



## **COUNCIL MEETING, NOVEMBER 20, 2007**

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

Council met in Committee-of-the-Whole closed to the public at 7:00 p.m. and in open session at 7:35 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 R. Alakas, D. Alexander, M. Belcastro, F. Campion, P. Chiocchio, M. Dzugan, J. Larouche, P. Grenier, R. Letourneau, S. O'Dell, B. Sharpe, and L. Van Vliet.

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

General Manager, Communications, Council & Legislative Services/City Clerk & Acting City Manager, C. Stirtzinger

Deputy Clerk, B. Gallaccio

Chief, Fire & Emergency Services, D. Prevost

General Manager, Engineering, Public Works & Transportation Services/City Engineer, D. Shantz (7:15 p.m.)

Deputy Treasurer, K. Douglas

General Manager, Human Resources, R. Mantesso

Communications Assistant, C. Mintoff (7:35 p.m.)

General Manager, Planning & Development Services, D. Thorpe

General Manager, Parks, Facilities & Leisure Services, B. Fenwick

(Bob Mahler, Chair and Steve Fischer, Manager, Business & Operations were present during Committee-of-the-Whole discussion on a security of property matter).

**07-25** Moved by Alakas and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 7:00 p.m. to consider:

- a) the security of the property of the municipality or local board; and
- b) a proposed or pending acquisition or disposition of land by the municipality or local board.

**CARRIED**

**07-25** Moved by Dzugan and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:30 p.m. without report.

**CARRIED**

### **DELEGATIONS:**

**07-6** Paul Federici, Volunteer, the Heart and Stroke Foundation of Ontario and Wilf Hill, resident and survivor addressed Council regarding the Foundation's activities and services and requested that February be declared as "*Heart Month*".

**07-67** Aurelio Magazzeni, Temporary Parks Foreman, Civic Square, addressed Council regarding his experiences in Germany with the Society of Municipal Arborists - Arborist Exchange Program.

**07-49** John Clark, Chair, Niagara Food Festival addressed Council regarding the 2007 Food Festival final report.

### **THE FOLLOWING CORRESPONDENCE WAS READ:**

**07-49** John Clark, Chair, Niagara Food Festive addressed Council regarding the 2007 Food Festival final report.

### **THE FOLLOWING CORRESPONDENCE WAS DELETED:**

**99-110** A By-law to establish authorized and prohibited uses of the East Side Trail.

### **THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

**99-110** Gen. Mgr., Communications, Council and Legislative Services/City Clerk, C. Stirtzinger – East Side Trail Agreement.

**99-110** A By-law to establish authorized and prohibited uses of the East Side Trail.

**2000-43**

**2000-83** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz /Gen. Mgr., Planning and Development Services, D. Thorpe – Update of City of Welland Municipal Development Standards.

**2000-102** A By-law for prohibiting and regulating the damaging, obstructing sand fouling of highways and to repeal By-laws 4477, 9265, 2000-94 and 2000-122.

**01-43**

**04-92** Gen. Mgr., Planning and Development Services, D. Thorpe – Request for Sign Variance at Harvest Estates Subdivision.

- 02-160** Councillor Campion, Notice of Motion re: the order of items 7.2 and 7.3 on the Council's agenda - Notices of Motion.
- 04-37** Councillor O'Dell, Notice of Motion re: water bill late changes exemption for Seniors.
- 04-92**
- 06-131** Gen. Mgr., Planning and Development Services, D. Thorpe – Request for Sign Variance at Coyle Creek Estates Subdivision.
- 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 20<sup>th</sup> day of November, 2007.
- 07-6** Paul Sederici, Volunteer, the Heart and Stroke Foundation of Ontario – update on its awareness, activities and to request Council to declare the month of February as **“Heart Month”**.
- 07-12** A By-law to appoint certain members of Council as Vice-Mayor for four (4) month terms of office for the period commencing December 1<sup>st</sup>, 2007 and ending November 30<sup>th</sup>, 2008.
- 07-19** Councillor O'Dell, Notice of Motion re: staff to improve services at all parks ice surfaces throughout the City.
- 07-22** A By-law to authorize the entering into a lease agreement with MacFrugal's Furniture.
- 07-22** A By-law to accept the tender from J.J. MacKay Canada Limited for two (2) pay and display parking machines.
- 07-67** Aurelio Magazzeni, Temporary Parks Foreman, Civic Square – The Society of Municipal Arborists - Arborist Exchange Program in Germany.
- 07-106** Pam Gilroy, Regional Clerk, Niagara Region – Niagara Water Strategy CSO Management Action Plan, Project ZSW0004.
- 07-145** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz /Gen. Mgr – Sidewalk Request – First Avenue.

**07-1** Moved by Van Vliet and Dzugan  
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of November 6, 2007, as circulated.

**CARRIED**

**99-110** Moved by Dzugan and Van Vliet  
 THAT THE COUNCIL OF THE CITY OF WELLAND endorses the Agreement between the Region of Niagara, the City of Port Colborne, the City of Thorold, and the City of Welland with the user groups, namely, Upper Canada Equestrian Club, Niagara Timberline Riders, and the Welland Snowmobile Club, to denote responsibilities for the establishment, inspection and policing, maintenance, liability, and operation of the East Side Trail; and further  
 THAT Welland City Council authorizes the Mayor and Clerk to sign and seal the Agreement effective January 2, 2008; and further  
 THAT Welland City Council authorizes staff to prepare a by-law to establish the authorized and prohibited uses of the East Side Trail to come into force and effect January 2, 2008.

**CARRIED**

**2000-43**

**2000-83** Moved by Alexander and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives this Report ENG-2007-34 Update of City of Welland Municipal Development Standards; and further  
 THAT Welland City Council endorses the implementation of the new Municipal Standards Manual for developing properties in the City of Welland effective January 1, 2008; and further

THAT Welland City Council establishes a Municipal Standards Working Group comprised of City staff, development representatives and their consultants to review the document on an ongoing basis. The group would meet annually.

**CARRIED**

**01-43**

**04-92** Moved by Belcastro and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the request for sign variances for Harvest Estates Subdivision, concerning a proposed Subdivision Development Sign as described in Report PDS-2007-89; and further

AND FURTHER THAT Welland City Council approves variances from the Sign By-law sections 7.13.3., 7.13.6., 7.13.8., 7.13.9., and 7.19., dealing with sign within the Subdivision, sign distance to a lot line, sign area, sign height, and third party sign, as described in Report PDS-2007-89.

**CARRIED**

**02-160** Moved by Campion and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes that the order of items 7.2 and 7.3 on the Council's agenda be reversed so that "Notices of Motion (for introduction)" is listed after "Notices of Motion (previously submitted for discussion)".

**CARRIED**

**04-37** Moved by O'Dell and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND exempts seniors from paying late charges on overdue water bills.

**LOST**

**04-92**

**06-131** Moved by Belcastro and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the request for sign variances at Coyle Creek Estates Subdivision, concerning 2 proposed signs intended to be utilized as Subdivision Development Signs as described in Report PDS-2007-90; and further

THAT Welland City Council approves variances from the Sign By-law sections 7.13.4., 7.13.8., and 7.13.9., dealing with more than 1 Subdivision sign per street, sign area, and sign height, as described in Report PDS-2007-90.

**CARRIED**

**07-6** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Paul Federici, Volunteer, the Heart and Stroke Foundation of Ontario and Wilf Hill, resident & survivor regarding the Foundation's activities and services; and further

THAT Welland City Council declares the month of February as "Heart Month" in the City of Welland as requested by the Heart and Stroke Foundation of Ontario.

**CARRIED**

**07-19** Moved by O'Dell and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND directs Parks, Facilities and Leisure Services staff to investigate and report back with costs to improve services at all parks ice surfaces throughout the City.

**CARRIED**

**07-49** Moved by Larouche and Alexander  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by John Clark, Chair, Niagara Food Festival regarding the 2007 Food Festival final report.

**CARRIED**

**07-67** Moved by Grenier and Alakas  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Aurelio Magazzeni, Temporary Parks Foreman, Civic Square, regarding his experiences in Germany with the Society of Municipal Arborists - Arborist Exchange Program.

**CARRIED**

**07-106** Moved by O'Dell and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information from the Niagara Region, Report PWA 165-2007 (CSC 169-2007), October 31, 2007, respecting the Niagara Water Strategy CSO Management Action Plan, Project ZSW0004.

**CARRIED**

**07-145** Moved by Alakas and Sharpe  
 THAT THE COUNCIL OF THE CITY OF WELLAND endorses the principle that new sidewalks should be provided through new development requirements and the annual capital budget as supported by General Tax Levy on a basis of selection by the Sidewalk Priority Program. Only in the case where a petition of the majority of property owners for immediate construction of a sidewalk which supercedes the order of the Sidewalk Priority Program would costs be assigned through Local Improvement charges to property owners fronting on the proposed sidewalk; and further  
 THAT Welland City Council directs Staff to continue to include in the annual Capital Budget an item for construction of New Sidewalks; and further  
 THAT Welland City Council endorses the Sidewalk Priority Program for selection of new sidewalk projects for implementation; and further  
 THAT Welland City Council directs Staff to advise Mr. Vocal, the petition representative on behalf of the residents of First Avenue, of the denial of their request for construction of a sidewalk in 2008, and, that consideration will be given to include the requested sidewalk in the 2009 Capital program, and, to provide a copy of this report for information purposes.

**CARRIED**

## **BY-LAWS**

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

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

**2000-102**

BYL 2007 – 173

A By-law for prohibiting and regulating the damaging, obstructing sand fouling of highways and to repeal By-laws 4477, 9265, 2000-94 and 2000-122.

**07-12**

BYL 2007 – 174

A By-law to appoint certain members of Council as Vice-Mayor for four (4) month terms of office for the period commencing December 1<sup>st</sup>, 2007 and ending November 30<sup>th</sup>, 2008.

**07-22**

BYL 2007 – 175

A By-law to authorize the entering into a lease agreement with MacFrugal's Furniture.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:**

**07-22**

BYL 2007 – 176

A By-law to accept the tender from J.J. MacKay Canada Limited for two (2) pay and display parking machines.

**07-1**

BYL 2007 - 177

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 20<sup>th</sup> day of November, 2007.

And that same be now read a first time.

**CARRIED**

**BY-LAWS PRESENTED FOR SECOND AND THIRD READING:**

2. Moved by Belcastro and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed 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 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, November 28, 2007 for inclusion on the next Regular Council Meeting Agenda of December 4, 2007.**

Council adjourned at 10:03 p.m.

These Minutes approved and adopted by Motion of Council this 4<sup>th</sup> day of December, 2007.

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**MAYOR**

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**DEPUTY CLERK**