and to waive the permit fee.
- 04-20**
- 04-27** Shirley Good, Office/FEN Administration –Tourism of Welland Niagara – requesting the Rose Festival Day in the Park to be held on June 12 and 13, 2004 be designated as a Community Festival.
- 04-20** Robert (Bert) Roy, Captain Welland Volunteer Fire Company #4 - requesting Special Occasion Permit to host its Annual Chicken BBQ and outdoor Dance on June 5<sup>th</sup>, 2004.
- 04-21** Donna Augerman-Gerrie, Area Coordinator – Corporate Programs, Heart and Stroke Foundation of Ontario – requesting permission to hold its annual **“Big Bike for Stroke”** on Wednesday, May 26<sup>th</sup>, 2004.
- 04-21** R. Karr, Principal, Eastdale Secondary School – requesting permission to hold its annual **“Stride for Pride Walk-a-Thon”** on Friday, May 21<sup>st</sup>, 2004.
- 04-21** Robert Cummings, President, Royal Canadian Legion Branch 4, requesting permission to hold an **“Annual Decoration Day Parade and Service”** on Sunday, June 6, 2004.
- 04-21** Tim Lefebvre, President, St. Catharines Cycling Club, organizer of the Great Lake to Lake Cycling Event – requesting permission to hold the **“Great Lake to Lake Mountain Bike Race”** on June 20<sup>th</sup>, 2004.
- 04-21** Patrick Thibault, Parent Council Member, Ecole Saint-Francois – requesting permission to hold a walk-a-thon on Monday, May 17<sup>th</sup>, 2004 (rain date May 18<sup>th</sup>, 2004).
- 04-22** Heavy Vehicle Restrictions – River Road and Ross Street.
- 04-22** Parking Operations – Dain Avenue.
- 04-22** Parking Operations / Safety Concerns – Ross School / Notre Dame College Area.
- 04-22** A By-law to amend By-law 2003-11, being a By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland.
- 04-67** A By-law to approve, authorize and ratify a service agreement with Niagara Economic and Tourism Corporation (NETCORP).
- 04-70** A By-law to designate 73-77 West Main Street in the City of Welland, known as the Tuckey-Lee Building, of Historic or Architectural value or interest.
- 04-71** A By-law to designate 52 Chaffey Street in the City of Welland, known as the Chaffey-Fennessy House, or Historic or Architectural value or interest.
- 04-75** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Addendum to Supply of Top Soil Report ENG-2004-18.
- 04-78** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Addendum to Tire Maintenance Service Report ENG-2004-23.
- 04-80** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Award of Tender – Sanitary Sewer Service Lateral Replacement Program 2004.
- 04-84** Stopping up, closing and conveyance of that portion of Clare Avenue Road Allowance south of Gaiser Road lying between former Thorold Township Lots 259 & 260.
- 04-86** Construction of sidewalk – Promenade Richelieu – Eastdale Neighbourhood.
- 04-89** Gen. Mgr. Planning and Development Services D. Thorpe – Proposed Regional Policy Plan Amendment 187 – a Healthy Landscape – Healthy Communities new Environmental Policies for Niagara.
- 04-92** Review of Sign By-law.

**04-1** Moved by Spadafora and Grenier that the Minutes of the Regular Council Meeting of April 20, 2004 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**97-77** Moved by Larouche and Grimaldi that Council accept the proposal submitted by Mr. Reg Redshaw for operation of the concession at the Welland Baseball Stadium at a rate of \$350.00/month plus applicable taxes for the duration of the 2004 season.

**CARRIED**

**98-59** Moved by Larouche and Grimaldi that Council direct staff to issue a facility rental permit to the Welland Lawn Bowling Club for use of the lawn bowling facility in Chippawa Park for a fee of \$300.00 during the 2004 season.

**CARRIED**

**99-43** Moved by Spadafora and Dzugan that the legal opinion from Aird & Berlis dated April 28, 2004 as presented by City Solicitor George Banks be supported by Council.

**CARRIED**

**YEAS:** Councillors Dzugan, Sharpe, Alexander, Grenier, Larouche, Belcastro, Spadafora and Mayor Goulbourne.

**NAYS:** Councillors O'Dell, Grimaldi, Fortier, Beaudoin and Chiocchio.

**99-43** Moved by Larouche and Grimaldi that the information provided from the Welland Hydro-Electric Holding Corporation in support of appointed as opposed to elected Welland Hydro Directors, be received for information.

**CARRIED**

**99-43** Moved by Larouche and Grimaldi that the 981 name petition received at the March 30th, 2004 Welland Hydro Electric Holding Corporation Special Meeting with Members of Welland City Council from Yvette Ward requesting the right to vote and elect the Board Members of our Hydro, as well as restore transparency, accountability of meetings and general management be received for information.

**CARRIED**

**2000-43**

**2000-83** Moved by Larouche and Grimaldi that staff be again directed to review the City's Lot Grading & Drainage for Subdivisions Policy SER-007-0004 to provide for improvement enforcement procedures; and That Council again direct staff to review the need to deal with lot grading and drainage issues with new and existing subdivisions.

**CARRIED**

**01-53** Moved by Larouche and Fortier that the presentation by Stephen Butz, Chief Executive Officer, YMCA, regarding the progress of the new YMCA Project be received for information.

**CARRIED**

**01-126** Moved by Larouche and Grimaldi that Welland City Council endorses the resolution from the City of Port Colborne to petition the Minister of Finance to enable proper legislation to address all trailer parks' concerns with regard to both valuation and taxation of permanent trailers; and That the Regional Municipality of Niagara petition the Minister of Finance to consider the establishment of a separate sub-class for permanent trailers, with an appropriate definition; and further That the Clerk advise the proper authorities accordingly.

**CARRIED**

**01-155** Moved by Larouche and Grimaldi that the presentations to General Committee on April 27th, 2004 by Ann and John Schattmann, owners of Weed Man, and Deborah Conlin of the Canadian Urban Pest Management Council concerning the use of pesticides be received for information.

**CARRIED**

**01-155** Moved by Larouche and Grimaldi that the matter of Report P&R-2004-09 concerning the Use of Pesticides in the City of Welland be referred to the City Solicitor for report back to Council in Committee-of-the-Whole as a matter of Solicitor/Client Privilege.

**CARRIED**

**02-22** Moved by Grenier and Fortier that Report TRAF-2004-09 Re: Traffic Operations Concerns East Main Street and Division Street be referred to the June 22, 2004 General Committee Meeting.

**CARRIED**

**02-22** Moved by Grenier and Fortier that Report TRAF-2004-09 Re: Traffic Operations Concerns East Main Street and Division Street be referred to the September 14, 2004 General Committee Meeting as there is no General Committee Meeting on June 22, 2004.

**LOST**

**02-22** Moved by O'Dell and Beaudoin

1. That the current posted speed limit and by-law (50Km/h) on East Main Street and Division Street be confirmed; and
2. That city staff continue to work with the Regional Municipality of Niagara for the implementation of bicycle lane markings on Division Street to assist in narrowing lane widths and to assist in reducing sporadic vehicle speeds; and
3. That the current roadway network on East Main Street and Division Street (One-way), be confirmed; and further
4. That City staff continue to review the implementation of aesthetic improvements within the downtown core (curb-bulb outs, pedestrian areas, tree/flower planting, etc.) as part of the City of Welland Downtown Revitalization program.

**LOST**

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

**NAYS:** Councillors Grimaldi, Sharpe, Alexander, Grenier, Chiochio, Larouche, Belcastro and Mayor Goulbourne.

**02-85** Moved by Fortier and Beaudoin that the letter from the Accessibility Advisory Committee

regarding Wal-Mart/First Pro development and accessibility concerns be referred to staff for response to the Committee.

**CARRIED**

**02-160** Moved by Larouche and Grimaldi 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.

**CARRIED**

**03-13** Moved by Larouche and Grimaldi that Council receives the report on the trial of partial transit service to the Town of Pelham for the period of January 5 to May 1, 2004 inclusive.

**CARRIED**

**04-3** Moved by Larouche and Grimaldi that a Lottery License be granted to the following:  
Welland Moose Lodge - Raffle.

**CARRIED**

**04-4** Moved by Larouche and Grimaldi

1. That City staff solicit proposals for the provision of audit services to the City of Welland.
2. That the process begin by the advertisement attached to Report FIN 2004-14 for prequalification for external audit services being placed in the Welland Tribune, St. Catharines Standard and Niagara Falls Review, and follow the tentative schedule set forth in this report.

**CARRIED**

**04-6** Moved by Larouche and Grimaldi that the Mayor declare May 12<sup>th</sup>, 2004 as "***International Fibromyalgia Awareness Day***" in the City of Welland.

**CARRIED**

**04-7** Moved by Larouche and Grimaldi that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	14-Apr-04	\$	178,114.915
2	16-Apr-04		55,349.45
3	20-Apr-04		147,458.90
4	21-Apr-04		1,408,832.56
5	22-Apr-04		10,004.05
6.	23-Apr-04		<u>213,797.48</u>
	<b>Total</b>	<b>\$</b>	<b>2,047,692.00</b>

**CARRIED**

**04-13**

**04-21** Moved by Beaudoin and Alexander that the letter from Niagara South Hip Hip Hooray Campaign requesting use of Merrit Island for the next 5 to 10 years be referred to the Welland Recreational Canal Corporation for consideration; and

That the requests to the City to provide transit service and to waive the fee for the delivery of picnic tables for May 30, 2004 be referred to staff for study and report.

**CARRIED**

**04-19** Moved by Beaudoin and Belcastro that subject to the supervision of the event by a properly licensed person, permission is hereby granted to the Sherwood Recreation Activity Centre to hold a fireworks display on Sunday, May 23, 2004 (rain date: Monday, May 24, 2004) as part of the "**Victoria Day Celebrations**" at the Sports Complex; and  
That staff be directed to ensure that all fireworks used in the City sponsored display are not manufactured using child labour; and further  
That the \$250.00 permit fee be waived.

**CARRIED**

**04-20**

**04-27** Moved by Larouche and Grimaldi that Welland City Council has no objection to the issuance of Special Occasion Permits to the Welland Rose Festival Inc. for the Rose Festival Day in the Park to be held on June 12 and 13, 2004 as outlined in the correspondence received from the Tourism of Welland Niagara dated April 27, 2004 and designates the event as a Community Festival, subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits.

**CARRIED**

**04-20**

Moved by Larouche and Grimaldi that Welland City Council has no objection to the issuance of a Special Occasion Permit to Welland Volunteer Fire Company #4 for its Annual Chicken BBQ and outdoor dance on June 5th, 2004 at the Volunteer Fire Co. No. 4 Fire Hall on Schisler Road, subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits.

**CARRIED**

**04-21**

Moved by Larouche and Grimaldi that Welland City Council approves the application of the Heart and Stroke Foundation of Ontario to hold its annual "**Big Bike for Stroke**" on Wednesday, May 26th, 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 Grimaldi that Welland City Council approves the application of Eastdale Secondary School to hold a "**Stride for Pride Walk-a-Thon**" on Friday, May 21st, 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 Grimaldi that Welland City Council approves the application from the Royal Canadian Legion Branch 4 for the "**Annual Decoration Day Parade and Service**" to be held on Sunday, June 6, 2004 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities; and  
That Council Members be encouraged to attend the special service in honour of the 60th anniversary of D-Day.

**CARRIED**

**04-21**

Moved by Larouche and Grimaldi that Welland City Council approves the application of Great Lake to Lake Events Inc. to hold the "**Great Lake to Lake Mountain Bike Race**" on June 20th, 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 Grimaldi that Welland City Council approves the application of Ecole Saint-Francois to hold a walk-a-thon on Monday, May 17th, 2004 (rain date May 18th, 2004) subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**04-22** Moved by Larouche and Grimaldi

1) That the City Solicitor be directed to prepare a By-law to amend Heavy Vehicle Restriction, Schedule "S" of By-law 89-2000 by:

i) ADDING the following:

COLUMN 1	COLUMN 2		COLUMN 3
HIGHWAY	FROM	TO	PERIOD
Dorothy Street	River Road	Ross Street	Any Time
Evan Street	River Road	Ross Street	Any Time
McMaster Avenue	River Road	Ross Street	Any Time
John Street	River Road	Ross Street	Any Time
Kennedy Street	River Road	Ross Street	Any Time
Bruce Street	River Road	Ross Street	Any Time
River Road	Dorothy Street	Woodlawn Road	Any Time
Ross Street	A point 40 meters south of Almond Street	River Road	Any Time

ii) DELETING the following:

COLUMN 1	COLUMN 2		COLUMN 3
HIGHWAY	FROM	TO	PERIOD
River Road	Dorothy Street	Almond Street	At No Time

2) That the City Solicitor be directed to prepare a By-law to amend Reduced Load on Highways (5 tonnes per axle), During March and April, Schedule "Y" of By-law 89-2000 by:

i) DELETING the following:

COLUMN 1	COLUMN 2	
HIGHWAY	FROM	TO
River Road	Ross Street	Woodlawn Road

3) That the City Solicitor be directed to prepare a By-law to amend Reduced Load on Highways (5 tonnes per axle), During Entire Year, Schedule "Z" of By-law 89-2000 by:

i) DELETING the following:

COLUMN 1	COLUMN 2	
HIGHWAY	FROM	TO
River Road	Ross Street	Dorothy Street

4) That Traffic and Parking Operations staff provide area businesses (GDX & Hicks Lumber and Builder Supply) with correspondence informing them of the approved Heavy Vehicle Restrictions and appropriate heavy vehicle routes that should be utilized.

**CARRIED**

**04-22** Moved by Larouche and Grimaldi

1. That the City Solicitor be directed to prepare a By-law to amend Limited Parking, Schedule "E" of By-law 89-2000 by:

i) DELETING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4	COLUMN 5
HIGHWAY	SIDE	FROM	TO	PERIOD	TIMES/DAYS
Dain Avenue	East Side	Ontario Road	Southerly termination	2 hours	

**04-22...cont'd.**

ii) ADDING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4	COLUMN 5
HIGHWAY	SIDE	FROM	TO	PERIOD	TIMES/DAYS
Dain Avenue	East	Ontario Road	Avon Street	2 hours	Anytime

**CARRIED**

**04-22** Moved by Larouche and Grimaldi

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

i) ADDING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE	FROM	TO	PERIOD
Beechwood Avenue	North	Aqueduct Street	Connaught Avenue	8am-5pm Monday-Friday
Birch Street	North	Connaught Avenue	Niagara Street	8am-5pm Monday-Friday
Cedar Street	North	Connaught Avenue	Niagara Street	8am-5pm Monday-Friday
Connaught Avenue	West	Thorold Road	South limit of roadway	8am-5pm Monday-Friday
Gadsby Avenue	West	Thorold Road	Margaret Street	8am-5pm Monday-Friday
Margaret Street	North	Aqueduct Street	Nye Avenue	8am-5pm Monday-Friday
Nye Avenue	West	Thorold Road	South limit of roadway	8am-5pm Monday-Friday
Rosewood Avenue	North	Aqueduct Street	Connaught Avenue	8am-5pm Monday-Friday

**CARRIED**

**04-48**

**04-67** Moved by Larouche and Grimaldi that the presentation on the Welland Community Development Strategy Project by Barbara Fennessy and Val Kuhns of Net Corp and Dan Degazio, Manager of Economic Development and Tourism be received for information.

**CARRIED****04-75**

Moved by Larouche and Grimaldi that Report ENG-2004-27 being an addendum to Report-2004-18 regarding the supply of Top Soil and recommending the acceptance of quotes received from Compost Niagara Inc., DiMartile Farms, as well as Young Sod Farms and Plant's Choice be approved.

**CARRIED**

*(Councillor Spadafora asked to be recorded as opposed to this Resolution).*

**04-78**

Moved by Larouche and Grimaldi that Report ENG-2004-26 being an addendum to Report ENG-2004-23 and recommending the acceptance of Niagara Tire & Battery for Tire Maintenance Service be approved.

**CARRIED****04-80**

Moved by Fortier and Beaudoin that Council accepts the tender of Vic Vatr Contracting Limited for the Sanitary Sewer Service Lateral Replacement Program 2004, as presented in report ENG-2004-25; 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 \$178,875.00 plus applicable G.S.T.; and further

That the estimated project budget, based on the low tender be set at \$213,000.00, and funded as per the approved 2004 Sewer Capital Budget.

**CARRIED****04-84**

Moved by Larouche and Grimaldi

1. That Council stop up, close and declare surplus that portion of the Clare Avenue Road Allowance south of Gaiser Road lying between former Thorold Township Lots 259 & 260 referred to as Parts 2 and 5 on the attached sketch dated March 18, 2004, prepared by William A. Mascoe Surveying Ltd.; and
2. That Council authorize Staff to prepare the necessary By-law; and further
3. That Council authorize Staff to advertise the stopping up, closing, declaring surplus and conveyance of that portion of Clare Avenue Road Allowance south of Gaiser Road lying between former Thorold Township Lots 259 & 260.

**CARRIED****04-86**

Moved by Larouche and Grimaldi

1. That Council authorize the construction of a sidewalk on the north side of Promenade Richelieu from Wellington Street easterly approximately 63 metres; and further
2. That funding for this sidewalk, in the estimated amount of \$6,000.00, be debited from the Municipal Incentive Grant Fund (MIG).

**CARRIED****04-89**

Moved by Alexander and Beaudoin

1. That Council requests the Regional Municipality of Niagara Planning and Development Department to review its proposed Regional Policy Plan Amendment 187 (Environmental Policies) considering the comments outlined in Report PDS-2004-20 dated May 4, 2004.
2. That the City Clerk be directed to send a copy of Report PDS-2004-20 to the Regional Municipality of Niagara Planning and Development Department for information purposes.

**CARRIED**

**04-90** Moved by Larouche and Grimaldi that the demonstration of the City's virtual reality project partnered with Niagara College presented by Dan Degazio, Manager of Economic Development and Tourism, Bob Birrell, Director of Applied Research Service, Niagara College and Barbara Fennessy, Manager, Niagara Trade Centre, Niagara Economic & Tourism Corporation College be received for information.

**CARRIED**

**04-91** Moved by Larouche and Grimaldi that the request from John Mastroianni, Chair, on behalf of the Board of Directors of the Welland Historical Museum requesting that the existing Carnegie Library building on King Street be made available as the future home of the Welland Museum after the Welland Library moves to the new Civic Centre be referred to the City Manager for report to Council.

**CARRIED**

**04-92** Moved by Larouche and Grimaldi that Council be again directed to review its sign by-law for the purposes of eliminating the posting of advertisements on utility poles and public places (unless designated) and providing for the location of designated signage facilities for public expression in areas such as:

City Transit Terminal

City walkway(s) near Niagara College and Seaway Mall

Canal Trails.

**CARRIED**

### **BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

**99-43** Moved by Dzugan and Grenier that the legal opinion received from Aird & Berlis dated April 28, 2004 confirming that the election of the Welland Hydro Electric Holding Corporation by the electorate would not be permitted under current legislation, be received for information.

**CARRIED**

### **BY-LAWS**

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

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

**04-22**

BYL 2004 - 41

A By-law to amend By-law 2003-11, being a By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland.

**04-48****04-67**

BYL 2004 - 42

A By-law to approve, authorize and ratify a service agreement with Niagara Economic and Tourism Corporation (NETCORP).

**04-70**

BYL 2004 - 43

A By-law to designate 73-77 West Main Street in the City of Welland, known as the Tuckey-Lee Building, of Historic or Architectural value or interest.

**04-71**

BYL 2004 - 44

A By-law to designate 52 Chaffey Street in the City of Welland, known as the Chaffey-Fennessy House, of Historic or Architectural value or interest.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING:****04-1**

BYL 2004 - 45

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 4th day of May, 2004.

And that the same be now read a first time.

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

2. Moved by Larouche and Spadafora that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, as amended, 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****04-88**

Moved by Dzugan and Fortier that the City of Welland urges both the Province of Ontario and the Ontario Gaming Commission to fairly allocate casino gambling revenues to the Region of Niagara and all its area municipalities; and further That this resolution be endorsed by the Region of Niagara and all its area municipalities.

**NOT PUT DUE TO CURFEW**

***This item is to be rescheduled at the Regular Council Meeting of May 18, 2004.***

**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, May 12, 2004 for inclusion on the next Regular Council Meeting Agenda of May 18, 2004.**

Council adjourned at 11:00 p.m.

These Minutes approved and adopted by Motion of Council this 18<sup>th</sup> day of May, 2004.

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**MAYOR**

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**CLERK**