



COUNCIL MEETING, OCTOBER 19, 2004

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:10 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, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi (6:40 p.m.), J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

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.)

General Manager Human Resources R. Beaumont (7:40 p.m. – 10:00 p.m.)

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

General Manager of Planning and Development Services D. Thorpe

Regional Councillor J. Mastroianni (7:40 p.m.)

04-25 Moved by Dzugan and Sharpe that Council meet in Committee-of-the-Whole, closed to the public at 6:10 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) a proposed or pending acquisition of land for municipal purposes.

CARRIED

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

CARRIED

DISCLOSURE OF INTEREST:

Councillor Fortier disclosed an interest in Ref. No. 2000-68 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his wife owns property adjacent to the Stonegate Estates Subdivision.

DELEGATIONS:

04-28 Shirley Perron addressed Council regarding the *"2004 Welland Food Drive"*, to be held on Saturday, November 6, 2004.

03-145 Regional Councillor Bob Saracino and Eric Flora, Transportation Engineer of the Region of Niagara were present to address questions with respect to Inter-Municipal Specialized Transit Services.

THE FOLLOWING CORRESPONDENCE WAS READ:

04-141 Letter from Mr. K.C. O'Brien, Willowlanding Court residents in support of sidewalks install on Willowlanding Court.

04-145 Letter from Carolyn J. Kett, Town Clerk, Town of Fort Erie requesting support of its resolution regarding the Planned Closure of Welland Land Registry Office.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

04-107 Letter from Kim Duffin requesting to address Council regarding the Regatta Subdivision.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

97-58 Festival of Arts Appointments.

2000-68 Gen. Mgr. Planning and Development Services D. Thorpe – Stonegate Estates Subdivision – File26T-14-20001 – Request for extension of draft approval.

03-145 Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Welland Position on Inter-Municipal Specialized Transit Services.

04-3 R. Robert, Executive Director, the Air Cadet League of Canada – requesting permission to sell raffle tickets in the City of Welland.

03-100 A By-law to authorize the entering into a contract with Vic Vattr Contracting Limited for the Summit Avenue Area Watermain Replacement – Phase 2, Linrose Avenue, Linwood Drive, Summit Avenue and Maplewood Crescent.

04-1 A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the 13th day of October and the 19th day of October, 2004.

04-4

04-37 2004 Water/Sanitary Sewer Operating and Capital Budget – Universal Mandatory Metering and Rate Structure Review Study.

04-7 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – September 28, 2004 to October 12, 2004.

04-19 Member Selection Process for the Parks and Recreation Master Plan Steering Committee.

04-21 Todd Eybel, President, Royal Canadian Legion Branch 4 – requesting permission to hold an **“Annual Remembrance Day Parade and Service”** on Sunday, November 7, 2004.

04-22 Policy for Sporting Equipment on City Property.

04-22 Removal of sporting equipment on road right-of-way and boulevards.

04-22 A By-law to appoint By-law Enforcement Officers of the Corporation of the City Of Welland; and to repeal By-laws 2003-11, 2003-19, 2003-131, 2003-160, 2004-41 and 2004-103.

04-28 Shirley Perron – 2004 Welland Food Drive, Saturday, November 6, 2004.

04-37 City of Welland Water and Sewer Rate Structure.

04-45

04-139 A By-law to authorize the entering into a contract with Earthtech Canada for the Clare Avenue Sanitary Sewer Drainage Area Extraneous Flow Study.

04-104 Additions to 2004 Roadway Resurfacing Program.

04-107 Petition from area residents requesting that the proposed development of sidewalks on Talbot Street be stopped.

04-107 Gen. Mgr. Planning and Development Services D. Thorpe – Request from residents on Talbot Avenue to delete requirements for sidewalks – Regatta Subdivision (Plan 59M-247) Phase 1.

04-126 Dog ownership of the Pitbull breed.

04-128 A By-law to authorize the entering into a contract with Nexterra Substructures Incorporated for the Lincoln Street combined sewer Separation Project Phase V under Oxford-Atlas-Wellington Area Sewer Separation 2004-2005, Harrison Avenue, Gladys Avenue, Grange Avenue, Lewis Street and Watt Avenue.

04-141 Gen. Mgr. Planning and Development Services D. Thorpe – Request from residents on Willowlanding Court to delete requirements for sidewalks – Willowlanding Subdivision (Plan 59M-289).

04-141 Petition on behalf of residents of Willowlanding Court objecting to installation of sidewalks.

04-1 Moved by Grenier and Grimaldi that the Minutes of the Regular Council Meeting of October 5, 2004 and Special Council Meeting of October 13, 2004 be and the same are hereby approved and adopted as circulated.

CARRIED

97-58 Moved by Belcastro and Grenier that the request for a Council appointment to the board of the Festival of Arts be received and referred to staff for report back to Council.

CARRIED

2000-68 Moved by Belcastro and Grenier that Council approve extension of Draft Plan Approval for Stonegate Estates Subdivision (File 26T-14-20001) for one (1) year to November 8, 2005 as requested by John Ravenda, President Ravenda Homes Ltd.

CARRIED

03-145 Moved by Alexander and Fortier that Council deny consent to permit the Regional Municipality of Niagara to finance and coordinate the provision of Specialized Transit Services between the local municipalities within Niagara.

CARRIED

YEAS: Councillors O'Dell, Grimaldi, Dzugan, Fortier, Sharpe, Alexander
Grenier, Chiochio, Larouche, Belcastro, Spadafora and Mayor Goulbourne.

03-145 Moved by Belcastro and Spadafora that Council authorize the Mayor and staff to discuss with the Region of Niagara and the area municipalities the provision of inter-municipal specialized transit services using the existing public transit properties within the Region.

CARRIED

03-145 Moved by Spadafora and Dzugan that, in anticipation that a triple majority may be achieved by the Region, Council initiate a special committee to negotiate with the Region for the loss of the City's transit investment.

CARRIED

04-3 Moved by Belcastro and Grenier that permission is hereby granted to the Air Cadet League of Canada – 87th Eagle 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

04-4

04-37 Moved by Belcastro and Grenier that the Water/Sanitary Sewer Operating and Capital Budget – Universal Mandatory Metering and Rate Structure Review Study be referred to staff for further information and report back to Council at a Special Council Meeting on October 26th, 2004.

CARRIED

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

1	30-Sep-04	\$	322,289.25
2	01-Oct-04		4,485.58
3	05-Oct-04		8,521,474.00
4	06-Oct-04		17,813.95
5	07-Oct-04		5,000,000.00
6	08-Oct-04		<u>9,750.00</u>
	Total	\$	13,875,812.78

CARRIED

04-19 Moved by Belcastro and Grenier

1. That Council approves the Member Selection Matrix for the selection of members to serve on the Parks and Recreation Master Plan Steering Committee, attached as Schedule 'A'.
2. That the selection of members to serve on the Parks and Recreation Steering Committee be conducted by the City Clerk, the General Manager, Parks and Recreation, and two representatives of City Council, namely Councillor Larouche and the Chair of Community Services Councillor O'Dell.

CARRIED

04-21 Moved by Belcastro and Grenier that Welland City Council approves the application from the Royal Canadian Legion Branch 4 for the "**Annual Remembrance Day Parade and Service**" to be held on Sunday, November 7, 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 Spadafora that Report TRAF-2004-23 regarding Policy for sporting equipment on City property be received and filed.

CARRIED

04-28 Moved by Fortier and Grenier that the presentation by Shirley Perron regarding the Annual City-wide Food Drive on Saturday, November 6, 2004 be received for information and that Councillors and citizens be encouraged to participate in this community event.

CARRIED

04-104 Moved by O'Dell and Sharpe that Council approve change orders to increase the existing contract with Hard-Rock Construction Inc. by the addition of \$120,000 to utilize the existing submitted tender pricing to include the additional milling and paving of portions of First Avenue, Wellington Street, and Crowland Avenue within the 2004 Road Resurfacing Program.

CARRIED

04-107 Moved by Larouche and Fortier that the request by some residents of Talbot Avenue to delete the requirement for sidewalks on Talbot Avenue be denied.

NOT PUT

04-107 Moved by Larouche and Belcastro that the matter regarding the proposed installation of sidewalks on Talbot Avenue be referred to the first Council meeting in the spring.

CARRIED

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

04-124 Moved by Chiochio and Alexander that the matter of allowing owners to determine the water billing method (either flat rate or metered) during the phase in of the meter installation program be referred until after February 18, 2005.

CARRIED

04-126 Moved by Spadafora and Belcastro that the matter regarding dog ownership of the Pitbull breed be referred until provincial legislation is enacted, and further clarification from the solicitor on existing municipal authority as well as statistical information from the Humane Society and Niagara Health Council concerning dog bites.

CARRIED

04-141 Moved by Belcastro and Grenier that the the letter from Mr. K.C. O'Brien, Willowlanding Court resident in support of the installation of sidewalks on Willowlanding Court be received for information.

CARRIED

04-141 Moved by Chiocchio and Larouche that the request by some residents on Willowlanding Court to delete requirements for sidewalks on Willowlanding Court be denied.

CARRIED

04-145 Moved by Grenier and Sharpe that Welland City Council endorse the resolution from the Town of Fort Erie and the position of the Welland County Law Association opposing the closure of the Welland Land Registry Office and the transfer of services to Niagara North.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

03-92 Moved by Fortier and Larouche

1. That the City accept the Transfer of Part of Lot 46, Plan N.S. 20 being Part 4, Plan 59R-12280 from Richard Davies;
2. That the City transfer to Richard Davies part of Closed Wellbrook Boulevard being Part 3, Plan 59R-12280;
3. That the City transfer to Baiocco Development Corporation part of Closed Wellbrook Boulevard being Parts 1 and 2, Plan 59R-12280 and part of Lot 46, Plan N.S. 20 being Part 4, Plan 59R-12280;
4. That the compensation for the above-noted transfers be in the amount of \$935.00 plus appraisal and advertising costs, together with legal fees in the amount of \$300.00;
5. That the proceeds of the sale (\$935.00) be credited to the Civic Square Reserve Fund; and
6. That the City Solicitor be authorized to prepare the necessary By-law and documentation.

CARRIED

04-10 Moved by Belcastro and Chiocchio that the Human Resources Committee as well as Councillors O'Dell, Spadafora and Fortier be appointed to the Performance Evaluation Committee for the current evaluation.

CARRIED

04-143 Moved by Larouche and Alexander

1. That Council stop up, close and declare surplus Mazzini Avenue Road Allowance south of Ridge Road shown on the attached sketch;
2. That Council authorize Staff to prepare the necessary By-law; and
3. That Council authorize Staff to advertise the stopping up, closing, declaring surplus and conveyance of

Mazzini Avenue Road Allowance south of Ridge Road.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

03-100

BYL 2004 - 143

A By-law to authorize the entering into a contract with Vic Vatrt Contracting Limited for the Summit Avenue Area Watermain Replacement - Phase 2, Linrose Avenue, Linwood Drive, Summit Avenue and Maplewood Crescent.

04-22

BYL 2004 - 144

A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland; and to repeal By-laws 2003-11, 2003-19, 2003-131, 2003-160, 2004-41 and 2004-103.

04-45

04-139

BYL 2004 - 145

A By-law to authorize the entering into a contract with Earthtech Canada for the Clare Avenue Sanitary Sewer Drainage Area Extraneous Flow Study.

04-128

BYL 2004 - 146

A By-law to authorize the entering into a contract with Nexterra Substructures Incorporated for the Lincoln Street Combined Sewer Separation Project Phase V under Oxford-Atlas-Wellington Area Sewer Separation 2004-2005, Harrison Avenue, Gladys Avenue, Grange Avenue, Lewis Street and Watt Avenue.

04-1

BYL 2004 - 147

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the 13th day of October, 2004 and 19th day of October, 2004.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Belcastro and Fortier 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, 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, October 27, 2004 for inclusion on the next Regular Council Meeting Agenda of November 2, 2004.

04-146 Councillor Alexander gave Notice of Motion of the following issue to be presented to Council at the November 2nd, 2004 Regular Council Meeting.

Whereas Canada is a signee to the Kyoto Accord.

Whereas Canada's One Tonne Challenge asks Canadians to reduce their energy use and green house gas emissions.

Whereas anti-idling is a generally accepted practice that saves fuel and money. In Welland, on an annual basis, this translates into savings of 1,358,165.0 litres of fuel worth \$1,033,563.58.

Whereas successful anti-idling programs across Canada have been and are being implemented in such places as Toronto, Mississauga, Brampton and Vancouver.

Whereas an estimated 85 people in Niagara die prematurely each year due to diseases caused by poor air quality partially due to auto emissions.

Whereas the Ontario Medical Association indicates that children are four times more susceptible to poor air quality plus poor air poses a greater risk to seniors and other vulnerable populations such as those with cardiovascular and asthma problems.

Be It Resolved that the City of Welland develop a general anti-idling by-law including a Policy adopted to restrict unnecessary idling of City vehicles and equipment; and

Be It Further Resolved that anti-idling zones around schools, seniors centres, city buildings, parks and other designated areas be established via a communications and outreach process; and

Be It Further Resolved that the City of Welland challenge other public institutions, individuals and groups to voluntarily observe as well as adopt anti-idling behaviours and policies;

And that this resolution be forwarded for consideration to the Regional Municipality of Niagara, Niagara area municipalities, the Association of Municipalities of Ontario and to

the

Federation of Canadian Municipalities.

Council adjourned at 10:40 p.m.

These Minutes approved and adopted by Motion of Council this 2nd day of November, 2004.

MAYOR

CLERK