



COUNCIL MEETING, SEPTEMBER 21, 2004

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 7:05 p.m. and in open session at 7:40 p.m. and again in Committee-of-the-Whole at 10:50 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, P. Chiocchio, M. Dzugan, (until 10:50 p.m.), D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell, B. Sharpe (8:00 p.m.) 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.)

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

General Manager of Planning and Development Services D. Thorpe

Transit Office Coordinator, M. Fortin (7:40 p.m.)

04-25 Moved by Dzugan and Beaudoin that Council meet in Committee-of-the-Whole, closed to the public at 7:05 p.m. to consider:

- a) the security of the property of the municipality.

CARRIED

04-25 Moved by Spadafora and Grimaldi that the Committee-of-the-Whole arise from its closed meeting at 7:35 p.m.

CARRIED

PUBLIC HEARING PURSUANT TO SECTION 357 OF THE MUNICIPAL ACT – TAX WRITE-OFFS

- No one was present to speak to this matter.

There being no submissions the hearing was concluded.

PUBLIC HEARING PURSUANT TO THE MUNICIPAL ACT

04-4 Consider a staff report to amend the 2004 Capital Budget to accommodate an additional watermain and some unanticipated addition sewer projects costs.

- No one was present to speak to this matter.

There being no submissions the hearing was concluded.

NOTICE OF ROAD CLOSING – COLBECK DRIVE

01-44 Letter of objection from William Knezic, Caithness Drive, Welland regarding the stopping up, closing and sale of that portion of Colbeck Drive north of Webber Road.

01-44 Petition sponsored by Frank Evans on behalf of 35 area residents addressed Council regarding the stopping up, closing and sale of that portion of Colbeck Drive north of Webber Road.

01-44 Mike Kuchar, Springhead Gardens, Welland addressed Council regarding the stopping up, closing and sale of that portion of Colbeck Drive north of Webber Road.

01-44 Victor Muratori, Solicitor representing the Developers of the subdivision in support of the proposal for road closure.

DELEGATIONS:

- 03-80** Roy S. Kirkup, Kirkup & Ure Surveying Ltd. addressed Council regarding Red-Lined Revision –Riverside West Subdivision (File 26T-14-02003) – Mac-Bri Developments Inc. – west side of Riverside Drive, south of Lincoln Street.
- 04-45** Mrs. Elizabeth Shukis, Beatrice Street, Welland addressed Council regarding Commercial Street flooding – September 9, 2004 storm.
- 03-145** John Barr, Project Consultant and Eric Flora, Transportation Engineer, Public Works Department, the Regional Municipality of Niagara and Regional Councillor B. Saracino addressed Council regarding the Inter-Municipal Specialized Transit Services.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

- 04-127Z** A By-law to amend City of Welland By-law 2667 (690464 Ontario Limited – File 2004-03) 693 South Pelham Road.
- 01-44** A By-law to authorize the Stopping-Up, Closing and Conveying of that portion of Colbeck Drive north of Webber Road.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 96-119** Gen. Mgr. Planning and Development Services D. Thorpe – Niagara Centre Developments Subdivision (File 26T-14-97003) - Request for extension to Draft Approval.
- 02-4**
- 03-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Application for Tax Write-Offs
- 04-4** – Section 357.
- 03-80** Roy S. Kirkup, Kirkup & Ure Surveying Ltd. – Red-Lined Revision –Riverside West Subdivision (File 26T-14-02003) – Mac-Bri Developments Inc. – west side of Riverside Drive, south of Lincoln Street.
- 03-80** Red-Lined Revision –Riverside West Subdivision (File 26T-14-02003) – Mac-Bri Developments Inc. – west side of Riverside Drive, south of Lincoln Street.
- 03-145** John Barr, Project Consultant and Eric Flora, Transportation Engineer, Public Works Department, The Regional Municipality of Niagara – Inter-Municipal Specialized Transit Services.
- 03-157** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz –Hellems – Bugar Area Sewer Separation Phase 2 from Dorothy Street to Victoria Street – Supplementary Report.
- 01-44** Gen. Mgr. Planning and Development Services D. Thorpe – Stopping up, closing and sale of a portion of Colbeck Drive north of Webber Road.
- 01-44** A By-law to authorize the Stopping-Up, Closing and Conveying of that portion of Colbeck Drive north of Webber Road.
- 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 14th day and 21st day of September, 2004.
- 04-3** Paul Bauman, Canadian Cancer Society, Ontario Division – requesting permission to sell raffle tickets in the City of Welland.
- 04-3** Petra Scott, Manager, Heart and Stroke Foundation of Ontario - requesting permission to sell raffle tickets in the City of Welland.
- 04-4** Auditor Appointment.
- 04-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – August 31, 2004 to September 14, 2004.
- 04-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz –

Replacement of Transit Bus #117.

04-13

04-119 Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Niagara Food Festival – Bus Shuttle request.

04-13

Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Transit Bus Purchase 2004.

04-22

Region Signal Maintenance Agreement.

04-22

Parking Operations – Talbot Avenue/Glenwood Parkway.

04-22

A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Handicapped By-law 9840, Fire Route By-law 10011, and Traffic and Parking By-law 89-2000, at Seaway Mall; and to repeal By-law 2004-85.

04-22

A By-law to authorize the entering into a Signal Maintenance Agreement with the Regional Municipality of Niagara.

04-22

A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Handicapped By-law 9840 and the Fire Route By-law 10011 at the Welland County General Hospital; and to repeal By-law 2004-94.

04-45

Mrs. Elizabeth Shukis, Beatrice Street, Welland re: Commercial Street flooding – September 9, 2004 storm.

04-57

Gen. Mgr. Planning and Development Services D. Thorpe – Places to Grow: A Growth Plan for the Greater Golden Horseshoe.

04-58

Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Empress Avenue Watermain Replacement Supplementary Report Harrison Avenue to Sutherland Avenue.

04-92

Proposed new sign By-law.

04-116

A By-law to designate 81 Bald Street in the City of Welland, known as the King-Hill House, of historic or architectural value or interest.

04-127Z

Proposed Amendment to Zoning By-law 2667 – 690464 Ontario Ltd. (Cox), 693 South Pelham Road (File 2004-03).

04-128

Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz –Award of Tender – Lincoln Street Combined Sewer separation project Phase V under Oxford-Atlas-Wellington Area Sewer Separation 2004/2005 – City of Welland - Harrison Avenue, Gladys Avenue, Grange Avenue, Lewis Street and Watt Avenue.

04-134

Gen. Mgr. Planning and Development Services D. Thorpe – Review of Ontario Planning Reform Initiatives.

04-135

Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Engineering Services for Central West Area Sanitary Sewer Phase 3 and 4 - Webber Road and South Pelham Road.

04-1

Moved by Dzugan and Larouche that the Minutes of the Regular Council Meeting of September 7, 2004 and Special Council Meeting of September 14, 2004 be and the same are hereby approved and adopted as circulated.

CARRIED

96-119

Moved by Alexander and Fortier that Council approve an extension to Draft Approval for the Niagara Centre Developments Subdivision (File 26T-14-97003) for one (1) year to October 9, 2005 as requested by Mario Bevacqua.

CARRIED

01-44 Moved by Beaudoin and Fortier that the letter of objection from William Knezic, Caithness Drive, Welland regarding the stopping up, closing and sale of that portion of Colbeck Drive north of Webber Road be received for information.

CARRIED

01-44 Moved by Beaudoin and Fortier that the presentation by Frank Evans on behalf of 35 residents opposing the stopping up, closing and sale of that portion of Colbeck Drive north of Webber Road be received for information.

CARRIED

01-44 Moved by Beaudoin and Fortier that the presentation by Mike Kuchar, Springhead Gardens, Welland opposing the stopping up, closing and sale of that portion of Colbeck Drive north of Webber Road be received for information.

CARRIED

01-44 Moved by Beaudoin and Fortier that the presentation by Mr. V.F. Muratori, Solicitor on behalf of the developers of Welland River Estate and Harvest Estate Subdivisions in favor of the stopping up, closing and sale of a portion of Colbeck Drive north of Webber Road be received for information.

CARRIED

01-44 Moved by Beaudoin and Fortier

1. That in accordance with Section 34(1) and 268(3) (a) of the Municipal Act, 2001, that Council Stop Up, Close and Declare Surplus a portion of Colbeck Drive lying north of Webber Road referred to as Parts 2, 3 and 4 on a Draft Reference Plan dated August 20, 2004, prepared by William A. Mascoe Surveying Ltd.;
2. That Council authorize Staff to prepare the necessary By-law; and
3. That the subject lands be offered for sale to the abutting land owners for residential purposes.

NOT PUT

01-44 Moved by Alexander and Sharpe that Report PDS-2004-48 Re: Stopping Up, Closing and Sale of a portion of Colbeck Drive north of Webber Road be referred to the November 9, 2004 General Committee Meeting.

CARRIED

02-4

03-4

04-4 Moved by Fortier and Grenier that pursuant to Section 357 of the Municipal Act, 2001, Council approve the write off of taxes in the amount of \$30,952.49 as contained in Report FIN-04-23 listing the reasons for reduction or cancellation and assessment values.

CARRIED

03-80 Moved by Grenier and Larouche that the presentation by Roy S. Kirkup, Kirkup & Ure Surveying Ltd. regarding Red Line Revision - Riverside West Subdivision (File 26T-14-02003) – Mac-Bri Developments Inc. – west side of Riverside Drive, south of Lincoln Street be received for information.

CARRIED

03-80 Moved by Beaudoin and Grenier

1. That the City of Welland hereby grants red-line revision to Draft Approval for the Riverside West Subdivision (File 26T-14-02003) developed by Mac-Bri Developments Inc., being parts of Lots 29 and 30, Concession 6, former Township of Crowland based upon a plan prepared by Kirkup & Ure Surveying Ltd. revised February 3, 2004 consisting of twenty-nine (29) single-detached residential lots, two (2) Blocks for walkways and services and an additional Block for open space purposes including a Storm Water Management Facility subject to the following Conditions:
 - a. That the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
 - b. That no grading or construction work shall commence on the site until such time as the Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title;
 - c. That all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances;
 - d. That Blocks 30 and 31 be transferred to the City of Welland free of all encumbrances for walkway, emergency access and servicing purposes;
 - e. That Blocks 30 and 31 be improved by the Owner, with a 3.0 metre asphalt walkway, fencing and vehicular restriction (i.e. bollards) to the City's standards and satisfaction;
 - f. That Blocks 33, 34 and 35, being 0.3 metre reserves, be transferred to the Regional Municipality of Niagara free of all encumbrances for access control purposes;
 - g. That Block 32 be transferred to the City of Welland free of all encumbrances for storm water management and floodplain purposes only after the Owner has constructed the required Storm Water Management Facility, including any required landscaping to the satisfaction of Community Services and the Owner has improved the remainder of Block 32 to the satisfaction of Community Services;
 - h. The Owner shall provide a one (1) year maintenance period for the Storm Water Management Facility after assumption by the City. Prior to assumption, the Owner shall be responsible for all maintenance;
 - i. That the Owner shall pay Cash-in-Lieu of Parkland Dedication based upon current City requirements;
 - j. The Owner shall prepay for the future installation of a sidewalk across the full frontage of the subject lands on Riverside Drive;
 - k. That all lands located within the floodplain be included within an Environmental Protection Zone where no structural development is permitted;
 - l. That detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval;
 - m. That detailed sedimentation and erosion control plans detailing methods proposed for the control of silt and erosion during the construction phase and restoration proposed for the site after construction be submitted to the N.P.C.A. for review and approval;
 - n. That prior to approval of the Final Plan, the Owner submit to the Regional Planning Department for review and approval a detailed Stormwater Management Plan for the Subdivision completed in accordance with the Ministry of Environment documents entitled Stormwater Management Practices, Planning and Design Manual, June 1994, as revised and Stormwater Quality Guidelines for New Development, May 1991, endorsed by a suitably qualified Professional Engineer. A copy of the Stormwater Management Plan and supporting documentation should also be submitted to the Niagara Peninsula Conservation Authority for its review and response to the

Regional Planning Department. Furthermore, that the Owner agree in the Subdivision Agreement to implement the approved Stormwater Management Plan. NOTE: The NPCA should be consider a storm ceptor instead of storm water management facility.

- o. That Permit approval be obtained from the N.P.C.A. for any proposed balanced cut and fill measures;

...continued...

03-80...Cont'd.

- p. That the Owner agrees in the executed Subdivision Agreement to:
 - i) include all lands located within the floodplain within an Environmental Protection Zone where no standard development is permitted;
 - ii) implement the lot grading and drainage plans, sedimentation and erosion control plans and stormwater management plans;
 - iii) not place or dump material of any kind, whether originating on site or off-site, in the Welland River floodplain unless a Permit from the N.P.C.A. has been issued;
 - iv) obtain proper Permit approvals for any balanced cut and fill measures
 - v) revegetate or otherwise stabilize all disturbed areas immediately following the completion of construction.
- q. That the Owner acknowledge promptly to the Regional Planning Department that the Draft Approval of this Subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara. Servicing allocation will be assigned instead at the time of Final Approval of this Subdivision for registration purposes;
- r. That immediately following Notice of Draft Plan Approval, the Owner shall provide the Regional Planning Department with a written undertaking that all Offers and Agreements of Purchase and Sale that may be negotiated prior to registration of the Subdivision shall contain a clause clearly indicating that a servicing allocation for the Subdivision will not be assigned until the Plan is granted Final Approval for registration;
- s. That the detailed design drawings for the watermain system, the sanitary sewer and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval. NOTE: For all three systems, it may be necessary to include the required downstream servicing improvements as part of the submission. In addition, the stormwater drainage system shall be sized to accommodate a possible future storm sewer on Riverside Drive;
- t. That the Ministry of the Environment Certificate of Approval be obtained for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration. NOTE: Where a quality/quantity facility or a new outlet to a receiving stream is being proposed, the design for the stormwater management system should be submitted directly to the Ministry of the Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;
- u. That a road widening across the entire frontage of the subject lands (Block 39) with a width sufficient to provide a 26 metre width for the Riverside Drive road allowance and the 5 metre x 5 metre daylighting triangle being Blocks 36 and 37, be conveyed to Regional Niagara free and clear of all encumbrances;
- v. That the lot grading plans for those lots abutting Regional Road 27 (Riverside Drive) and Regional Road 29 (Lincoln Street) be submitted to the Regional Public Works Department for its review;
- w. That in the Subdivision Agreement with the City of Welland, the Owner agrees to protect and ensure access to the Regional 900 mm sewage forcemain through the following measures:
 - i. Verify the location of the pipe within the existing Easement prior to any site alteration;
 - ii. Provide cut and fill plans affecting the Easement to the Regional Pubic Works Department for its review;
 - iii. Not plant large trees nor allow any development within the Easement;
 - iv. Install a fence between the Easement and the residential lots;
 - v. Maintain an access for heavy equipment to the Easement for maintenance purposes;

- vi. Adjust, at the Developer's cost, any existing manholes to any new grade changes resulting from site alteration; and
- vii. Provide plans showing final grade elevations and manhole elevations along the Easement to the Regional Public Works Department;
- x. That the Owner carry out an archaeological assessment of the subject property and mitigate any adverse impacts to any significant archaeological resources found through preservation or resource removal and documentation. Furthermore, that no grading or other soil disturbances take place on the subject property prior to the Regional Planning Department and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements;

...continued...

03-80...Cont'd.

- y. That prior to the granting of Approval for the Final Plan, City of Welland Planning and Development Services will require written notice from the following upon their respective Conditions having been met satisfactorily:
 - Regional Niagara Planning and Development Department for Conditions n, q, r, x;
 - Regional Niagara Public Works Department for Condition c, f, s, t, u, v, w;
 - Niagara Peninsula Conservation Authority for Conditions k-p;
 - Ministry of the Environment for Condition t;
 - Ministry of Culture for Condition x;
- z. That if Final Approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request an extension to Draft Approval, a written request, with reasons why the extension is required, must be received by the City prior to the lapsing date;
- 2. That the Mayor be authorized to sign Draft Approval and Final Approval Plan for the Riverside West Subdivision once all Conditions have been satisfied; and
- 3. That City Council considers these changes to Conditions of Draft Approval minor in nature and that notification is not required as per Section 51(47) of the Planning Act.

NOTES:

- 1. Land required to be registered under the Land Titles Act.
- 2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the Occupational Health and Safety act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "DANGER - Overhead Electrical Wires" in all locations where personnel and construction vehicles might come in close proximity to the conductors.

NOT PUT

03-80 Moved by Grenier and Larouche that Report PDS-2004-44 Re: Red-Lined Revision – Riverside West Subdivision (File 26T-14-02003) Mac-Bri Developments Inc. – west side of Riverside Drive, south of Lincoln Street be referred to the October 5, 2004 Council Meeting.

CARRIED

03-145 Moved by Dzugan and O'Dell that the presentation by John Barr, Project Consultant and Eric Flora, Transportation Engineer, Public Works Department, the Regional Municipality of Niagara and Regional Councillor Saracino, regarding the Inter-Municipal Specialized Transit Services be referred to staff for study and report to the October 12, 2004 General Committee Meeting.

CARRIED

03-157 Moved by Spadafora and Beaudoin

1. That Council approve the amendment of the 2004 Sewer Capital Budget for the Hellems-Burgar Area Separation from \$1,700,000 to \$2,325,000, as shown in Schedule "A";
2. That Council approve the amendment of the 2004 Water Capital Budget to include replacement of a water main on Hellems Avenue from East Main Street to Division Street and cost sharing with Regional Niagara for replacement of water main from East Main Street to Dorothy Street"; as shown in Schedule "B";
3. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to amend the existing contract with the said contractor, to execute the additional construction costs;

...continued...

03-157...cont'd.

4. That the project budget shall be set at \$2,325,000.00 funded as indicated in the revised 2004 Sanitary Sewer Capital Budget as attached to Report ENG-2004-44; and
5. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED

04-3 Moved by Alexander and Fortier permission is hereby granted to the Canadian Cancer Society, Ontario Division – to sell raffle tickets in the City of Welland under authority of Lottery License P041299; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

04-3 Moved by Alexander and Fortier that permission is hereby granted to the Heart and Stroke Foundation of Ontario to sell raffle tickets in the City of Welland under authority of Lottery License P041442; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

04-4 Moved by Alexander and Fortier that the City of Welland appoint the firm of Grant Thornton to provide audit services to the City and its boards for the fiscal years 2004, 2005 and 2006.

CARRIED

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

1	02-Sep-04	\$	163,822.83
2	03-Sep-04		23,486.93
3	08-Sep-04		1,765.30
4	09-Sep-04		157,026.87
5	10-Sep-04		184,437.39
6.	14-Sep-04		<u>842,470.84</u>
	Total	\$	1,373,010.16

CARRIED

04-13 Moved by Alexander and Fortier that Council authorizes the purchase of a used 35' transit bus from the Capital Bus Company to replace Transit Bus # 117, a 1990 35' Orion transit vehicle, as per the quotation for a total of \$43,660, plus tax.

CARRIED

04-13 Moved by Alexander and Fortier that Council approves the total purchase from Crestline Coach Limited of \$187,227.88 for:

- One (1), 27' – 2005 Conventional Accessible Bus at the tendered price of \$ 94,170.13
- One (1), 27' – 2005 Specialized Bus at the tendered price of \$ 93,057.75.

CARRIED

04-13

04-119 Moved by Dzugan and Larouche

1. That Council approve the recommendation from the Joint Transit Review/Advisory Committees for the provision of bus shuttle service on September 24th, 25th and 26th, 2004 for the Eleventh Annual Food Festival; and
2. That the financial expenditure of approximately \$810 be subsidized at 50% for the Welland Transit to provide a parking shuttle service to the Food Festival.

CARRIED

04-22 Moved by Alexander and Fortier that the City of Welland enter into a Traffic Signal Maintenance agreement with the Region of Niagara for the maintenance and operation of all traffic signals and flashers under the City of Welland's jurisdiction.

CARRIED

04-22 Moved by Alexander and Fortier

- 1) That the City Solicitor be directed to prepare a By-law to amend Parking Prohibitions, Schedule "C" of By-law 89-2000 by:
 - i) DELETING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE	FROM	TO	PERIOD
				(TIMES/ DAY)
Talbot Avenue	North	Kingsw ay	East limit of roadway	AT NO TIME
Glenwood Parkway	North	Kingsw ay	Crescent Drive	AT NO TIME

CARRIED

04-45 Moved by Larouche and Alexander that the presentation by Mrs. Elizabeth Shukis, Beatrice Street, Welland regarding Commercial Street flooding – September 9, 2004 storm be received for information.

CARRIED

04-45 Moved by Grimaldi and Alexander that Council supports the Mayor, with the assistance of Peter Kormos, MPP, to meet with the Minister of Finance and other agencies to express the concerns of the citizens of the City of Welland affected by the hurricane storms of July/August/September 2004 with respect to the responses and reactions by home insurance companies to these extraordinary claims.

CARRIED

04-57 Moved by Grenier and Sharpe

1. That Council requests that the Ministry of Public Infrastructure Renewal to review its Places to Grow document considering the comments outlined in Report PDS-2004-47 dated September 21, 2004, and, as such, identify the City of Welland as an “emerging growth centre” and the area including the City of Welland south to the City of Port Colborne, the Town of Fort Erie (South Niagara) as a “future urban growth area”.

...continued...

04-57...cont'd.

2. That Council requests clarification from the Province regarding the perceived discrepancy between the proposed Provincial Policy Statement respecting responsibilities assigned to upper tier municipalities and omission of the Region of Niagara’s long established strategy for directing development south towards the City of Welland in the Places to Grow document as outlined in Report PDS-2004-47.
3. That the City Clerk be directed to send a copy of Report PDS-2004-47 to the Minister of Public Infrastructure Renewal and to the Regional Municipality of Niagara for information purposes.

CARRIED

04-58 Moved by Grimaldi and Beaudoin

1. That the General Manager, Engineering, Public Works and Transportation Services be authorized to finalize the details of the extension of the Empress Avenue Watermain Replacement with Provincial Construction Limited; to include the section of watermain on Empress Avenue from Harrison Avenue to Sutherland Avenue.
2. That the additional expenditure of approximately \$75,000 be approved for watermain construction on the project, which can be included within the originally approved budget allotment of \$300,000.00;
3. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED

04-92 Moved by Alexander and Fortier

1. That Staff be directed to prepare a draft new Sign By-law designed to regulate the size, number and location of signs within the City;
2. That Staff be directed to investigate City and Community Bulletin Board/Kiosk locations to be designated in the By-law with a view to prohibiting all other postering on utility poles;
3. That all signs be prohibited within the City road allowance and on City-owned property except for signs erected by the City and other governments, utilities, boards and commissions so authorized, and except for designated postering locations. Notwithstanding the above prohibition, certain small, incidental and temporary signs such as election signs, and specified directional signs may be permitted within the road allowance and on City property in restrictive locations and for brief time periods so specified in the By-law;
4. That Permits and fees be established in the Sign By-law for the erection of certain signs, and fees be consistent with the City’s Schedule of Fees and Tariffs;
5. That By-law and/or Permit exemptions be provided for certain types of small, incidental and temporary signs specified in the Sign By-law;

6. That portable signs be allowed on private property only, subject to certain size, location, and duration restrictions;
7. That a process be established to deal with requests for Minor Variances from the By-law; and
8. That Staff circulate a draft By-law to stakeholders prior to holding a Public Meeting concerning the new draft By-law.

CARRIED

04-127Z Moved by Alexander and Fortier that Zoning By-law 2667, as amended, be further amended for Part of Lot 1, Concession 11, former Township of Pelham, now in the City of Welland known municipally as 693 South Pelham Road from RA and R2 to a Site Specific C4 Zone to permit a hardware store, general store, department store, home decorating store, small equipment rentals and outside display areas; to recognize the floodplain of Draper's Creek in an Environmental Protection Zone; and to reduce the number of required parking spaces to 86 and to recognize building setbacks.

CARRIED

04-128 Moved by Alexander and Fortier

1. That Council accepts the tender of Nexterra Substructures Incorporated for the Lincoln Street Combined Sewer Separation Project Phase V under the Oxford-Atlas-Wellington Area Sewer Separation, 2004/2005 on Harrison Avenue, Gladys Avenue, Grange Avenue, Lewis Street and Watt Avenue, as presented in report ENG-2004-42;
2. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction, at the tender price of \$506,006.00, plus applicable G.S.T.;
3. That detail financing of the project be in accordance with the approved Sanitary Sewer Capital Budget financing breakdown.
4. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED

04-132 Moved by Sharpe and Chiochio 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.

CARRIED

04-134 Moved by Alexander and Chiochio

1. That Council support some changes as proposed by the Province concerning Planning Reform initiatives as set out in Report PDS-2004-46 by strongly urging the Province to maintain local planning decisions at the local level and to provide flexibility at the local level;
2. That the term of OMB Members be greater than 3 years to provide for a more uniform decision making process, to create an atmosphere where knowledgeable professionals will consider appointments to the Board and to discourage appointments based upon political will; and
3. That the City Clerk forward this Resolution and accompanying Report to the Ministry of Municipal Affairs and Housing.

CARRIED

04-135 Moved by Grimaldi and Larouche

1. That the General Manager, Engineering, Public Works and Transportation Services be authorized to proceed with the retaining of Kerry T. Howe Engineering Ltd., to provide engineering services for Central West Area Sanitary Sewer Phase 3 and 4, Webber Road and South Pelham Road, as presented in report ENG-2004-41;
2. That the estimated consulting fees of \$45,100 for Central West Area Sanitary Sewer Phase 3 and 4, Webber Road and South Pelham Road be funded by means of Capital Budget allocations of \$50,000.00, as presented in the 2004 Sanitary Sewer Capital Budgets for the project;
3. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED**BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

01-108 Moved by Spadafora and Fortier that Council grant an extension to December 31, 2004 for the closing of the property transaction respecting 17-19 East Main Street; and further That failing the closing of the transaction, the property shall be advertised for sale unless Ministry funding is guaranteed.

CARRIED**BY-LAWS****BY-LAWS PRESENTED FOR FIRST READING:**

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

04-22

BYL 2004 - 127

A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Handicapped By-law 9840, Fire Route By-law 10011, and Traffic and Parking By-law 89-2000, at Seaway Mall; and to repeal By-law 2004-85.

04-22

BYL 2004 - 128

A By-law to authorize the entering into a Signal Maintenance Agreement with the Regional Municipality of Niagara.

04-22

BYL 2004 - 129

A By-law to appoint By-law Enforcement Officers of the Corporation of the

City of Welland to enforce the provisions of Handicapped By-law 9840 and the Fire Route By-law 10011 at the Welland County General Hospital; and to repeal By-law 2004-94.

04-116

BYL 2004 - 130

A By-law to designate 81 Bald Street in the City of Welland, known as the King-Hill House, of historic or architectural value or interest.

04-1

BYL 2004 - 131

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 14th day and 21st day of September, 2004.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Fortier and Grenier 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

04-25 Moved by Grenier and Larouche that Council meet in Committee-of-the-Whole, closed to the public at 10:50 p.m. to consider:

a) the security of the property of the municipality.

CARRIED

04-25 Moved by Grenier and Larouche that the Committee-of-the-Whole arise from its closed meeting at 12:00 a.m.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

04-4 Moved by Beaudoin and Spadafora that the Council of the City of Welland request the Province of Ontario to pass the necessary Regulation to permit the City of Welland to write off taxes absent a failed tax sale process under the Municipal Act.

CARRIED

NOTICES 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 29, 2004 for inclusion on the next Regular Council Meeting Agenda of October 5, 2004.

04-126 Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the October 5th, 2004 Regular Council Meeting.

That staff review the very serious issue of dog ownership of a breed called Pitbull.

04-102 Councillor Chiochio gave Notice of Motion of the following issue to be presented to Council at the October 5th, 2004 Regular Council Meeting.

That the billing method for residential water meter users be determined at the time of installation of the water meter by the owner (either meter or flat rate) until such time that 75% of meters are installed.

Council adjourned at 12:05 a.m.

These Minutes approved and adopted by Motion of Council this 5th day of October, 2004.

MAYOR

CLERK