



COUNCIL MEETING, JULY 17, 2001

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 6:05 p.m. and in open session at 7:15 p.m. and again in Committee-of-the-Whole at 10:25 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. Fortier, J. Irvine, J. Mastroianni, and S. O'Dell.

Members of the Staff and Others Present:

Chief Administrative Officer V. Kersch
City Clerk C.A. Stirtzinger
City Solicitor G. Banks
Environmental Services Engineer D. Cook
Director of Development Services T. Fitzpatrick
Fire Chief P. Olah (7:15 p.m.)
Community Services Director I. Smith (7:15 p.m.)
Assistant Clerk D. Vettori
Engineering Services Co-ordinator L. Ventresca (7:15 p.m.)
Technical Analyst/Infrastructure Programs N. Desilets (7:15 p.m.)
Human Resources Consultant R. Ker (until 6:20 p.m.)

Others Present:

Assessment Commissioner, Niagara Region, Ontario Property
Assessment Corporation (OPAC) J. Harriman

01-25 Moved by Mastroianni and Beaudoin that Council meet in Committee-of-the-Whole, closed to the public at 6:05 p.m. to consider:

- a) the security of the property of the municipality;
- b) personal matters about an identifiable individual, including municipal employees;
- c) labour relations or employee negotiations; and
- e) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

01-25 Moved by Beaudoin and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 7:10 p.m.

CARRIED

DELEGATIONS:

- 97-156** Representatives from R.V. Anderson Associates Limited and XCG Consultants addressed Council regarding the Welland Sewage Environmental Assessment Study Report.
- 01-28** Angela Carter, Partners in Pride Committee updated Council on the progress of the Committee.
- 97-101** Dr. Robin Williams, Regional Medical Officer of Health and Chris McQueen, Supervisor, Tobacco Programs, Regional Niagara addressed Council regarding the Region's proposal for Strengthening the Regional Smoke-free Public Places and Workplaces By-law.
- 99-133** Phil Fisher on behalf of Mr. Pat Mammoliti addressed Council regarding the proposed Zoning Amendment for the unopened road allowance west side of Matthews Road.

THE FOLLOWING CORRESPONDENCE WAS READ:

- 99-133** Letter from Phil Fisher, on behalf of Mr. Pat Mammoliti, requesting permission to address Council regarding the proposed Zoning Amendment for the unopened road allowance on the west side of Matthews Road.
- 01-20** Letter from the Welland Soccer Club requesting permission for a Special Occasion Permit for an outdoor event scheduled on Sunday, July 29, 2001.
- 01-89** Report from City Clerk C. Stirtzinger regarding New Council Chamber Chairs.
- 93-162**
99-99 A By-law to authorize the entering into a contract with R.V. Anderson Associates Limited, Consulting Engineers, to undertake a "Condition Survey" of the Welland Canal Syphon Structure.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

- 01-99** A By-law to authorize the execution of an Encroachment Agreement in favour of the Bridge Pub & Eatery, 25 West Main Street, Welland.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 92-72** Dir. of Development Services T. Fitzpatrick - Niagara College Cafeteria Addition, Welland Campus / Request Site Plan Approval.
- 93-162**
- 99-99** Retention of Consultants - Welland River Syphon Condition Survey.
- 94-71** Dir. of Operational Services G. Marcello - Transportation Study, City of Welland.
- 97-101** Chris McQueen, Supervisor, Tobacco Programs - Proposal for Strengthening the Regional Smoke-free Public Places and Workplaces By-law.
- 97-156** Representatives from RVA Consultants and XG Consultants - presentation regarding the Welland Sewage Environmental Assessment Study Report.
- 97-156** Dir. of Operational Services G. Marcello - Sewage Environmental Assessment Study.
- 98-46** Regional Councillor George Marshall - establishment of a Committee to deal with solid waste.
- 98-62** Spatial Separation Agt. - St. Andrews Terrace Subd.
- 99-110** Installation of pedestrian signals - Welland Canal Trails.
- 99-110** Matter of historical trails along the Canal.
- 99-117** Dir. of Operational Services G. Marcello - Increase Fines, By-law 10011 - A By-law to designate Fire Routes in the City of Welland.
- 99-123** Sewage Appraisal report for development of unserviced lots.
- 99-133** Dir. of Development Services T. Fitzpatrick - Proposed Amendment to Zoning By-law 1538 - Pat Mammoliti - west side of unopened Matthews Road, north of Buchner Road (File 2001-08).
- 2000-22** Bob Johnson, Mgr. Traffic Engineering, Regional Niagara Public Works Department - traffic signals at Woodlawn Rd. and South Pelham Road, City of Welland.
- 2000-101** Cleanup of railway lands.
- 01-1** 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 26th day of June, 2001 and the 17th day of July, 2001.
- 01-3** City Clerk C.A. Stirtzinger - Lottery License.

- 01-3** George Csuka, Marshville Heritage Festival Inc., Wainfleet - requesting permission to sell lottery tickets.
- 01-3** Wesley Marsaw, The Canadian National Institute for the Blind, Ontario Division - requesting permission to sell CNIB 2002 lottery calendars.
- 01-4** Cost Saving Committee - to pursue cost saving suggestions by employees.
- 01-4** Acting City Treas. B. Silvestri - CRF Funding Compliance Communication.
- 01-7** Acting City Treas. B. Silvestri - Accounts Payable Report June 14 - July 10, 2001.
- 01-9** Dir. of Operational Services G. Marcello - Proposal for Streetlighting, Darby Road.
- 01-15** Lease Agt. with Regional Niagara on behalf of Niagara Emergency Medical Service - Rose Avenue Fire Station.
- 01-19** Pool Openings 2002.
- 01-21** Pastor Gareth Mongrain - requesting permission to hold a Prayer Walk.
- 01-20** Claire Gerencser, Executive Dir., Welland Multicultural Centre - request for Special Occasion Permits during the "**2001 Folklore Festival.**"
- 01-22** Arlene Garand, Chairperson, School Council for Ecole Nouvel Horizon, Quaker Road - safety concerns for students.
- 01-22** 2001 Roadway Traffic Counts.
- 01-22** Replacement of traffic signal - Ontario Road and King Street.
- 01-22** Installation of pedestrian signals - King Street between Regent and State Streets.
- 01-22** Dir. of Operational Services G. Marcello - Increase Fines, By-law 9840 - Handicapped Parking.
- 01-28**
- 01-127** Angela Carter, Partners in Pride Committee - progress update.
- 01-31** Dir. of Operational Services G. Marcello - Retention of Unit 336 Pickup Truck for Park Dept.
- 01-32** Marzim Holdings Ltd. - Arena Concession.
- 01-38** Northbank Interceptor - Storm Sewer Separation 2001 -Westdale Drive and Westmount Cres.
- 01-89** Dir. of Community Services I. Smith - Council and Engineering Staff Locations.
- 01-93** A By-law to authorize the acceptance of quotations of Emco Supply, Evans Supply, Vancor Supply, Gladding Supply, and Ontario Water Products for the supply of water and sewer materials.
- 01-99** A By-law to authorize the execution of an Encroachment Agreement in favour of the Bridge Pub and Eatery, 25 West Main Street, Welland.
- 01-100** Request for construction of asphalt pavement, concrete curb & gutter on Empress Ave.
- 01-105** Dir. of Operational Services G. Marcello - Lincoln Street Infrastructure Improvement between Burgar Street and Trillium Railway Crossing.
- 01-105** A By-law to authorize the entering into a contract with Rankin Construction Inc. for the Lincoln Street Infrastructure Improvement between Burgar Street and Trillium Railway Crossing.
- 01-118**
- 01-118Z** Draft Plan of Subdivision Approval & Zoning By-law Amendment - Silverstar Developments - Larchwood Circle Ext.
- 01-118**
- 01-118Z** Dir. of Development Services T. Fitzpatrick - Proposed Plan of Subd. and Zoning By-law Amendment - Larchwood Circle Extension Subdivision (26T-14-01002 and 2001-09) - Silvestri Developments Inc. - north of Woodlawn Road, east of Clare Avenue.
- 01-119** Relaxation of summer water restrictions.
- 01-120** Ralph Bradley, Drainage Supt., Town of Pelham - requesting appointment of an engineer to maintain the section of the Big Creek Drain located in the City of Welland.
- 01-121** Dir. of Development Services T. Fitzpatrick - Request for dedication of 1 foot reserve - Reserve "C" - Township of Crowland Plan 63 now known as Plan 932 - Windsor Street.
- 01-121** A By-law to lay out, establish and name reserves "A", "B", "C", "D" and "E", Township of Crowland, Plan 63, now known as Plan 982 being a 0.3 metre reserve for the City of Welland as part of Windsor Street, Terrace Avenue, Windsor Street, Lorraine Street and Marigold Street respectively.
- 01-123** Dir. of Development Services T. Fitzpatrick - Proposed Amendment to Site Plan Control By-law 9973.
- 01-124** Wayne Lundy, President, Street Machines Unlimited Club - request to waive license fee to hold an outdoor event.
- 01-125** Dir. of Development Services T. Fitzpatrick - Acceptance of Conveyance from the Estate of Marilyn Littlefield, Lot 509, Plan 984, Davis Avenue.
- 01-126** Robert A. Richards, President and CAO, Ontario Property Assessment Corporation - restructuring of OPAC and customer service initiatives.
- 01-126** John Durley on behalf of OPSEU employees who are employed by the Ontario Property Assessment Corporation (OPAC) requesting support of a resolution to stop the restructuring of OPAC.
- 01-126** Carolyn J. Kett, Town Clerk, Fort Erie - requesting support of resolutions regarding the OPAC restructuring plan and opposition to change the assessment from commercial to industrial for printers in Ontario.
- 01-127** A By-law to amend City of Welland Zoning By-law 2667 (Silverstar Developments Inc. - File 2001-09) north side of Woodlawn Road, east of Clare Avenue.

01-1 Moved by Irvine and Eybel that the Minutes of the Regular Council Meeting of June 19, 2001 and Special Council Meeting of June 26, 2001 the same are hereby approved and adopted as circulated.

CARRIED

92-72 Moved by Mastroianni and Dzugan that the City of Welland exempt the Niagara College Cafeteria addition from the provisions of Site Plan Approval.

CARRIED

93-162

99-99 Moved by Belcastro and Eybel that Welland City Council accepts the July 11th, 2001 recommendation of the Welland Recreational Canals Corporation (pending):

1. That the firm of R.V. Anderson Associates Limited Consulting Engineers, be retained to undertake a 'Condition Survey' of the Welland Canal Syphon Structure, in accordance with the proposal dated September 8, 2000, at an estimated cost of \$64,450 (revised by letter dated July 5, 2001), plus applicable taxes; and
2. That the City Solicitor be requested to prepare the necessary by-laws to retain R.V. Anderson and Associates.

CARRIED

94-71 Moved by Irvine and Dmytrow-Bilboe

1. That Council receive the 'Transportation Planning Study' prepared by DelCan Corporation dated April 2001.
2. That a 'Special Meeting' of Council/General Committee be convened in September to review/discuss the recommendations and findings as outlined in the Transportation Planning Study.

CARRIED

97-101 Moved by Belcastro and Irvine that the presentation by Dr. Robin Williams, Regional Medical Officer of Health and Chris McQueen, Supervisor, Tobacco Programs, Regional Niagara Health Department, regarding a proposal for strengthening the Regional Smoke-free Public Places and Workplaces By-law, be received for information.

CARRIED

97-123

01-131 Moved by Belcastro and Eybel that the petitions from area residents of Balsam Street requesting construction of a playground in the Meadows Subdivision, and from area residents of Gram Avenue requesting replacement of equipment removed from Gram Avenue Park, be again referred to Community Services staff for study and review.

CARRIED

97-156 Moved by Fortier and Beaudoin that the presentation by representatives from R.V. Anderson Associates Limited and XCG Consultants regarding the Welland Sewage Environmental Assessment Study Report, be received for information.

CARRIED

97-156 Moved by Beaudoin and Fortier that the Pollution Prevention Control Program (PPCP) implementation plan, listed in Table ES-1 including the continuation of the sewer separation program, be endorsed in principle by Welland City Council subject to available funding sources from the City of Welland, the Niagara Region and other levels of Government as outlined and recommended in Report ENG-2001-34; That the Director of Operational Services be authorized to proceed with Phase 3 and 4 of Class Environmental Assessment (EA) for the PPCP and submit an application to Environment Canada for funding assistance under the Great Lakes Sustainability Funding Program and that the Regional Municipality of Niagara be requested to participate in the EA; That the Director of Operational Services be authorized to pursue a review of cost sharing arrangements with the Regional Municipality of Niagara to implement the PPCP plan and report back to their respective Councils.

CARRIED

98-46 Moved by Belcastro and Eybel that Council support the establishment of a Waste Management Committee comprised of area municipalities, Niagara Region's elected officials and staff.

CARRIED

98-62 Moved by Belcastro and Eybel

1. That Council authorize the execution of a Spatial Separation Agreement with the Owners of Lots 116, 117 and 118 in Plan 59M-269, St. Andrews Terrace Subdivision; and
2. That Staff develop a Standard Spatial Separation Agreement for submission and approval of Council to be used in the future similar instances where necessary.

CARRIED

99-110 Moved by Belcastro and Eybel that Welland City Council accepts the July 11th, 2001 recommendation of the Welland Recreational Canals Corporation (pending): That the request from Mr. Terry Hughes for the reactivation of historical trails along the canal as outlined in his letter of June 30, 2000 be received and filed.

CARRIED

99-110 Moved by Belcastro and Eybel

1. That the City of Welland enter into a 'Design-Build' Agreement with the Region of Niagara for the installation of 'Pedestrian Activated Signals at the following locations:

	STREET	BETWEEN
*	Lincoln Street	Recreational Waterway and King Street
	Lincoln Street	Recreational Waterway and Denistoun Street
*	Townline Road	Recreational Waterway and Canal Bank Street
*	Forks Road	Recreational Waterway and Colborne Street

and Upgrade Pedestrian Crossings at Niagara Street, West Main Street, and Broadway (additional Ped Heads) at an estimated cost of \$180,000.00.

* Indicates allocation included in 2000 Welland Canal Trail construction program

2. That the City Solicitor be requested to prepare the necessary by-law(s) to facilitate the undertaking of these installations.

CARRIED

99-117 Moved by Belcastro and Eybel that the City Solicitor be requested to prepare a By-law to increase the penalty provisions of By-law 10011 - Fire Routes from Set Fine \$35.00; Voluntary Payment \$25.00 to Set Fine of \$150.00.

CARRIED

99-123 Moved by Belcastro and Eybel that Council receive the Sewage appraisal Report, prepared by AMEC Earth & Environmental Limited dated May 2001.

CARRIED

99-133 Moved by O'Dell and Beaudoin that the presentation by Phil Fisher on behalf of Mr. Pat Mammoliti regarding the proposed Zoning Amendment for the unopened road allowance on the west side of Matthews Road, north of Buchner Road, be received for information.

CARRIED

99-133 Moved by O'Dell and Beaudoin

1. That the request by Phil Fisher & Associates Ltd. on behalf of Mr. Pat Mammoliti to Rezone Part of Lot 11, Concession 5, former Township of Crowland, now in the City of Welland being Part 21, Plan 59R-7377 located on the west side of unopened Matthews Road, north of Buchner Road from RA to a Site Specific RA Zone to permit a minimum lot area of 0.4 hectares where the minimum requirement is currently 1.2 hectares be denied.
2. That Council rescind the Council resolution passed at the Council meeting of 18 April, 2000 which states "that Matthews Road immediately north of Buchner Road be opened at the expense of Mr. Mammoliti to permit the development of a lot at Part 21 Plan 59R-7377."

CARRIED

2000-22 Moved by Belcastro and Eybel that the letter from the Regional Niagara Public Works Department regarding the cost of traffic signal installation at the intersection of Woodlawn Road and South Pelham Road, be received for information.

CARRIED

2000-101 Moved by O'Dell and Mastroianni

1. That the City of Welland, in concert with Trillium Railway and abutting landowners arrange for a cleanup of railway lands from East Main Street to the foot of Deere Street;
2. That the City of Welland approach various property Owners to close up random access points to the noted stretch of rail line;
3. That the landowners abutting the noted stretch of rail line be encouraged to form a Neighbourhood Watch Committee;
4. That the City of Welland repair City-owned fencing along its Open Space where it abuts the CN Rail lines;
5. That the City of Welland dispose of City land which are access points to the rail line, where possible;
6. That as a trial the City fence the easterly extension of Churchill Avenue at the CN Rail lines in an attempt to reduce the disposing of trash and litter onto the railway lands;
7. That the City of Welland offer a reward of \$25.00 to persons identifying individuals who are disposing of litter, trash and rubbish on the noted stretch of rail line;
8. That the City of Welland approach landowners adjacent to the rail line where it can be reasonably concluded that trash or debris on the rail line has been deposited on the rail lines from the adjoining lands, requesting that they remove the debris from the railway lands; and
9. That Community Services Department Staff be directed to investigate the construction of a bike park/moto-cross park on City-owned park lands in the area or on other lands in the area.

CARRIED

01-3 Moved by Belcastro and Eybel that permission is hereby granted to Marshville Heritage Festival Inc. to sell lottery tickets in the City of Welland under authority of Lottery License # M32961, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

01-3 Moved by Belcastro and Eybel that permission is hereby granted to The Canadian National Institute for the Blind, Ontario Division, to sell 2002 lottery calendars in the City of Welland under authority of Lottery License # P010652 subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

01-3 Moved by Belcastro and Eybel that a Lottery License be granted to the following:
Community Christmas Toys - Raffle.

CARRIED

01-4 Moved by Belcastro and Eybel

That Whereas, the Province of Ontario is providing the Municipality of the Corporation of the City of Welland a Community Reinvestment Fund (CRF) allocation; and

Whereas the intended use of the CRF allocation is to mitigate increases in property taxes; and

Whereas the Ministers of Finance and Municipal Affairs & Housing have requested that each municipality by July 31, 2001:

- prepare a report on the planned use of the 2001 CRF allocation; and
- submit an electronic copy of a forecast of the Year 2001 Capital Fund Operations, Schedule 52-FIR; and
- submit an electronic copy of a forecast of the 2001 continuity of reserves and reserve fund, Schedule 60-FIR;
- prepare a report on the actual use of the 2000 CRF, including overpayments;
- confirm that 2001 tax rates are entered into OPTA (On-line Property Tax Analysis)
- submit the 2001 final tax rate bylaw

That Council authorize the Acting Treasurer to comply with Provincial requirements and submit the above mentioned documents which are attached to this report.

CARRIED

01-4 Moved by Belcastro and Eybel that the Cost Saving Committee continue in its efforts to evaluate revenue and cost saving suggestions and ideas presented to the Committee by City of Welland employees as per the Mission Statement; and

That Council endorse the one week session, on a ½ day basis, to pursue the recommendations for cost containment measures.

CARRIED

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

1	14-Jun-01	\$	757,127.47
2	15-Jun-01		994,922.66
3	20-Jun-01		88,209.58
4	21-Jun-01		28,541.03
5	22-Jun-01		165,095.32
6	25-Jun-01		4,324,144.24
7	26-Jun-01		937,461.34
8	27-Jun-01		332,814.84
9	28-Jun-01		34,354.57
10	29-Jun-01		88,013.91
11	03-Jul-01		184,923.81
12	04-Jul-01		5,373,155.77
13	05-Jul-01		323,540.09
14	06-Jul-01		153,287.08
15	09-Jul-01		37,103.60
16	10-Jul-01		<u>223,852.48</u>
Total		\$	14,046,547.79

CARRIED

01-9 Moved by Belcastro and Eybel that the request from Mr. Roberts for the installation of streetlights onto an existing hydro pole near 224 Darby Road be accepted. Staff recommends the installation of one (1) streetlight onto the existing pole at an estimated cost of \$550.00, excluding taxes.

CARRIED

01-15 Moved by Belcastro and Eybel that the City of Welland enter into a lease agreement with the Regional Municipality of Niagara, on behalf of Niagara Emergency Medical Service, for the provision of space at the Rose Avenue Fire Station; and
That following approval of the lease agreement, authorization be given for staff to proceed with the required renovations in the amount of \$10,000 to be funded from Buildings Reserve Fund.

CARRIED

01-19 Moved by Belcastro and Eybel that commencing in 2002, all City of Welland Outdoor Swimming Pools be opened on the 3rd weekend of June for the summer season and close the day after Labour Day.

CARRIED

01-20 Moved by Belcastro and Eybel that Welland City Council has no objection to the issuance of Special Occasion Permits to the Welland Heritage Council and Multicultural Centre for the World Ball during the "**2001 Folklore Festival** " to be held at the Slovak Hall on August 18th, 2001 and to the Canadian Slovak League, Branch #23 during the "**2001 Folklore Festival** " to be held at the Slovak Hall on August 29, 2001; and designates the events as a Community Festival subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasions Permits.

CARRIED

01-20 Moved by Belcastro and Eybel that Welland City Council has no objection to the issuance of Special Occasion Permit to the Welland Soccer Club for an outdoor BBQ to be held at 469 Rice Road Hall on Sunday, July 29, 2001; subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasions Permits.

CARRIED

01-21 Moved by Belcastro and Eybel that Welland City Council approve the application from Faith Tabernacle Church to hold a "Prayer Walk" on August 12, 2001 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

01-22

01-26 Moved by Belcastro and Eybel that the request from Ross School Parent Advisory Council regarding installation of sidewalks along the south side of Greenwood Avenue between Aqueduct and Connaught Streets and along the east side of Connaught Street between Greenwood Avenue and the school entrance as well as "No Parking" restrictions, be again referred to Operational Services staff for study and review.

CARRIED**01-22**

Moved by Dmytrow-Bilboe and Irvine that the City Solicitor be requested to prepare a By-law to increase the penalty provisions of By-law 9840 - Handicapped Parking from Voluntary Payment \$50.00 - Set Fine \$75.00 to Set Fine of \$150.00 (No Voluntary Payment).

CARRIED**01-22**

Moved by Alakas and O'Dell that the letter from the School Council of Ecole Nouvel Horizon, Quaker Road regarding safety concerns of students, be received and referred to Operational Services staff for study and review and that staff have a meeting with the School Council before August 1, 2001.

CARRIED**01-22**

Moved by Belcastro and Eybel

1. That the 2001 Roadway Traffic Counts as outlined in the attached schedule be undertaken as part of the Regional Niagara Traffic Counting Program at an estimated cost of \$4,935.00 plus applicable taxes, and further
2. That the Region of Niagara be requested to undertake intersection turning movement counts at the following locations:
 - Rice Road at Quaker Road
 - First Avenue at Quaker Road
 - Clare Avenue at Thorold Road
 - Clare Avenue at Fitch Street

at an estimated cost of \$1,400.00 plus applicable taxes.

CARRIED**01-22**

Moved by Belcastro and Eybel

1. That the City of Welland enter into a 'Design-Build' contract with the Region of Niagara for the replacement of the traffic signal at the intersection of King Street and Ontario Road at an estimated cost of \$80,000.00; and
2. That the City Solicitor be requested to prepare the necessary by-law(s) to facilitate the undertaking of this project.

CARRIED**01-22**

Moved by Belcastro and Eybel

1. That the City of Welland enter into a 'Design-Build' contract with the Region of Niagara for the installation of a 'Pedestrian Activated Signal' on King Street between Regent Street and State Street at an estimate of \$28,000.00; and
2. That the City Solicitor be requested to prepare the necessary by-law(s) to facilitate the undertaking of this project.

CARRIED**01-22**

Moved by Alakas and Beaudoin that the petition from the residents along Thorold Road and vicinity requesting a four-way stop at Clare Avenue and Thorold Road, be received and referred to staff for study and review to the August 14, 2001 Regular Council Meeting.

CARRIED**01-28****01-127**

Moved by Beaudoin and Fortier that the presentation by Angela Carter regarding the progress of the Partners in Pride Committee, be received for information and that Council be a catalyst for the "***Vision for Welland***" with a plan to start the process in the Fall 2001.

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01-28**01-127**

Moved by O'Dell and Belcastro that the request by Partners In Pride to have Council be a catalyst for the "***Vision for Welland***" be referred to the first General Committee Meeting in September.

LOST

***FOLLOWING THE LOST VOTE ON THE REFERRAL MOTION
THE MAIN MOTION WAS PUT AND***

CARRIED

01-31 Moved by Belcastro and Eybel that Council approve the retention of vehicle #336, pickup truck to accommodate new methods and procedures within Public Works Operations and to accommodate requirements within the Fleet Operation.

CARRIED

01-32 Moved by Belcastro and Eybel that Marzim Holdings Ltd. request to exercise their "Option to renew" be accepted by City Council with the present Lease agreement changing to a "Licence to Occupy Agreement" and that it be in effect for the next five years (August, 2001 - August 2006) with the following changes being made to the agreement:

- 1) Rent be increased to an annual fee of \$10,000 per year from \$8,400.00.
- 2) Percentage of Revenue - be changed to \$1,400 per year to the Culture, Sports and Recreation Fund from the 2% of net revenue.
- 3) That the City of Welland reserve the right to designate the supplier of soft drinks to the Arena Concession Operator. The City shall provide as much notice as possible, of any change in the supplier of soft drinks.
- 4) All other clauses to remain the same as per the original agreement dated and signed by Mayor, Clerk and Lessor on July 16, 1996.
- 5) That the City Solicitor be directed to prepare a Licence to Occupy Agreement for the Mayor's and Clerk's signature.

CARRIED

01-38 Moved by Belcastro and Eybel that the Director of Operational Services be authorized to proceed with the preparation of plans, specifications and the calling of tenders for the construction of storm sewers as presented in report ENG-2001-30; and

That the Director of Operational Services be authorized to proceed with the construction of this project upon approval of the 2001 Storm Sewer Capital Budget; and

That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED

01-70 Moved by Belcastro and Eybel that the letter from Susan Fiddler, Project Co-ordinator, The Peacekeeping Project, requesting assistance to arrange a venue to display information about Canadian peacekeeping troops stationed around the world, be again referred to Community Services staff study and review.

CARRIED

01-89 Moved by Irvine and Alakas that Council rescind the decision to move the Council Chambers to 160 Dain Avenue, remaining at City Hall and further that:

1. The Engineering Department remain at their present location.
2. That the staff be directed to obtain prices for the installation of HVAC or air movement system with a Humidification System for the East Wing of City Hall.
3. That staff be directed to investigate use of 160 Dain Avenue for the remainder of the lease period.
4. That funding from the project be from the 2001 Capital Budget of the Community Services Department.

CARRIED

01-89 Moved by Belcastro and Eybel that Council accept the quotation from Beatties Basics for the supply of twenty-five (25) chairs for the Council Chambers, in the amount of \$12,965.10 including taxes, this being the lower of two (2) quotations received; and
That the funds be taken from the Facilities Reserve Budget.

CARRIED

01-100 Moved by Belcastro and Eybel that the request for construction of asphalt pavement, concrete curb and gutter on Empress Avenue from Lincoln Street to Harrison Avenue be considered premature and postponed until infrastructure is in place for the immediate area as per Report ENG-2001-29; and

That Mr. Ghislain Bourget of 42 Empress Avenue be notified accordingly.

CARRIED

01-105 Moved by Belcastro and Eybel that Council accepts the tender of Rankin Construction Inc. for the Lincoln Street Infrastructure Improvement between Burgar Street and Trillium Railway Crossing. That the estimated construction cost based on the low tender, in the amounts of:

- \$125,587.00 plus G.S.T. be funded from the allocated \$750,000.00 in the 2001 Roadways Capital Budget for Roadway Resurfacing;
- \$25,241.00 plus G.S.T. be funded from the allocated \$30,000.00 in the 2001 Sanitary Sewers Capital Budget for sanitary service lateral replacement
- \$58,579.00 plus G.S.T. be funded from the allocated \$100,000.00 in the 2001 Waterworks Capital Budget for watermain and water service lateral replacement.

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 a tender price of \$209,407.00 plus G.S.T.

CARRIED

01-118

01-118Z Moved by Belcastro and Eybel that Report DSD-2001-61 regarding an application for Draft Plan of Subdivision Approval and Zoning By-law amendment - Silverstar Developments Inc. be received for information purposes.

CARRIED

01-118

01-118Z Moved by Alakas and Beaudoin

1. That the City of Welland hereby grants Draft Approval to the Larchwood Circle Extension Subdivision (File 26T-14-01002) developed by Silverstar Developments Inc. being part of Lot 236, former Township of Thorold and Block C, Plan M-69 based upon a Plan prepared by Upper Canada Consultants dated April 25, 2001 consisting of fourteen (14) single detached residential lots, 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 any necessary Easements required for utility and servicing purposes be granted to the appropriate authority;
 - c) the Owner shall pay Cash-in-Lieu of Parkland Dedication, in accordance with existing City Policy and the Planning Act in place at the time of the execution of any Subdivider's Agreement;
 - d) that in accordance with City Policy, a closed board decorative fence be erected, at the expense of the Owner, along the rear (southerly) lot lines of Lots 1 through 5 adjacent to Woodlawn Road;
 - e) that the City of Welland shall dedicate Lots 194 and 197, Plan M-69, being 0.3 metre reserves as part of Larchwood Circle;
 - f) that no grading or construction work shall commence on the site until such time as a Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation is registered on Title;
 - g) 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;
 - h) 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 service allocation for the subdivision will not be assigned until the plan is granted final approval for registration;
 - i) that the detailed drawings for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval;
 - j) that the Ministry of the Environment Certificates 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 Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;
 - k) that the road widening shown as Block 16 and the 0.3 metre reserve shown as Block 15 be deeded to the Regional Municipality of Niagara free and clear of any mortgages, liens and encumbrances;
 - l) 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 Ministry of the 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. Furthermore, that the owner agree in the subdivision agreement to implement the approved stormwater management plan;

...Continued...

01-118**01-118Z...Cont'd.**

- m) that prior to the granting of approval of the Final Plan, the City of Welland Development Services Department will require **written notice** from The Regional Municipality of Niagara that conditions (g) through (l) inclusive have been met;
- n) 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;

NOTES:

- A. Land required to be registered under the Land Titles Act.
 - B. 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.
2. That the mayor be authorized to sign Draft Approval and Final Approval Plans for the Clare Avenue Estates Subdivision once all Conditions have been satisfied.
 3. That the City of Welland Zoning By-law 2667 be amended for Blocks "C" and "D", Plan M-69 and part of Lot 236, former Township of Thorold, now in the City of Welland lying north of Woodlawn Road, east of Clare Avenue for the existing R1, RA and R2 to R3.
 4. That Block "D", Plan M-69, be declared surplus to the City's requirements and that Staff be authorized to acquire an appraisal and dispose of the land in accordance with City Policy with any net proceeds being deposited to the Planning Act Trust Fund.

CARRIED**01-119** Moved by Belcastro and Eybel

1. That the policy regarding the imposition of water restrictions (SER-018-0002) as normally imposed during the summer months in the City of Welland be discontinued, unless the City is advised by the Region of Niagara that the Welland Water Treatment Plant is unable to satisfy the demand for potable water; and
2. That a copy of this report be forwarded to the Region of Niagara for information.

CARRIED**01-120** Moved by Belcastro and Eybel that the letter from the Town of Pelham requesting the appointment of an engineer to maintain the section of the Big Creek Drain located in the City of Welland, be received and referred to Operational Services staff for study and review.**CARRIED****01-121** Moved by Belcastro and Eybel

1. That Reserve "A" and "C", Plan 982, being 1 foot reserves, be dedicated as part of Windsor Street;
2. That Reserve "B", Plan 982, being a 1 foot reserve, be dedicated as part of Terrace Avenue;
3. That Reserve "D", Plan 982, being a 1 foot reserve, be dedicated as part of Lorraine Street.
4. That Reserve "E", Plan 982, being a 1 foot reserve, be dedicated as part of Marigold Street; and
5. That Staff be authorized to prepare the necessary By-law.

CARRIED**01-123** Moved by Mastroianni and Belcastro that City Of Welland Site Plan Control By-law 9973, as amended be further amended to provide that the Director of Development Services be authorized to exempt development from the provisions of Site Plan Control By-law 9973, subject to such terms and conditions as determined by the Director of Development Services upon the advise of the City Engineer and/or the Chief Building Official.**CARRIED****01-124** Moved by Mastroianni and Belcastro that Council waive the license fee in the amount of \$300.00 as requested by the Street Machines Unlimited Club for an outdoor event to be held at the Niagara Regional Exhibition Grounds on September 29th and 30th, 2001.**CARRIED**

01-125 Moved by Belcastro and Eybel

1. That City Of Welland accept a conveyance from the Estate of Marilyn Littlefield for Lot 509, Plan 984 and that the Mayor and Clerk be authorized to execute all necessary documents to effect the transfer; and
2. That the current taxes in the amount of \$133.62 be charged against the Municipal Incentive Grant Reserve Fund.

CARRIED

01-126 Moved by Mastroianni and O'Dell that the letter from the Ontario Property Assessment Corporation (OPAC) regarding restructuring of OPAC and customer service initiatives, be received for information.

CARRIED

01-126 Moved by Mastroianni and O'Dell that Welland City Council supports the resolution received from John Durley on behalf of OPSEU employees employed by the Ontario Property Assessment Corporation (OPAC) to call upon the Board of Directors of the Ontario/Municipal Assessment Corporation to halt the "futures implementation" project for the restructuring of OPAC which will result in the elimination of jobs and erosion of local contact between the assessment function and municipalities; and That the City Clerk advise the proper authorities accordingly.

CARRIED

01-126 Moved by Mastroianni and O'Dell that the Welland City Council supports the resolutions received from the Town of Fort Erie regarding opposition to the restructuring plan by Ontario Property Assessment Corporation (OPAC) and opposition to change the assessment from commercial to industrial for printers in Ontario; and That the City Clerk advise the proper authorities accordingly.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

97-41

98-45 Moved by Belcastro and Eybel that Council receive Report DSD-2001-71 concerning the status of the former UCAR Site.

CARRIED

01-10

Moved by Belcastro and Irvine that Council appoint Mrs. Marnie Swayze to serve on the Local Architectural Conservation Advisory Committee for the remaining two (2) year term effective immediately to November 30, 2001 to fill the vacancy created by the resignation of Lois Buckner.

CARRIED

01-16

Moved by Dmytrow-Bilboe and Irvine that Council ratify the negotiated settlement between the Corporation of the City of Welland and CUPE Local 1115, as per the attached Memorandum of Settlement, dated July 8, 2001; and That the City Solicitor be instructed to prepare the necessary By-law.

CARRIED

01-24

Moved by Belcastro and Fortier that all non-union staff receive a 3% increase effective January 1, 2001, a 3% increase effective January 1, 2002 and a 2.75% increase effective January 1, 2003; and That all benefits in the areas of vision care, drug plan, minimum life insurance, and dental plan be modified to match those negotiated with C.U.P.E. (if less than existing) for the 2001-2003 contract; and further That the City Solicitor be instructed to prepare the necessary by-law.

CARRIED

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

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

01-118Z

BYL 2001-96

A By-law to amend City of Welland Zoning By-law 2667 (Silverstar Developments Inc. - File 2001-09) north side of Woodlawn Road, east of Clare Avenue.

01-93

BYL 2001-97

A By-law to authorize the acceptance of quotations of Emco Supply, Evans Supply, Vancor Supply, Gladding Supply, and Ontario Water Products for the supply of water and sewer materials.

01-105

BYL 2001-98

A By-law to authorize the entering into a contract with Rankin Construction Inc. for the Lincoln Street Infrastructure Improvement between Burgar Street and Trillium Railway Crossing.

01-121

BYL 2001-99

A By-law to lay out, establish and name reserves "A", "B", "C", "D" and "E", Township of Crowland, Plan 63, now known as Plan 982 being a 0.3 metre reserve for the City of Welland as part of Windsor Street, Terrace Avenue, Windsor Street, Lorraine Street and Marigold Street respectively.

93-162**99-99**

BYL 2001-100

A By-law to authorize the entering into a contract with R.V. Anderson Associates Limited Consulting Engineers to undertake a "Condition Survey" of the Welland Canal Syphon Structure.

01-1

BYL 2001-101

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 26th day of June, 2001 and the 17th day of July, 2001.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Belcastro 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

01-25 Moved by Belcastro and Eybel that Council meet in Committee-of-the-Whole, closed to the public at 10:35 p.m. to consider:
a) a proposed or pending acquisition of land for municipal purposes.

CARRIED

01-25 Moved by Belcastro and Eybel that the Committee-of-the-Whole arise from its closed meeting at 10:30 p.m. without report.

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, August 8, 2001 for inclusion on the next Regular Council Meeting Agenda .

01-22 Councillor O'Dell gave Notice of Motion of the following issue to be presented to Council at the August 14, 2001 Regular Council Meeting:

That Council petition the Region of Niagara to: install a signalized intersection at Riverside Drive and Lincoln Street; and a "No Left Turn" at Riverside Drive and Prince Charles Drive.

Council adjourned at 10:30 p.m.

These Minutes approved and adopted by Motion of Council this 14th day of August, 2001.

MAYOR

CLERK