



## **COUNCIL MEETING, MARCH 2, 2004**

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

Council met in Committee-of-the-Whole at 6:35 p.m. and in open session at 7:45 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 , D. Fortier, P. Grenier, M. A. Grimaldi (6:55 p.m.), J. Larouche, S. O'Dell, and B. Sharpe.

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

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (7:45 p.m.)

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:45 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:45 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:45 p.m.)

General Manager of Planning and Development Services D. Thorpe (7:45 p.m.)

Acting General Manager of Parks and Recreation R. Morwald (7:45 p.m.)

General Manager of Human Resources R. Beaumont (until 7:40 p.m.)

Regional Councillor G. Mastroianni (7:45 p.m.)

Niagara Regional Chief of Police Gary Nichols and Inspector Lundy were present during Committee-of-the-Whole discussions on a Security of Property Matter.

**04-25** Moved by Belcastro and Grenier that Council meet in Committee-of-the-Whole, closed to the public at 6:35p.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 Grenier and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 7:40 p.m. without report.

**CARRIED**

### **DISCLOSURE OF INTEREST:**

Councillor Belcastro disclosed an interest in Council Resolution 03-139/03-139Z and By-law 2004-25 and By-law 2004-26 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 Grimaldi disclosed an interest in Ref. No. 04-29/05-29/04-33 as her husband is an employee of the City of Welland.

Councillor Grimaldi disclosed an interest in Ref. No. 2000-79 as her husband is an employee of the City of Welland.

Councillor Dzugan disclosed an interest in Ref. No. 02-170 as he is Vice President of the Canadian Slovak League.

### **DELEGATIONS:**

**02-170** Andrew Walker, Vice President, Chamber of Commerce addressed Council regarding the change of level of service for waste collection.

**04-32** Greg D'Amico, Chair, and Shane Sargent, Director, Tourism of Welland Niagara addressed Council regarding Tourism of Welland Niagara's Draft Business Plan and Tourism Strategy.

**04-28** George Chipman, Chair, Welland Local Architectural Conservation Advisory Committee (L.A.C.A.C.) addressed Council regarding the purposes and functions of L.A.C.A.C. and requested the designation of two heritage properties.

**04-32** Joe Krar, Welland resident addressed Council regarding the West Main Village concept.

**04-69** Dr. Douglas Sider, Associate Medical Officer of Health, and Regional Councillor Brian Baty, Region of Niagara addressed Council regarding air quality issues and proposed an integrated Smog Alert Response Plan for the Niagara Region.

**THE FOLLOWING CORRESPONDENCE WAS READ:**

**03-139** Letter from Don Larke, Project Manager, First Pro Shopping Centres, regarding amendment to **03-139Z** the Official Plan and Zoning By-laws – Woodlawn Road and Highway 406.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

**93-132** Ronald M. Hobgen, 26 Miranda Court – Dog By-law 10715.  
**93-162** Welland River Water Level Fluctuation Study, Ontario Power Generation/NPCA.  
**99-99** Matter regarding the Welland Recreational Canal Waterways and its usage.  
**2000-79** Engineering Services for the Lincoln Street Combined Sewer Separation Project Phases V & VI, Parts of Oxford-Atlas-Wellington Area Sewer Separation.  
**01-2** Review of City's current Business Licensing By-law.  
**01-2** A By-law to repeal By-law 8324, being a By-law to license and regulate plumbers, and to repeal By-Laws 10760 and 2001-56.  
**01-154** Review By-law from West Lincoln re sexual exploitation of children & child pornography.

**02-22** Concerns of Parking lane widths and traffic speed at East Main and Division Streets.  
**02-170** Reconsideration of Report ENG-2004-03 - with respect to Notice of Change in Level of Service for Waste Collection in 2004.  
**03-22** Petition from the residents of Dain City along the Kingsway and surrounding areas regarding parking signs.  
**03-75** 2006 Dragon Boat World Championship Bid.  
**03-84** West Nile Virus - develop and enact a standing water by-law.  
**03-139** Martha Devine, President, Niagara Telephone Volunteers – expressing dissatisfaction with the proposed Power Centre at Highway 406 and Niagara Street.  
**03-139Z** City Mgr. T. Fitzpatrick – Possible twinning with Taicang City, China.  
**03-150** 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 24<sup>th</sup> day of February and the 2<sup>nd</sup> day of March, 2004.  
**04-4** Janet Beckett, City Clerk, City of Port Colborne – Resolution re: New Revenue Streams for Municipalities.  
**04-15** Welland Fire and Emergency Services Master Plan.  
**04-18** January 2004 Departmental Reports.  
**04-19** Angela Williams, Welland district Slo-Pitch League In. – league's fees for light usage.  
**04-19** Written Request for the Supply of Annual Flowers.  
**04-21** Annette Loeffen, Secretary, Welland & Port Colborne Pro Life Association - requesting permission to hold a ***Walk-a-thon*** on June 5, 2004.  
**04-22** New Regional Signal Locations 2004.  
**04-22** All-Way Stop – Lancaster Drive/St. Lawrence Drive and Quaker Road.  
**04-22** Parking Concerns – McAlpine Avenue and Major Street.  
**04-22** Parking Restriction Exemptions during snow clearing operations.  
**04-22** Parking Restrictions – Chapel Hill Crescent.  
**04-28** George Chipman, Chair, Welland Local Architectural Conservation Advisory Committee (L.A.C.A.C.) – outline the purposes and functions of L.A.C.A.C. and to designate two heritage properties.  
**04-29**  
**05-29**  
**04-33** Council Meeting Dates and 2004 Christmas Closure.

- 04-32** Greg D'Amico, Chair, Tourism of Welland Niagara – Tourism of Welland Niagara's Business Plan and Tourism Strategy.
- 04-32** Joe Krar, Welland resident – The West Main Village concept.
- 04-56** A By-law to repeal By-law 10438, being a By-law to authorize an agreement with the City of Port Colborne to provide for a Joint Board of Management for a rowing club facility on and adjacent to the Old Welland Canal.
- 04-59** Ward Redistribution Implementation Timelines.
- 04-60** John K. Bice, City Clerk, City of Thorold – Sharing of gas tax.
- 04-62Z** Proposed Amendment to Zoning By-law 2667 – Lincoln Crowland (No. 1) Ltd. and Lincoln Crowland (No. 2) Ltd. – 390 Lincoln Street (File 2003-17).
- 04-62Z** A By-law to amend City of Welland Zoning By-law 2667 (Lincoln Crowland No. 1 Ltd. and Lincoln Crowland No. 2 Ltd. – File 2003-17) 390 Lincoln Street.
- 04-63Z** Proposed Amendment to Zoning By-law 2667 – 1276343 Ontario Limited – 100 Daimler Parkway – The Highlands Subdivision (File 2004-01).
- 04-63Z** A By-law to amend City of Welland Zoning By-law 2667 (1276343 Ontario Limited – File 2004-01) 100 Daimler Parkway.
- 04-67** City Mgr. T. Fitzpatrick – Purchase of Service Agreement with Niagara Economic and Tourism Corporation.
- 04-69** Dr. Douglas Sider, Associate Medical Officer of Health, and Bill Hunter, Manager Health Protection and Promotion, Region of Niagara – Air quality issues and to promote an integrated Smog Alert Response Plan for the Niagara Region.
- 04-70** George Chipman, Local Architecture Conservation Advisory Committee Chair – designation of the Tuckey-Lee Building at 73-77 West Main Street as being of architectural and historical significance.
- 04-71** George Chipman, Local Architecture Conservation Advisory Committee Chair – designation of the "***Chaffey-Fennessy House***" at 52 Chaffey Street as being of architectural and historical significance.

**04-1** Moved by Dzugan and Larouche that the Minutes of the Regular Council Meeting of February 17, 2004 and Special Council Meeting of February 24, 2004 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**93-132** Moved by Fortier and Beaudoin that the presentation to General Committee on February 24th, 2004 by Ronald M. Hobgen regarding Dog By-law 10715 be referred to staff for report to Council.

**CARRIED**

**93-162** Moved by Dzugan and Grenier that Report Eng-2003-31 Re: Welland River Water Level Fluctuation Study, Ontario Power Generation/NPCA be again referred to staff for further information including: comments of NPCA, comments of other municipalities, shoreline impact and financial costs.

**CARRIED**

**99-99** Moved by Dzugan and Grenier that the Welland Recreational Canal waterways and its usage be again referred to the Welland Recreational Canal Corporation.

**CARRIED**

**01-2** Moved by Dzugan and Grenier that staff be again directed to review the City's current Business Licensing By-law.

**CARRIED**

**01-154** Moved by Dzugan and Grenier that the Licensing By-law from West Lincoln regarding the sexual exploitation of children and the devastating effects of pornography on society be again referred to staff for review.

**CARRIED**

**02-22** Moved by Dzugan and Grenier that staff be again requested to review concerns relative to parking lane widths and traffic speed on East Main and Division Streets; and further That this review include consideration of the need for bicycle traffic lanes on these streets as part of the Regional Bicycle Path Plan.

**CARRIED**

**02-170** Moved by Belcastro and Grenier that Council reconsider Report ENG-2004-03 with respect to Notice of Change in Level of Service for Waste Collection in 2004.

**CARRIED**

**02-170** Moved by Grenier and Beaudoin that Council include, by forfeit and without prejudice, as a Region of Niagara defined enhanced level of service for waste collection in 2004 the following: Recycling Cart Collection at an annual cost of \$41,600; and That Regional Public Works staff be asked to report the actual users participating in the program.

**CARRIED  
BY 2/3 MAJORITY**

**02-170** Moved by Grenier and Beaudoin that the Region of Niagara be urged to consider the Recycling Cart Collection as part of its base level of service; and That this resolution be forwarded to the area municipalities for endorsement.

**CARRIED**

**03-22** Moved by Dzugan and Grenier that the petition from the residents of Dain City along the Kingsway and surrounding areas regarding parking signs be again referred to staff for study and review.

**CARRIED**

**03-75** Moved by Dzugan and Grenier that the request from Dragon Boat Canada regarding the 2006 Dragon Boat World Championships be again referred to staff and to the Welland Recreational Canal Corporation for review and report.

**CARRIED**

**03-84** Moved by Alexander and Fortier that staff be again directed to review the request from the Region to develop and enact a standing water by-law that would specifically address mosquito-breeding sites.

**CARRIED**

**03-139** Moved by Dzugan and Grenier that the letter from Don Larke, Project Manager, First Pro **03-139Z** Shopping Centres, regarding amendment to the Official Plan and Zoning By-law – Woodlawn Road and Highway 406 be received for information.

**CARRIED**

**03-139** Moved by Dzugan and Grenier that the letter from Martha Devine, President, Niagara **03-139Z** Telephone Volunteers expressing dissatisfaction with the proposed Power Centre at Highway 406 and Woodlawn Road be received for information.

**CARRIED**

**03-150** Moved by Dzugan and Grenier that the City of Welland not twin with Taicang City, China.

**CARRIED**

**04-4** Moved by O'Dell and Alexander that the suggestions contained in the Notice of Motion **04-37** presented by Councillor Fortier and revised by Council be referred to the Water and Sewer Rate Ad Hoc Committee.

**CARRIED**

**04-15** Moved by Fortier and Beaudoin that Report F&ES-2004-02 regarding the Welland Fire and Emergency Services Master Plan be referred to the March 9th, 2004 General Committee Meeting.

**CARRIED**

**04-18** Moved by Dzugan and Grenier that Report CM-2004-03, January 2004 Departmental Reports be received for information.

**CARRIED**

**04-19** Moved by Dzugan and Grenier that the presentation to General Committee on February 24th, 2004 by the Welland Slo-Pitch League be referred back to staff for further discussion and compromise between the parties for report to the March 9th, 2004 General Committee.

**CARRIED**

**04-19** Moved by Dzugan and Grenier that Council accepts the quotation from Rice Road Greenhouses Ltd. for the supply of annual flowers at a cost of \$9669.32 plus applicable taxes, this being the lowest two quotations received that meet the required specifications.

**CARRIED**

**04-21** Moved by Dzugan and Grenier that Council waives the requirement of liability insurance as provided for in Policy Number SER-017-0004 Road Use for Community Activities and approves the application from the Welland & Port Colborne Pro Life Association for its "15th Annual Walk-A-Thon", to be held on Saturday, June 5, 2004, subject to the applicant's completion of all other conditions of the Policy.

**CARRIED**

**04-22** Moved by Fortier and Chiochio that the intersection of Lincoln Street at Riverside Drive and Woodlawn Road at South Pelham Road be recommended to the Regional Municipality of Niagara for inclusion in its 2004 Traffic Signal Installation Program; and further That the intersection of Niagara/Aqueduct Streets be investigated for possible signalization.

**CARRIED**

**04-22** Moved by Dzugan and Grenier

- 1) That the City Solicitor be requested to prepare a By-law to amend Schedule 'C' of By-law 89-2000 by:
  - i) ADDING the following:

Column 1	Column 2	Column 3		Column 4
Street	Side	From	To	Period (Times/Day)
Chapel Hill Crescent	South/East/North (odd numbered dwellings)	Bridlewood Drive (north intersection)	Bridlewood Drive (south intersection)	At No Time

**CARRIED**

**04-22** Moved by Dzugan and Grenier

- 1) That the City Solicitor be requested to prepare a By-law to amend Schedule 'C1' of By-law 89-2000 by:
  - i) ADDING the following:

Column 1	Column 2	
Highway	From	To
Cozy Street	Crowland Avenue	Empire Street
Duncan Street	Hagar Street	East Main Street
Ross Street	East Main Street	Bruce Street

**CARRIED**

**04-22** Moved by Dzugan and Grenier that Traffic Report TRAF-2004-05 Parking Concerns – McAlpine Avenue and Major Street be referred to the March 9th, 2004 General Committee Meeting after comments are received from both parties.

**CARRIED**

**04-28** Moved by Dzugan and Grenier that the presentation by George Chipman, Chair, Welland Local Architectural Conservation Advisory Committee (L.A.C.A.C.) regarding the purposes and functions of L.A.C.A.C. be received for information.

**CARRIED**

**04-29** Moved by Dzugan and Grenier that the Christmas closure at City Hall be from Monday,

**05-29** December 27<sup>th</sup> to Friday, December 31<sup>st</sup>, 2004 inclusive; and  
**04-33** That the regular Council Meeting of January 4<sup>th</sup>, 2005 be cancelled.

**CARRIED**

**04-32** Moved by Dzugan and Grenier that the presentation by Joe Krar, Welland resident regarding the West Main Village concept be received for information.

**CARRIED**

**04-32** Moved by Dzugan and Grenier that the presentation by Greg D'Amico, Chair, and Shane Sargant, Director, Tourism of Welland Niagara regarding Tourism of Welland Niagara's Draft Business Plan and Tourism Strategy be received for information.

**CARRIED**

**04-59** Moved by Beaudoin and Sharpe

1. That Repot CLK 2004 - 01Re: Ward Redistribution Implementation Timelines be received for information.
2. That staff prepare a report to assist Council to determine the following:
  - Whether the size of Council should be reduced/enlarged or left as is (and if changed to what number)?
  - What is the optimum number of electors per representative?
  - Whether there is a benefit to having both wards and at large representation or whether it should be one or the other?

**CARRIED**

**YEAS:** Councillors Sharpe, Beaudoin, Alexander, Grenier, Chiochio, Larouche and Mayor Goulbourne.

**NAYS:** Councillors O'Dell, Grimaldi, Dzugan, Fortier and Belcastro.

**04-60** Moved by Beaudoin and Fortier that Welland City Council supports the resolution from the City of Thorold to petition the Provincial Government to maintain their election promise and provide their share of the gas tax to the Municipalities; and  
 That this funding be provided forthwith and retroactive to the beginning of 2004; and  
 That this share be funded from the existing gas tax and that no new taxes be introduced; and further  
 That the City Clerk advise the proper authorities accordingly.

**CARRIED**

**04-62Z** Moved by Dzugan and Grenier

1. That Zoning By-law 2667, as amended, be further amended for 390 Lincoln Street (Part of Block 'HH', Plan 1649 being Parts 1,2 and 3, Plan 59R-10634) from the C2 Zone to a Site specific C3-X6 Zone to permit C3 uses while retaining the C2 Zone provisions; and
2. That Staff be authorized to prepare the necessary By-law.

**CARRIED**

**04-63Z** Moved by Dzugan and Grenier

1. That Zoning By-law 2667, as amended, be further amended for lands on the west side of Daimler Parkway (part of Block 142, Plan 59M-269) being Parts 1 through 6, inclusive, Plan 59R-11933 from

- the C1-X5 Zone to the R3 Zone;
2. That Zoning By-law 2667, as amended, be further amended for lands on the west side of Daimler Parkway (part of Block 142, Plan 59M-269) being Part 7, Plan 59R-11933 from the C1-X5 Zone to the OS3-X2 Zone;
  3. That the C1-X5 Zone be repealed; and
  4. That Staff be authorized to prepare the necessary By-law.

**CARRIED**

**04-69** Moved by Dzugan and Grenier that the presentation by Dr. Douglas Sider, Associate Medical Officer of Health, Region of Niagara regarding air quality issues and to promote an integrated Smog Alert Response Plan for the Niagara Region be received for information.

**CARRIED**

**04-70** Moved by Dzugan and Grenier that Welland City Council approves the processing of the structure and property referred to as the **"Tuckey-Lee Building"** 73-77 West Main for heritage designation pursuant to the provisions of Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

**CARRIED**

**04-71** Moved by Dzugan and Grenier that Welland City Council approves the processing of the structure and property referred to as the **"Chaffey-Fennessy House"**, 52 Chaffey Street for heritage designation pursuant to the provisions of Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

**CARRIED**

### **CURFEW**

Due to curfew, the following items were not addressed and are to be rescheduled at the Special Council Meeting of March 9, 2004:

**2000-79** Report ENG 2004 – 05 - Engineering Services for the Lincoln Street Combined Sewer Separation Project Phases V & VI, Parts of Oxford-Atlas-Wellington Area Sewer Separation.

**04-22** Report TRAF-2004- 03 - All-Way Stop – Lancaster Drive/St. Lawrence Drive and Quaker Road.

**04-67** Report CM-2004-04 – Purchase of Service Agreement with Niagara Economic and Tourism Corporation .

**04-4** Letter from Janet Beckett, City Clerk, City of Port Colborne – Resolution re: New Revenue Streams for Municipalities.

**01-2** A By-law to repeal By-law 8324, being a By-law to license and regulate plumbers; and to repeal By-law 10760 and 2001-56.

**03-139** A By-law to authorize the signing of Official Plan Amendment No. 113.

**03-139ZA** By-law to amend City of Welland Zoning By-law 2667 (Niagara Centre Land Development Limited – File 2003-07) north side of Woodlawn Road, east of Brown Road.

- 04-56** A By-law to repeal By-law 10438, being a By-law to authorize an Agreement with the City of Port Colborne to provide for a Joint Board of Management for a rowing club facility on and adjacent to the Old Welland Canal.
- 04-62Z** A By-law to amend City of Welland Zoning By-law 2667 Lincoln Crowland No. 1 Ltd. and Lincoln Crowland No. 2 Ltd. – File 2003-17) 390 Lincoln Street.
- 04-63Z** A By-law to amend City of Welland Zoning By-law 2667 (1276343 Ontario Limited – File 2004-01) 100 Daimler Parkway.
- ...continued...
- 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 24<sup>th</sup> day of February, 2004 and 9<sup>th</sup> day of March, 2004.

**Notice of Motion (previously introduced):**

- 96-58** That a committee of council, staff and representatives of the public be created to review snow clearing operations and policies at the end of this snow season.

**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, March 31, 2004 for inclusion on the April 6<sup>th</sup>, 2004 Regular Council Meeting Agenda.**

Council adjourned at 11:10 p.m.

These Minutes approved and adopted by Motion of Council this 6<sup>th</sup> day of April, 2004.

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**MAYOR**

**CLERK**