



COUNCIL MEETING, APRIL 17, 2001

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 7:00 p.m. and in open session at 7:40 p.m. on the above date.

Her Worship Mayor Cindy Forster in the Chair.

The open meeting commenced with the playing of the National Anthem.

Members Present: Councillors R. Alakas, D. Beaudoin, M. Belcastro, N. Dmytrow-Bilboe, M. Dzugan, T. Eybel, D. Grenier, J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora.

Members of the Staff and Others Present:

Chief Administrative Officer V. Kerschl
City Clerk C.A. Stirtzinger
City Solicitor G. Banks
Environmental Services Engineer D. Cook
Fire Chief P. Olah
Deputy City Treasurer B. Silvestri
Assistant Clerk D. Vettori
Engineering Services Co-ordinator L. Ventresca
Development Planner D. Thorpe
Chief Building Official M. Mantesso (7:40 p.m.)

Mr. Doug McNaughton, Royal LePage Real Estate Agent, was present during Committee-of-the-Whole discussions on a matter concerning a proposed or pending acquisition of land for municipal purposes.

01-25 Moved by Grenier and O'Dell that Council meet 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; and
- b) a proposed or pending acquisition of land for municipal purposes.

CARRIED

(Councillor Mastroianni was not present during Committee-of-the-Whole discussions on a matter concerning a proposed or pending acquisition of land for municipal purposes.)

(Councillor Spadafora was not present during Committee-of-the-Whole discussions on a security of property matter .)

01-25 Moved by O'Dell and Grenier that the Committee-of-the-Whole arise from its closed meeting at 7:30 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Spadafora disclosed an interest in Ref. No. 98-87, By-law 2001-48 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his company may bid on the proposed Civic Centre Project.

PUBLIC HEARING PURSUANT TO SECTION 442 - TAX WRITE-OFFS

No one spoke.

DELEGATIONS:

Councillor Eybel, Council's representative on the Tourism of Welland Niagara (T.O.W.N.) Committee and Anne Guillemette, Treasurer of T.O.W.N. introduced Nancy Croce, the new General Manager of T.O.W.N.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

98-13 A By-law to authorize an extension of the existing service provider contract with Philip Gamsby for use of the confectionery store at Welland Transit Terminal.

01-13

95-103Z A By-law to amend City of Welland Zoning By-law 2667 (Ashton Homes (Western) Limited - File 2001-02) west and north sides of St. Lawrence Drive and west of side of Hansler Road.

95-103Z A By-law to amend City of Welland Zoning By-law 2667 (Ashton Homes (Western) Limited - File 2001-02) north side of St. Lawrence Drive.

...Continued...

- 01-77** A By-law to authorize the signing of Official Plan Amendment No. 101.
- 01-77Z** A By-law to amend City of Welland Zoning By-law 2667 (Wesley Visser - File 2000-17) , Part of Gore Lot 29, Concession 7, former Township of Crowland now City of Welland designated as Part 1, Plan 59R-11104, Humberstone Road.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 92-168**
01-13
01-52 Dir. of Operational Services G. Marcello - South Niagara Rowing Club - Bus Shuttle Request.
95-103
95-103Z Dir. of Development Services T. Fitzpatrick - Proposed Plan of Subdivision and Zoning By-law Amendment - Towpath Village Extension (26T-14-01001 and 2001-02) - Ashton Homes (Western) Limited, west and north sides of St. Lawrence Drive and west side of Hansler Road.
95-103Z A By-law to amend City of Welland Zoning By-law 2667 (Ashton Homes (Western) Limited - File 2001-02) west and north sides of St. Lawrence Drive and west of side of Hansler Road.
95-103Z A By-law to amend City of Welland Zoning By-law 2667 (Ashton Homes (Western) Limited - File 2001-02) north side of St. Lawrence Drive.
98-4
99-4 Acting City Treasurer B. Silvestri - Application for Tax Write-offs - Section 442
00-4 (Report TR-01-13).
98-13
01-13 A By-law to authorize an extension of the existing service provider contract with Philip Gamsby for use of the confectionery store at Welland Transit Terminal.
01-1 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 17th day of April, 2001.
01-02 Dir. of Development Services T. Fitzpatrick - City of Welland Business Licensing By-law.
01-3 City Clerk C.A. Stirtzinger - Lottery License.
01-4 Acting Treas. B. Silvestri - Approval of spending limits prior to approval of the current year budget estimates.
01-7 Acting Treas. B. Silvestri - Accounts Payable Report - Mar. 29 - April 10, 2001.
01-13 A By-law to authorize the entering into an Extension Agreement with 1032560 Ontario Inc. operating as 4500 Taxi (1993) for the supply of taxi service.
01-21 Michel Plamondon, President, School Council, St. François School - requesting permission to hold a walk-a-thon.
01-21 Nancy A. Krayewski, Area Coordin. - Big Bike for Stroke Research.
01-50 A By-law to authorize acceptance of the tender and entering into a contract with Cantec Security Services Inc., for uniformed security guard services and uniformed patrol services.
01-51 Dir. of Operational Services G. Marcello - Tender - Tire Service.
01-55 Request by Welland Historical Society to erect a plaque to commemorate the junction lock of the Feeder Canal.
01-73 A By-law to authorize replacement of watermain on Hughes Avenue between Lincoln Street and Lewis Street.
01-73 A By-law to authorize replacement of watermain on Lincoln Street between Empress Avenue and Memorial Park Drive.
01-76 A By-law to authorize replacement of various sanitary service laterals.
01-77
01-77Z Dir. of Development Services T. Fitzpatrick - Proposed Official Plan and Zoning By-law Amendment - Part of Gore 29, Concession 7, former Township of Crowland, now City of Welland designated as Part 1, Plan 59R-11104, Visser, Humberstone Road (File 2000-17).

- 01-77** A By-law to authorize the signing of Official Plan Amendment No. 101.
- 01-77Z** A By-law to amend City of Welland Zoning By-law 2667 (Wesley Visser - File 2000-17) , Part of Gore Lot 29, Concession 7, former Township of Crowland now City of Welland designated as Part 1, Plan 59R-11104, Humberstone Road.
- 01-81** A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of vacant land fronting on the north side of Martin Street, designated as Parts 4 and 7, Plan 59R-9442 to Habitat for Humanity Niagara.
- 01-86** Dir. of Operational Services G. Marcello - Award of Tender for the Supply and Application of Road Traffic Paint.
- 01-87** Olga Karasy and others - petition re objection to the relocation of Community Resource Action Centre to 179 -181 East Main Street.
- 01-88** A By-law to authorize the entering into a Memorandum of Understanding with Francophone Association of Municipalities of Ontario.

01-1 Moved by Dzugan and Alakas that the Minutes of the Regular Council Meeting of April 3, 2001 be and the same are hereby approved and adopted as circulated.

CARRIED

92-168

01-13

01-52 Moved by Spadafora and Eybel that Report TRANS-2001-07 dated April 17, 2001 regarding South Niagara Rowing Club's request for bus shuttle service during the "**23rd Annual High School Invitational Regatta**", be referred to the May 1st Regular Council Meeting.

CARRIED

95-103

95-103Z

Moved by Beaudoin and Mastroianni that Development Services Report DSD-2001-31 dated April 17, 2001 regarding a proposed Plan of Subdivision and Zoning By-law Amendment - Towpath Village Extension (26T-14-01001 and 2001-02) - Ashton Homes (Western) Limited, west and north sides of St. Lawrence Drive and west side of Hansler Road, be referred to a Special Council Meeting on April 24th, 2001 at 7:00 p.m. in Council Chambers.

CARRIED

98-4

99-4

2000-4

Moved by Beaudoin and Mastroianni that pursuant to Section 442 of the Municipal Act, R.S.O. 1990, C.M. 45, Council approve the write off of taxes as contained in the attached report listing the reasons for reduction or cancellation and assessment values.

CARRIED

01-2

Moved by Grenier and Eybel that the matter of a new Business Licensing By-law be referred to the June 12th General Committee Meeting.

CARRIED

01-3 Moved by Eybel and Belcastro that a Lottery License be granted to the following:

- Metis Nation of Ontario - Long Term Care Program - Nevada.

CARRIED

01-4 Moved by Eybel and Belcastro that Council approve the following policy with respect to spending limits prior to approval of current year budget estimates:

1. That in the interval prior to approval of the current year's budget, departments be allowed to incur costs to a level of 40% (50% for winter control) of the approved expenditure budget of the prior year.
2. Capital items deemed essential, as in an emergency situation, by a department be allowed pre approval by Council prior to formal approval of the current year's capital budget.

CARRIED

01-7 Moved by Eybel and Belcastro that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	29-Mar-01	\$ 139,739.07
2	30-Mar-01	30,257.29
3	02-Apr-01	26,239.84
4	03-Apr-01	132,876.67
5	04-Apr-01	25,729.45
6	05-Apr-01	73,297.67
7	06-Apr-01	36,468.19
8	09-Apr-01	21,797.37
9	10-Apr-01	<u>99,894.76</u>

Total \$ 586,300.31

CARRIED

01-21 Moved by Eybel and Belcastro that Council approve the application of St. François School for a **Walk-a-thon** to be held on Monday, May 28, 2001 (Rain Date: Tuesday, May 29, 2001) subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

01-21 Moved by Eybel and Belcastro that Council approve the application of the Heart and Stroke Foundation of Ontario to hold the **"Big Bike for Stroke"** event to be held on Wednesday, May 2, 2001 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

01-51 Moved by Irvine and Grenier that Council waive the requirement for the "minimum three (3) bids" for the provision of Tire Service due to the fact that only one (1) quotation was received from Groff Tire, out of six (6) quotation requests; and further that Council authorize the acceptance of the tender from Groff Tire without prejudice and precedent.

CARRIED

01-55 Moved by Eybel and Belcastro that the City of Welland authorize the Welland Historical Society to place a commemorative plaque in the area of the junction lock of the Feeder Canal south of Broadway at a place to be agreed upon by Community Services Department staff.

CARRIED

01-77

01-77Z Moved by Grenier and Irvine that Report DSD-2001-32 dated April 17, 2001 regarding the matter of proposed Official Plan and Zoning By-law Amendment for Visser, Humberstone Road, be referred back to staff for a translation of the French letter included in the staff report.

CARRIED

01-86 Moved by Eybel and Belcastro

1. That Part 'A' of the contract for the Supply and Application of Road Traffic Paint be awarded to Provincial Maintenance in the amount of \$14,142.73, plus applicable taxes; and
2. That Part 'B' of the contract for the Supply and Application of Road Traffic Paint be awarded to Mason Pavement Marking in the amount of \$3,008.09 (Corrected Price), plus applicable taxes; and
3. That the City Solicitor be requested to prepare the necessary by-laws to award this tender to Provincial Maintenance and Mason Pavement Marking, as outlined above.

CARRIED

01-87 Moved by Eybel and Belcastro that the petition from Olga Karasy and others objecting to the relocation of the Community Resource Action Centre from Holy Trinity Church on Division Street to 179-181 East Main Street, be received and filed.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

96-85 Moved by Eybel and Dmytrow-Bilboe that the Offer received from D. Smith, In Trust respecting the purchase of City-owned lands on the north side of Churchill Avenue in the City of Welland be rejected.

CARRIED

01-15 Moved by Grenier and Irvine that Fire Department staff be given approval to enter into negotiations with Niagara Emergency Medical Services to formulate a Leasing Agreement for space to house one EMS vehicle on a short term basis at Welland Fire Station 3 on Prince Charles Drive.

CARRIED

BY-LAWS ARISING FROM COMMITTEE-OF-THE-WHOLE

BY-LAW PRESENTED FOR FIRST READING:

1. Moved by Beaudoin and Mastroianni that leave now be given to introduce the following proposed By-law entitled:

98-82

BYL 2001-48

A By-law to authorize the entering into a Settlement Agreement with 938023 Ontario Limited (c.o.b. as Circuits Fitness Design for Women, Alexandria Body Sugaring and Le Salon) in full and final satisfaction of the compensation payment pursuant to the Expropriations Act, R.S.O. 1990, c.E.26.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Beaudoin and Mastroianni that the By-law listed in the foregoing motion for first reading, 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

BY-LAWS

BY-LAW PRESENTED FOR FIRST READING:

3. Moved by Spadafora and Dzugan that leave now be given to introduce the following proposed By-law entitled:

01-50

BYL 2001-40

A By-law to authorize acceptance of the tender and entering into a contract with Cantec Security Services Inc., for uniformed security guard services and uniformed patrol services.

And that the same be now read a first time.

CARRIED

(Councillors O'Dell, Grenier, and Alakas asked to be recorded as opposed to By-law 2001-40.)

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Spadafora and Dzugan that the By-law listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, 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

(Councillors O'Dell, Grenier, and Alakas asked to be recorded as opposed to By-law 2001-40.)

BY-LAW PRESENTED FOR FIRST READING:

5. Moved by Spadafora and Dzugan that the following proposed By-law, having been read a first time and considered:

01-81

BYL 2001-41

A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of vacant land fronting on the north side of Martin Street, designated as Parts 4 and 7, Plan 59R-9442 to Habitat for Humanity Niagara.

CARRIED

And that the same be now read a first time.

(Councillor O'Dell asked to be recorded as opposed to By-law 2001-41.)

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

6. Moved by Eybel and Mastroianni that the By-law listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, 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

(Councillor O'Dell asked to be recorded as opposed to By-law 2001-41.)

BY-LAWS PRESENTED FOR FIRST READING:

7. Moved by Belcastro and Mastroianni that leave now be given to introduce the following proposed By-laws entitled:

01-13

BYL 2001-42

A By-law to authorize the entering into an Extension Agreement with 1032560 Ontario Inc. operating as 4500 Taxi (1993) for the supply of taxi service.

...Continued...

BY-LAWS PRESENTED FOR FIRST READING...Cont'd.**01-76**

BYL 2001-43

A By-law to authorize replacement of various sanitary service laterals.

01-73

BYL 2001-44

A By-law to authorize replacement of watermain on Hughes Avenue between Lincoln Street and Lewis Street.

01-73

BYL 2001-45

A By-law to authorize replacement of watermain on Lincoln Street between Empress Avenue and Memorial Park Drive.

01-14**01-88**

BYL 2001-46

A By-law to authorize the entering into a Memorandum of Understanding with Francophone Association of Municipalities of Ontario.

01-1

BYL 2001-49

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 17th day of April, 2001.

And that the same be now read a first time.

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

8. Moved by Belcastro and Mastroianni 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**NOTICE OF MOTION**

In accordance with By-law 9972 as amended by By-law 2001-2 passed on January 16th, 2001, Councillor(s) must submit their Notice of Motion(s) in writing no later than Wednesday, April 25, 2001 for inclusion on the next Regular Council Meeting Agenda .

Council adjourned at 8:55 p.m.

These Minutes approved and adopted by Motion of Council this 1st day of May, 2001._____
MAYOR_____
CLERK

