



COUNCIL MEETING, SEPTEMBER 7, 2004

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 7:10 p.m. and in open session at 7:40 p.m. and again in Committee-of-the-Whole closed to the public at 9:10 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 (until 10:05 p.m.), D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell, and B. Sharpe.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Manager T. Fitzpatrick

General Manager Financial & Corporate Services/Treasurer B. Silvestri
(7:40p.m. – 8:00 p.m.)

General Manager of Parks and Recreation B. LaPlante (7:40 p.m. – 9:10 p.m.)

Clerk Steno III C. Viger (7:40 p.m. – 9:10 p.m.)

Deputy Fire Chief K. Roach (7:40 p.m. – 9:10 p.m.)

Manager, Economic Dev. & Tourism D. Degazio (until 7:25 p.m.)

04-25 Moved by Belcastro and Grenier that Council meet in Committee-of-the-Whole, closed to the public at 7:10 p.m. to consider:

- a) the security of the property of the municipality; and
- b) a proposed or pending acquisition of land for municipal purposes.

CARRIED

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

CARRIED

DISCLOSURE OF INTEREST:

Councillor Belcastro disclosed an interest in Ref. No. 03-144 – and By-law 2003-164 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is General Manager of Doral Holdings.

DELEGATIONS:

04-28 Ms. Kim Hansell, Director, Alzheimer Society of the Niagara Region addressed Council regarding the 9th Annual National Coffee Break Day.

04-28 Dr. Stafford Dobbin, Heart Niagara Inc. addressed Council regarding strengthening cardiac services in Niagara.

THE FOLLOWING CORRESPONDENCE WAS READ:

97-135 A By-law to authorize the entering into a Municipal Access Agreement with Niagara Regional Broadband Network Limited.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

93-136 City Mgr. T. Fitzpatrick – CMHC – Sustainability Planning & Development Workshop.

97-135 City Mgr. T. Fitzpatrick – Niagara Regional Broadband Network Limited.

01-126 Competitive property assessment system in Ontario..

02-85 Gen. Mgr. of Parks and Recreation B. LaPlante – 2004/05 Accessibility Plan for the City of Welland.

02-136 Mr. Robert Nadolny, Special Project Officer, Environmental Assessment & Approvals Branch, Ministry of the Environment – Review of Environmental Assessment Terms of Reference for the Niagara-Hamilton Joint Study on Waste Disposal.

03-31 Proposal to develop a facility at Maple Park.

03-144 **THIRD READING: By-law 2004-164** A By-law to prohibit a public nuisance created by the use of unpaved lanes and parking areas by transport vehicles operated within commercial and industrial properties which are adjacent to residential property.

03-145 Niagara Inter-Municipal Transit Strategy.

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 7th day of September, 2004.

04-3 Karen Vloet, Sponsoring Committee Chairperson , The Air Cadet League of Canada – 79th Lynton Davies Squadron - requesting permission to sell raffle tickets in the City of Welland.

- 04-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Accounts Payable – August 11, 2004 to August 30, 2004.
- 04-15** Negotiations/discussions with St. Lawrence Seaway Management Corporation to provide fire protection and other services to ships on the Welland Ship Canal.
- 04-15** Fire Chief P. Olah – SCOTT – Self Contained Breathing Apparatus.
- 04-21** Lynn Whitely, Director, Welland & District Society for the Prevention of Cruelty to Animals - requesting permission to hold its annual walkathon to be held on September 12, 2004.
- 04-21**
- 04-119** A By-law to authorize temporary road closures for the Niagara Food Festival.
- 04-22** Truck Route By-law which would include signage for the routes as well as signage to prevent or limit the use of alternate roads now being used by heavy trucks.
- 04-28** Ms. Kim Hansell, Director, Alzheimer Society of the Niagara Region addressed Council regarding the 9th Annual National Coffee Break Day.
- 04-28** Dr. Stafford Dobbin, Heart Niagara Inc. addressed Council regarding strengthening cardiac services in Niagara.
- 04-87** Paving of the old train path between Colbeck Drive and Thorold Road.
- 04-108** Frank and Karen Iannantuono, 49 Highland Gardens, Welland requesting to keep their basketball net installation on city boulevard in front of their home.
- 04-121** A By-law to accept the tender and to enter into a contract with DeRose Bros. General Contracting Ltd. for the Wilton Avenue Sanitary Sewer and Watermain Replacement from Lincoln Street to Maple Avenue.
- 04-124** A By-law to authorize the entering into an agreement with Associated Engineering (Ont.) Limited to provide engineering services for the Universal Metering Program.
- 04-131** Carolyn J. Kett, Town Clerk, Town of Fort Erie – Requesting support of its resolution regarding request for contribution to City of Peterborough State of Emergency Relief Fund.

04-1 Moved by Dzugan and Grenier that the Minutes of the Regular Council Meeting of August 17, 2004 be and the same are hereby approved and adopted as circulated.

CARRIED

93-136 Moved by Belcastro and Chiochio that the City of Welland agree to co-host with CMHC, a Sustainable Planning & Development Workshop in November, 2004.

CARRIED

97-135 Moved by Grenier and Belcastro that the City of Welland enter into a Municipal Access Agreement with Niagara Regional Broadband Network Limited respecting the installation of communications equipment on municipal rights-of-way.

CARRIED

01-126 Moved by Belcastro and Chiochio that the letter from CLT Canada requesting to support, by way of a resolution, the concept of a competitive property assessment system in Ontario be again referred to staff for study and report.

CARRIED

02-85 Moved by Grimaldi and Grenier that in accordance with the Ontarians With Disabilities Act, 2001, Council approve the Annual Accessibility Plan, attached as Schedule "A"; and That a copy of this Plan be forwarded to the Regional Niagara Accessibility Advisory Committee, Regional Public Works and the Safe Community Steering Committee for their information.

CARRIED

02-136 Moved by Belcastro and Chiocchio that the letter from the Ministry of the Environment regarding the Review of the Environmental Assessment Terms of Reference for the Niagara-Hamilton Joint Study on Waste Disposal be referred to Operational Services staff to review and complete the acknowledgement of receipt.

CARRIED

03-31 Moved by Belcastro and Chiocchio that the proposal to develop a facility at Maple Park including meetings with the Sherwood Activity Centre to expedite the needs of the group be again referred to staff for study and report.

CARRIED

03-145 Moved by Belcastro and Chiocchio that the request from the Region of Niagara for consent from the City of Welland as part of a triple majority approval for a Regional By-law to assume inter municipal specialized transit services within the Regional Municipality of Niagara be again referred to staff for study and report; and
That staff invite Regional Niagara staff to explain the Region's proposal.

CARRIED

04-3 Moved by Belcastro and Chiocchio that permission is hereby granted to the Air Cadet League of Canada – 79th Lynton Davies Squadron to sell raffle tickets in the City of Welland under authority of Lottery License P041108; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

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

1	13-Aug-04	\$	421,970.75
2	16-Aug-04		28,701.44
3	17-Aug-04		1,820,376.57
4	18-Aug-04		5,712.08
5	19-Aug-04		1,246,870.96
6.	25-Aug-04		14,463,398.74
7.	27-Aug-04		13,405.38
8.	30-Aug-04		<u>317,200.96</u>
	Total	\$	18,317,636.88

CARRIED

04-15 Moved by Belcastro and Chiocchio that the Fire Chief be again directed to continue negotiations/discussions with the St. Lawrence Seaway Management Corporation in an effort to effect a new Agreement for the City of Welland, to provide fire protection and other services to ships on the Welland Ship Canal.

CARRIED

04-15 Moved by Belcastro and Chiocchio

1. That Council authorize staff to purchase six (6) Scott – Self Contained Breathing Apparatus from Acklands Grainger Incorporated of St. Catharines, at a total cost of \$24,305.22, and
2. That the cost for the equipment be expensed against the 2004 Capital Budget.

CARRIED

04-21 Moved by Belcastro and Chiocchio that Welland City Council approves the application of the Welland & District Society for the Prevention of Cruelty to Animals to hold its annual walk-a-thon on Sunday, September 12, 2004 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

04-22 Moved by Belcastro and Chiocchio that staff again be directed to prepare a report and recommendation to establish a Truck Route By-law which would include signage for the routes as well as signage to prevent or limit the use of alternate roads now being used by heavy trucks.

CARRIED

04-28 Moved by Fortier and Alexander that the presentation by Ms. Kim Hansell, Director, Alzheimer Society of the Niagara Region regarding the 9th Annual National Coffee Break Day be received for information.

CARRIED

04-28 Moved by Belcastro and Chiocchio that the presentation by Dr. Stafford Dobbin, Heart Niagara Inc. regarding Strengthening Cardiac Services in Niagara be received for information.

CARRIED

04-87 Moved by Belcastro and Chiocchio that staff again be directed to investigate the possibility of paving the existing old train rail path from Colbeck Drive traveling 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.

CARRIED

04-108 Moved by Sharpe and Larouche that the letter and petition from Frank and Karen Iannantuono of 49 Highland Gardens, Welland requesting an exemption to By-law 9265 to allow the basketball net on city boulevard be again referred to staff for report and study.

CARRIED

04-131 Moved by Fortier and Belcastro that the letter from the Town of Fort Erie challenging the City and other area of municipalities to contribute to the City of Peterborough State of Emergency Relief Fund be referred to staff for study and report.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

96-172 Moved by Beaudoin and Grimaldi that Council releases Mr. Anthony Pate from his offer to purchase on Lot 22 in Southwell Industrial Park.

CARRIED

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

BY-LAW PRESENTED FOR FIRST READING:

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

96-172

BYL 2004 - 121

A By-law to repeal By-law 2004-74, being a By-law to authorize the sale of Part 22, Plan 59R-1680, being vacant land in the Southwell Industrial Park Subdivision to Anthony Pate, in Trust.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Beaudoin and Grimaldi 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-LAW PRESENTED FOR THIRD READING:

3. Moved by Chiocchio and Larouche that the following proposed By-law, having been given first and second reading on the 21st day of October, 2003:

03-144

BYL 2004-164

A By-law to prohibit a public nuisance created by the use of unpaved lanes and parking areas by transport vehicles operated within commercial and industrial properties which are adjacent to residential property.

Be now read a 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:

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

04-21

04-119

BYL 2004 - 122

A By-law to authorize temporary road closures for the Niagara Food Festival.

04-121

BYL 2004 - 123

A By-law to accept the tender and to enter into a contract with Derose Bros. General Contracting Ltd. for the Wilton Avenue Sanitary Sewer and Watermain Replacement from Lincoln Street to Maple Avenue.

04-124

BYL 2004 - 124

A By-law to authorize the entering into an agreement with Associated Engineering (Ont.) Limited to provide engineering services for the Universal Metering Program.

97-135

BYL 2004 – 125

A By-law to authorize the entering into a Municipal Access Agreement with Niagara Regional Broadband Network Limited.

04-1

BYL 2004 - 126

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 7th day of September, 2004.

And that the same be now read a first time.

CARRIED

(Councillor O'Dell and Beaudoin asked to be recorded as opposed to By-law 2004-124)

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

5. Moved by Belcastro and Larouche 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

(Councillor O'Dell and Beaudoin asked to be recorded as opposed to By-law 2004-124)

04-25 Moved by Beaudoin and Sharpe that Council meet in Committee-of-the-Whole, closed to the public at 9:10 p.m. to consider:

a) the security of the property of the municipality.

CARRIED

04-25 Moved by Beaudoin and Sharpe that the Committee-of-the-Whole arise from its closed meeting at 10:35 p.m. without report.

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, September 15, 2004 for inclusion on the next Regular Council Meeting Agenda of September 21, 2004.

04-22 Councillor Beaudoin gave Notice of Motion of the following issue to be presented to Council at the September 21st, 2004 Regular Council Meeting.

That staff be directed to investigate and report to Council on the issue of transport

vehicles being parked in residential areas; and to:

- 1. Investigate a site in our community where trucks/trailers may park.*
- 2. Investigate a possible permit parking policy to allow trucks to stay at their residences in between runs.*

04-132 Councillor Sharpe gave Notice of Motion of the following issue to be presented to Council at the September 21st, 2004 Regular Council Meeting.

*That staff be directed to review and report on the advisability of revising the Fence By-law to measure the “visibility triangle” from the intersection as defined in the Highway Traffic Act, rather than the property line;
That the properties at 88 Edgar and 54 Parkway be reviewed by the Traffic Engineer to determine if a 12’ x 12’ visibility triangle should be recommended as an exemption to the existing by-law (as was approved by Council in November 2002 for 85 Aqueduct Street; and
That each of these properties be given a “stay of execution” for their hedges until May 1, 2005.*

Council adjourned at 10:35 p.m.

These Minutes approved and adopted by Motion of Council this 21st day of September, 2004.

MAYOR

CLERK

