



COUNCIL MEETING, FEBRUARY 13, 2007

**BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA):
TO HOLD A SPECIAL COUNCIL MEETING TO CONSIDER A LITIGATION
MATTER; AND**

**BY PROCEDURAL BY-LAW 2005-176:
TO RATIFY THE ACTIONS OF GENERAL COMMITTEE**

**CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET**

Council met in Special Meeting Committee-of-the-Whole closed to the public at 6:35 p.m. and pursuant to By-law 2005-176, the Procedural By-law of Council, in open regular session following the General Committee Meeting at 9:20 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Campion, P. Chiocchio, M. Dzugan, T. Eybel,
P. Grenier, S. O'Dell, B. Sharpe and L. Van Vliet.

Members of the Staff and Others Present:

City Manager P. Simmons (7:05 p.m.)
General Manager, Communications, Council and Legislative Services/City Clerk C. Stirtzinger
Deputy Clerk B. Gallaccio
Deputy Fire Chief K. Roach (7:05 p.m.)
General Manager Engineering, Public Works & Transportation Services/City Engineer D. Shantz
General Manager, Parks and Recreation B. LaPlante (7:05 p.m.)
General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:05 p.m.)
General Manager, Planning and Development Services D. Thorpe
Games Licensing Clerk L. Bubanko (7:05 p.m.)

07-25 Moved by Dzugan and Eybel

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:35 p.m. to consider:

- a) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED

07-25 Moved by Grenier and Eybel

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:55 p.m. without report.

CARRIED

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF FEBRUARY 13, 2007:

98-152 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri – Report on Council Remuneration – One Third Expense Allowance.

99-99 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz and Gen. Mgr., Parks and Recreation B. LaPlante – Report on Woodlawn Trail Construction.

99-99 Mgr., Business and Operations, WRCC S. Fischer – Requesting that Council grant permission to the Welland Snowmobile Club and Welland Winter Carnival to operate motorized snowmobiles for February 17 during Winter Carnival 2007.

99-99 Mgr., Business and Operations, WRCC S. Fischer – Requesting that Council grant permission to the Welland Motorcycle Club and Welland Winter Carnival to operate motorized vehicles for February 17 during Winter Carnival 2007.

04-19 Gen. Mgr., Parks and Recreation B. LaPlante – Report on Parks, Recreation and Culture Plan Citizens Advisory Committee Terms of Reference.

05-19 Gen. Mgr., Parks and Recreation B. LaPlante – Report on Memorial Park Lease.

05-19 Gen. Mgr., Parks and Recreation B. LaPlante – Report on Facility Pre Budget Approval.

06-96 Gen. Mgr. Planning and Development Serv. D. Thorpe and Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz - Report on Dufferin and McCormick Streets – Environmental Assessment Process and Servicing and Sale of Surplus City Lands.

06-151 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Semi-Annual Subdivision Status Report – December 31, 2006.

07-22 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Parking Restrictions on the east side of Denistoun Street North, north of West Main Street.

07-22 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Administrative Update – Traffic and Parking Operations.

07-22 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Parking Restrictions – Northhaven Road, Page Drive & Rolling Acres Drive.

07-22 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Report on Parking Restrictions.

07-49 Stephen Fischer, President and Mike Walsh, Treasurer, Niagara Food Festival – Festival operations.

07-54 Gen. Mgr., Parks and Recreation B. LaPlante – Revised Report on Facility Management Plan 2007.

07-55 Gen. Mgr. Planning and Development Serv. D. Thorpe – Report on Request for Regional Niagara Policy Plan Amendment to permit the installation of a local sanitary sewer and to permit individual connection for existing dwellings along the east side of Rice Road and along Quaker Road.

THE FOLLOWING BY-LAWS WERE RECEIVED:

05-19 A By-law to authorize an extension of the Lease Agreement with Laurent Viger Construction Limited for lands adjacent to Memorial Park for park purposes.

07-22Z A By-law to amend By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.

07-22 A By-law to amend Schedule "V" of By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.

07-1 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 13th day of February, 2007.

98-152 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes its intention that one-third of the remuneration paid to elected members of Council is deemed as expenses incidental to the discharge of their duties as members of Council, in accordance with Section 283 of the Ontario Municipal Act.

CARRIED

99-99 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives REPORT ENG-2007-02 on the Woodlawn Trail Construction for information; and further

THAT Welland City Council provides early budget approval to allocate \$277,000 to the 2007 Capital Budget for the City portion of the project to design, tender, and construct the Woodlawn water channel and trail connection; and further

THAT Welland City Council awards the firm of C.R.L. Campbell Construction and Drainage Ltd. to construct the above-mentioned works at the tender price of \$264,907.40 plus applicable GST.

CARRIED

99-99 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND has no objection to the Welland Recreational Canal Corporation (WRCC) granting permission to the Welland Snowmobile Club and Welland Winter Carnival to operate motorized snowmobiles for events scheduled for February 17, during Winter Carnival 2007 in accordance with the "Go Quietly Policy" contained in By-law 2005-92 as well as By-law 2000-175 as amended, being a By-law to prohibit the operation and use of vehicles on the Welland Canal Multi-Use Trail and adjacent lands.

CARRIED

99-99 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND has no objection to the Welland Recreational Canal Corporation (WRCC) granting permission to the Welland Motorcycle Club and Welland Winter Carnival to operate motorized vehicles for events scheduled for February 25, during Winter Carnival 2007 in accordance with the "Go Quietly Policy" contained in By-law 2005-92 as well as By-law 2000-175 as amended, being a By-law to prohibit the operation and use of vehicles on the Welland Canal Multi-Use Trail and adjacent lands; subject to the approval of the WRCC.

CARRIED

04-19 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Terms of Reference for the Parks Recreation and Culture Plan Citizens Advisory Committee as outlined in Report PR-2007-02; and further THAT Council directs staff to commence the process to form the Citizens Advisory Committee and report back to Council.

CARRIED

05-19 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves a one year lease renewal between Laurent Viger Construction Company Limited, Welland and the City of Welland for lands adjacent to Memorial Park in Welland; and further

THAT Council directs staff to prepare the required authorizing agreement and by-law.

CARRIED

07-19 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND provides pre-budget approval for:

1. The Structural Assessment and Inspection of the Youth Arena for up to \$ 75,000
2. Protective Screens and Structural Repairs at the Sports Complex for \$80,000
3. Replace Leaking Pipelines and Repairs at St George Pool for \$ 80,000

CARRIED

06-96 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives Staff Report PDS-2007-12 Dufferin and McCormick Streets – Environmental Assessment Process and Servicing and sale of surplus City lands for information purposes; and further

THAT Welland City Council directs Staff to proceed with the requirements under the Municipal Class Environmental Assessment (Schedule B Activities of the Municipal Engineers Association) for roadway works on Chippawa Street and report to Council prior to tendering for the road works; and further

THAT Welland City Council authorizes the General Manager, Engineering, Public Works and Transportation Services/City Engineer to retain Urban & Environmental Management Inc. to undertake final roadway design, Municipal Class Environmental Assessment, under Schedule B Activities of the Municipal Engineers Association, tender and project administration at a cost of \$16,500.00.

CARRIED

06-151 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes the Semi-Annual Subdivision Status Report as of December 31, 2006.

CARRIED

07-22 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare the necessary By-law to amend (ie. Parking Restrictions), Schedule "V" of By-law 89-2000 as follows:

Deletion of the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE			PERIOD
		FROM	TO	(TIMES/ DAY)
Denistoun Street North	East Side	West Main Street	Termination	AT NO TIME

CARRIED

07-22 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare the necessary By-law to amend the general wording of Bylaw 89-2000 and Schedules "II" Parking Permit Snow Exemption, "IX" Angle Parking, "VI" Fire Routes, "VII" School Bus Loading Zones, "XVI" Parking Meter Control, "XVII" Parking Lots, "XXIV" One Way Highways, "XXII" Designated Turning Lanes and "XXXVIII" Signage of Bylaw 89-2000 as follows:

Deletion of the following:

- (a) **Part I** – Definitions for "heavy vehicle", "snow clearing exemption" and "parking permit";
- (b) **Part III** – provisions 3.4.1.2, 3.4.1.4, 3.9 (1) c, 3.13.10, 3.18.4, 5.10.1, 5.15, 8.2, 8.2.4, 8.3 and subsections
- (c) **Schedule II Parking Permit Snow Exemption**

Addition of the following:

(a) **Part I – Definitions:**

"**heavy vehicle**" means any commercial motor vehicle having an unloaded vehicle weight in excess of four thousand five hundred (4,500) kilograms (9,925 lbs), but does not include ambulances, fire apparatus, vehicles owned by or operated for the City of Welland, Regional Municipality of Niagara, the Ministry of Transportation (Ontario);

"**parking permit**" means a permit issued by the City of Welland or property owner, which indicates the permit number, expiry date and allows the holder of the permit to park at the designated parking lot or designated roadway;

"**snow clearing exemption permit**" means a permit issued under Section 8.3 by the City of Welland, which indicates the permit number, expiry date and allows the holder of the permit to park on the designated roadway during snow clearing operations;

(b) **Part III – Stopping, Standing and Parking**

3.4.1.2 Any person who is qualified and holds a valid permit may park at any parking space in the City of Welland as follows without depositing money:

- (a) at a municipal parking lot operated by a parking ticket dispenser for up to three (3) hours,
- (b) at a municipal parking lot or on-street parking stall operated by a parking meter for the length of time of that specific parking meter but not to exceed a time of three (3) hours.

3.4.1.4 The disabled signs referred to in this by-law shall conform with Ontario Regulation 581 made under the Highway Traffic Act as shown in Schedule XXXVIII (Signage);

3.9 (1) c) On Municipal/Private Property designated under Schedule I of the by-law without consent;

3.13.10 On a highway as to interfere with the clearing of snow from the highway, save for those residents that have obtained a snow clearing exemption permit and displayed appropriately as outlined in Section 8.3;

3.18.4 The owner of a property upon which there is a private roadway that has been designated as a fire route:

- (c) shall maintain the signs marking it as a fire route as shown in Schedule XXXVIII; and
- (d) shall keep such private roadway in good repair, clear of snow and ice and free of all obstructions.

(c) **Part V – Traffic Regulations**

5.10.1 Reduced Speed Limits – Designated Construction Zones

Under Bill 169 of the Transportation Statute Law Amendment Act, the City Engineer or official designate have the authority to lower the speed limit in a designated construction zone, as deemed appropriate. The reduced speed limit becomes effective once the required signs are posted as per Regulation 615 of the Highway Traffic Act.

5.15 Traffic Signal Design Approval

The City Engineer or official designate have the authority to approve traffic signal designs for installations on roadways under the jurisdiction of the City of Welland as per Subsection 144 (31) and Regulation 626 of the Highway Traffic Act.

(d) Part VIII – City Permits

8.2 No person shall park a vehicle in a designated area upon any of the highways or parts of the highways set out under Schedule “XXXIV” without the appropriate Parking Permit as outlined in Section 8.2;

...Continued...

07-22 Cont'd

8.2.4 Where a property is located on the highways listed in Schedule “XXXIV” of this by-law, the owner, occupant or tenant of the property who resides at that address and is the registered owner of the vehicle registered at that address may obtain one parking permit for said vehicle. A separate permit is required for each vehicle registered at the designated address;

8.3 Snow Clearing Exemption Permit

No person shall park a vehicle upon any highways without the appropriate snow clearing exemption;

8.3.1 All application for a snow clearing exemption shall be made on forms provided by the City Engineer or official designate and shall be accompanied by such other supportive materials as may be required by the City Engineer or official designate and by non-refundable fees as set out in Schedule “XVIII” to this by-law;

8.3.2 The snow clearing exemption shall be specifically validated for the vehicle which is registered to the person(s) who own or reside at the property for which the exemption is being requested and will not be valid for any other vehicle;

8.3.3 The snow clearing exemption shall be utilized only on the highway identified and approved by the City Engineer or official designate on the submitted and approved application.

8.3.4 A permit shall be valid for a period of one year from the date of issue;

8.3.5 While a vehicle is parked pursuant to this section, the issued snow clearing exemption shall be on or affixed to the vehicle on the rearview mirror or drivers side dashboard;

8.3.6 All other provisions which apply to parking on highways contained in the bylaw shall still apply;

8.3.7 The City Engineer or official designate may revoke any Parking Permit issued at any time;

8.3.8 The City Engineer or official designate is not required to approve permit applications.

THAT By-law 89-2000 shall be and the same is hereby further amended by replacing and adding:

- (d)** Schedule “IX” – Angle Parking
- (e)** Schedule “VI” – Fire Routes
- (f)** Schedule “VII” – School Bus Loading Zones
- (g)** Schedule “XVI” – Parking Meter Control
- (h)** Schedule “XVII” – Parking Lots
- (i)** Schedule “XXIV” – One Way Highways
- (j)** Schedule “XXV” – Designated Turning Lanes
- (k)** Schedule “XXXVIII” – Signage.

CARRIED

07-22 Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare the necessary By-law to amend Schedule V of By-law 89-2000 as follows:

Deletion of the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE			PERIOD
		FROM	TO	(TIMES/ DAY)
Rolling Acres Drive	South	Centennial Drive	Champlain Avenue	AT NO TIME
Page Drive	East	West limit of Trelawn Parkway	South limit of Wellandvale Drive	AT NO TIME

...Continued...

07-22 Cont'd

Addition of the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE			PERIOD
		FROM	TO	(TIMES/ DAY)
Rolling Acres Drive	South	Centennial Drive	Champlain Avenue	7am to 6pm Monday to Saturday
Northhaven Road	West	Thorold Road	North limit of roadway	AT NO TIME
Page Drive	South & East	First Avenue	Wellandvale Drive	AT NO TIME

CARRIED**07-22** Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare the necessary By-law to amend the general text of By-law 89-2000 as follows:

Addition of the following:

3.14.14 on the inside curve (elbow curve) of a roadway, within fifteen meters (15m) of the tangent.

CARRIED**07-49** Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Stephen Fischer, President and Mike Walsh, Treasurer, Niagara Food Festival regarding the operations, history and future of the festival and that the budget and grant request be referred to the Budget Review Committee.

CARRIED**07-54** Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives Revised Report P&R 2007-1 Facilities Management Plan 2007 for information and background for 2007 budget submissions and decision-making as it applies to the City's Buildings and Facilities.

CARRIED**07-55** Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND requests the Regional Municipality of Niagara to amend its Regional Policy Plan to permit the installation of a local sanitary sewer and to permit individual connections for existing dwellings along the east side of Rice Road and along Quaker Road outside of the Urban Area Boundary.

CARRIED

BY - LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Eybel and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

05-19

BYL 2007-23

A By-law to authorize an extension of the Lease Agreement with Laurent Viger Construction Limited for lands adjacent to Memorial Park for park purposes.

07-22

BYL 2007-24

A By-law to amend By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.

07-22

BYL 2007-25

A By-law to amend Schedule "V" of By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.

07-1

BYL 2007-26

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 13th day of February, 2007.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Eybel and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws in the foregoing motion as reproduced in this Evening's Council Agenda, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED

Council adjourned at 9:30 p.m.

These Minutes approved and adopted by Motion of Council this 20th day of February, 2007.

MAYOR

DEPUTY CLERK