



GENERAL COMMITTEE MEETING

Tuesday, September 24, 2002
7:00 P.M.
COUNCIL CHAMBERS - CITY HALL

Meeting Number G.C. 2002 - 12

Members present: Mayor Cindy Forster

Councillors:

R. Alakas	D. Fortier
M. Belcastro	D. Grenier
N. Dmytrow-Bilboe	J. Irvine
M. Dzugan	J. Mastroianni
T. Eybel	S. O'Dell

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 and Transportation Services G. Marcello
Manager, Engineering Services L. Ventresca
Manager, Development Planning / Real Estate D. Thorpe
Recording Secretary, Vital Statistics Clerk- Steno II, Acting Games Licensing Clerk S. Stirling

Others Present:

Myriam Quattrini, 894 Buchner Road
Robert Kucy, 894 Buchner Road
Re: Use of Unopened Matthews Road Allowance, north of Buchner Road

Mayor Forster called the General Committee Meeting to order at 7:35 p.m.



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1. ADDITIONS/DELETIONS TO AGENDA:

98-156

Letter from Myriam Quattrini, 894 Buchner Road requesting to address Council regarding use of the unopened Matthews Road allowance, north of Buchner Road.

2. DISCLOSURE OF INTEREST: NIL

3. ADOPTION OF MINUTES OF GENERAL COMMITTEE MEETING OF September 10, 2002

Moved by Councillor Dzugan that the Minutes of the General Committee Meeting of September 10, 2002 be and the same are hereby approved and adopted as circulated.

CARRIED

4. BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS: NIL

5. PUBLIC HEARINGS: NIL

6. DELEGATIONS:

(A) COMMUNITY SERVICES

98-156

Robert Kucy, 894 Buchner Road addressed Council regarding use of the unopened Matthews Road allowance, north of Buchner Road.

Mr. Kucy addressed Council in regards to usage of the unopened Matthews Road Allowance. Mr. Kucy handed out information to members of Council suggesting that a resolution was passed by Council allowing the usage of this road allowance and, after his house was built, Council rescinded this resolution. He indicated that he is only requesting permission to use this road allowance for access to his property and he has no further interest in other development. The way that his property is situated it is surrounded with large trees on the front and side yards. Many of these trees are on City land and would have to be removed if he was instructed to move his driveway. A discussion followed and Mr. Thorpe was asked by Council if all permits were obtained and complied with and if there was a letter of compliance or acknowledgment that the owners have complied with all requirements. Mr. Thorpe advised that no final permit has been requested by the owner and that they do have an occupancy permit. Mr. Thorpe indicated that all inspections are done at the request of the owner and not the city. He explained that on



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December 6th, 2000 a letter was sent to Ms. Quattrini advising her to contact his office for a final inspection.



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Mr. Banks added that an unopened road allowance is not for the private use of the adjacent property owner. Road allowances are not open at all and it is forbidden for property owners to improve it and use as a private driveway into his property. Council then asked if it was possible to sell a section of the road allowance and Mr. Banks replied that it was possible but not wise because that road could provide access in the future when land development occurs. It was noted by Council that a plan of subdivision was already turned down by Council and there was little likelihood that one would be approved and built in this area in the next twenty years. The question was then raised if it was possible for the city to lease the road allowance to Mr. Kucy but Mr. Banks indicated that the city would be liable if something were to happen under a lease by permitting and inviting the public to use the area. Council Grenier then requested to put forward a motion to reconsider this matter at next week's Council meeting and asked that a couple of the block barricades be removed from Mr. Kucy's driveway until Council's decision is made. Direction was given to staff to remove a couple of the barricades from the entrance to Mr. Kucy's driveway in the interim until this issue is further debated by Council.

Moved by Councilor Grenier

That General Committee recommends to Council that it reconsider its decision of December 18th, 2002 to deny the request by Myriam Quattrini, 894 Buchner Road to use the unopened Matthews Road allowance north of Buchner Road.

CARRIED

7. STAFF REPORTS:

(A) COMMUNITY SERVICES

Planning and Development Services

**02-158 - Semi-Annual Subdivision Status Report – June 30, 2002.
(PDS-2002-76)**

Moved by Councillor Dzugan

That the Semi-Annual Subdivision Status Report as of June 30, 2002 be received for information.

CARRIED

**02-153 – Request by Peter Spyker for a reduction or elimination of a city easement and transfer of lands – 383 Alberta Street.
(PDS-2002-77)**

Councillor Irvine inquired as to whether something was being corrected by this resolution that is being recommended in regards to 383 Alberta Street. Mr. Thorpe explained that the request is to reduce or eliminate the easement on this property by the owner. He



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noted that it is not possible to reduce the easement because of an existing watermain. Councillor Grenier asked if this was a closed road allowance. Mr. Thorpe explained that

once Council passes a By-law to stop up and close a road, the lands can then be offered for sale under the Municipal Act. An unopened road allowance is laid out by plan but never passed by By-law. Page 14 of the report notes that this road was stopped up and closed in 1968 by By-law 4268.

Moved by Councillor Dzugan

1. That the request by Peter Spyker for the City to exchange lands in exchange for an existing Easement at 383 Alberta Street be received and filed; and
2. That Peter Spyker be advised that the City of Welland is willing to abandon the northerly 2.4 ± metres of an existing 8.2 metre Easement at 383 Alberta Street at an estimated cost of \$1,000.00 to be paid by Mr. Spyker such costs to incorporate the creation of a Reference Plan and the registration of the appropriate documents.

CARRIED

(B) CORPORATE SERVICES - Councillor D. Fortier, Chair

Clerk's Division

02-149 - Record Retention By-law (CLK-2002-15)

Councillor Dmytrow-Bilboe inquired as to whether the city was keeping their records long enough. The City Clerk explained that this recommendation was only adding the general correspondence for the City Manager's Office and Council Meeting video tapes.

Councillor Dmytrow-Bilboe asked if paper copies were still being kept of the Council meetings and the City Clerk assured her that the minutes of Council and By-laws are a permanent record.

Moved by Councillor Dzugan

That By-law 9314, being a By-law to establish a record retention Schedule for various departments, be revised by including the following additions to Retention Schedule "A" of said By-law:

City Manager's Office

General Correspondence 6 years

Clerk's Department

Council Meeting Video Tapes 6 years

CARRIED



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(C) **OPERATIONAL SERVICES** - Councillor Beaudoin, Chair

Engineering, Public Works and Transportation Services

**02-151 - Closed Circuit TV inspection of sewers.
(ENG-2002-47)**

Moved by Councillor Dzugan

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 conveyance System.

CARRIED

8. NEW BUSINESS:

(A) **OPERATIONAL SERVICES**

Engineering, Public Works and Transportation Services

2001-128 – Councillor Alakas gave Notice of Motion for the next Council Meeting on October 1st, 2002 requesting that Council re-affirm the intent of By-law 2001-128.

NOTICE OF MOTION – Councillor Alakas

Whereas Clause 3 of By-law 2001-128 requires an annual review of the intent of By-law 2001-128, being a By-law to amend Schedule "P" – Stop Signs at Intersections, of By-law 89-2000, particularly with the creation of a 4-way "STOP" at the intersection of Thorold Road at Clare Avenue.

That Council re-affirm the intent of By-law 2001-128, until such time, as a decision of Council has been rendered with regard to the installation of traffic signals at the intersection of Thorold Road and Clare avenue.

9. The General Committee Meeting adjourned at 8:35 p.m.