



## COUNCIL MEETING, OCTOBER 15, 2002

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

Council met in Committee-of-the-Whole at 7:15 p.m. and in open session at 7:35 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, M. Belcastro, N. Dmytrow Bilboe,  
M. Dzugan, T. Eybel, D. Fortier, D. Grenier, J. Irvine, J. Mastroianni,  
S. O'Dell and J. Spadafora.

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

City Clerk C.A. Stirtzinger

Manager, Environmental & Traffic Services D. Cook (7:35 p.m.)

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah (7:35 p.m.)

General Manager Engineering, Public Works & Transportation Services G. Marcello  
(7:35 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:35 p.m.)

Clerk Steno III B. Gallaccio (7:35 p.m.)

Manager, Engineering Services L. Ventresca (7:35 p.m.)

Manager, Development Planning/Real Estate D. Thorpe (7:35 p.m.)

**02-25** Moved by Mastroianni and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 7:15 p.m. to consider:

- a) the security of the property of the municipality; and
- b) personal matters about an identifiable individual, including municipal employees.

**CARRIED**

**02-25** Moved by Belcastro and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 7:35 p.m. without report.

**CARRIED**

### **PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT**

Councillor Spadafora presided as Chair of the Public Hearing.

**02-147** The City of Welland has received an Application (File 2002-08) from P. DOUGLAS REITSMA SURVEYING LTD. on behalf of VICTORIA WELLAND DEVELOPMENTS LTD. to amend the Official Plan (Part of Lots 2 and 3, Plan 592) for lands at 430, 432 and 434 Niagara Street from Residential to Commercial. The purpose of the Amendment is to permit the subject lands to be used for parking for the Chelwood Gate Plaza. These lands have merged in Title with the Plaza. The subject lands are also the subject of an application for Zoning By-law Amendment – File 2002-08.

**02-147Z** The City of Welland has received an Application (File No. 2002-08) from P. DOUGLAS REITSMA SURVEYING LTD. on behalf of VICTORIA WELLAND DEVELOPMENTS LTD. to rezone Part of Lots 2 and 3, Plan 592 for lands at 430, 432 and 434 Niagara Street from the existing RM2- Multiple Dwelling – Second Density Zone By-law 2667 to a C2 Zone By-law 2667. The purpose of the Amendment is to permit the subject lands to be used for parking for the Chelwood Gate Plaza. These lands have merged in Title with the Plaza. A new Access (entrance only) is proposed from Zimmer Lane. The Official Plan designation is RESIDENTIAL (R). The subject lands are also the subject of an Application for Official Plan Amendment.

Councillor Spadafora outlined the procedures of the Public Hearings as required by the Planning Act. D. Thorpe confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

The following people spoke to the application:

**In support of the application:**

Doug Reitsma, P. Douglas Reitsma Surveying Ltd., agent on behalf of applicant

**In opposition to the application:**

No one spoke to the application.

**02-148Z** The City of Welland has received an Application (File No. 2002-07) from SULLIVAN, MAHONEY on behalf of ANTHONY MANCUSO AND NICHOLAS BODO to rezone Part of Lot 242, former Township of Thorold, now in the City of Welland for lands at 180 and 184 Thorold Road from the existing R1 – Single-Detached Dwelling – First Density Zone By-law 2667 to a C3 Zone By-law 2667. The purpose of the Amendment is to recognize the existing Dental Clinic at 184 Thorold Road as a legal conforming use and to permit an expansion to the use and to permit the property at 180 Thorold Road to be use for Commercial purposes in conjunction with the adjacent Clinic. There is no Official Plan designation.

Councillor Spadafora outlined the procedures of the Public Hearings as required by the Planning Act. D. Thorpe confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

The following people spoke to the application:

**In support of the application:**

Mr. Victor Muratori, Sullivan & Mahoney, agent on behalf of applicant.

**In opposition to the application:**

Ken Martin, 32 Wilkes Drive, Welland, Ontario L3C 6M3

Gary Morningstar, 9 Albert Street, Welland, Ontario L3B 5M4

There being no other submissions the hearing was concluded.

**DELEGATIONS:**

**02-155** Jack Gibbons, Chair, Ontario Clean Air Alliance, addressed Council regarding the phasing-out of purchases of coal-fired electricity.

**01-4** Grant Thornton, City of Welland Auditors, addressed Council regarding the 2001 year end statements.

**02-28** Shirley Perron addressed Council regarding the “**2002 Welland Food Drive**”, to be held on Saturday, November 2, 2002

**THE FOLLOWING CORRESPONDENCE WAS READ:**

**01-154** Letter from Jackie Heikoop, Canada Family Action Coalition, requesting the week of  
**02-6** October 20 – 27 to be declared as “**White Ribbon Against Pornography Week**” and to support its resolution requesting the government of Canada to raise the age of consent for sexual activity to 18 years of age.

- 02-147Z** Letter from Gary Felsbourg, President, Sarasota Investments Ltd. and owner of 4 Zimmer Lane regarding the proposed amendments to the Official Plan and Zoning By-law 2667 for property located at 430, 432 and 434 Niagara Street.
- 99-38** Memo from Don Thorpe re Public Notification Process for proposed Official Plan Amendment Area – Central West.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 01-4** Grant Thornton, City of Welland Auditors – 2001 year end statements.
- 01-165** City Manager T. Fitzpatrick, Homeless Shelter – 116 Division Street.
- 02-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Accounts Payable Report – September 24, 2002 – October 7, 2002.
- 02-28** Shirley Perron – 2002 Welland food Drive, Saturday, November 2, 2002.
- 02-73** Mgr., Development Planning/Real Estate D. Thorpe – to accept a 3.0 metre road widening and to lay out, establish and name part 1, Plan 59R-11869 as part of Southworth Street - Dimarcantonio and Sons Limited - 611 Southworth Street.
- 99-43** John K. Bice, City Clerk, City of Thorold, requesting support of its resolution regarding the application of GST on the Debt Retirement Charge on Hydro bills in Ontario.
- 01-126** John J. Durley, President, OPSEU Local 208 requesting support of its resolution regarding assuring high quality property assessment.
- 02-1** 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 15<sup>th</sup> day of October, 2002
- 02-3** Gerard Bisson, Grand Knight, Knights of Columbus, requesting permission to sell raffle tickets in the City of Welland.
- 02-6** Cornelia Heyermans, President, Lupus Foundation of Ontario requesting the month of Octobers be declared as ***“Lupus Awareness Month”***.
- 02-21** Robert Cummings, President, Royal Canadian Legion Branch 4, requesting permission to hold an ***“Annual Remembrance Day Parade and Service”*** on Sunday, November 10, 2002.
- 02-21** Heather Savage, Community Recreation Coordinator – on behalf of the Welland Recreation Project Association – requesting permission to hold the Annual Santa Claus Parade.
- 02-21** Khayyam Syne, Principal, Notre Dame College School – requesting permission to hold ***“Notre Dame’s 27<sup>th</sup> Annual Pilgrimage”***.
- 02-36** A By-law to authorize the acceptance of tender from Amaco Equipment for the purchase of a Tail Gate Spreader and a Rubber Tire Roller.
- 02-73** A By-law to accept the transfer of certain lands for road widening purposes being Part of Lot 22, Concession 7, former Township of Crowland, more particularly described as Part 1, Plan 59R-11869 from Dimarcantonio and Sons Limited to the Corporation of the City of Welland on the east side of Southworth Street, South of McCabe Avenue.
- 02-73** A By-law to lay out, establish and name as a Public Highway for road widening purposes Part 1, Plan 59R-11869 as part of Southworth Street.
- 02-140** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer G. Marcello – Award of Tender – Dain City Area - Watermain Replacement – Phase 1.
- 02-140** A By-law to authorize the entering into a contract with DeRose Bros. General Contracting Ltd. for the Dain City Area watermain replacement – Phase 1 on Crescent Drive, Glenwood Parkway between Crescent Drive and Thornton Avenue and Thornton Avenue between Glenwood Parkway and Stanley Street..
- 02-147Z** Mgr., Development Planning/Real Estate D. Thorpe – Proposed Amendment to the Official Plan and Zoning By-law 2667 – Victoria Welland Developments Ltd. – 430, 432 and 434 Niagara Street (File 2002-08).
- 02-148Z** Mgr., Development Planning/Real Estate D. Thorpe – Proposed amendment to Zoning By-law 2667 – Anthony Mancuso and Nicholas Bodo – 180 and 184 Thorold Road (File 2002-07).
- 02-155** Jack gibbons, Chair, Ontario Clean air Alliance – re: Phasing-out of purchases of coal-fired electricity.

**02-156** A By-law to permit an encroachment onto the Empire Street road allowance abutting Lots 228 & 229, Plan 593, for the benefit of the owners from time to time of the property known municipally as 128 Empire Street.

**02-162** City Manager T. Fitzpatrick, Pilot Tax Incentive Zones.

**02-1** Moved by Dzugan and Alakas that the Minutes of the Regular Council Meeting of October 1, 2002 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**99-38** Moved by O'Dell and Grenier that staff be directed to give notice by mail to the affected property owners of the proposed Official Plan Amendment for the Central West Area.

**CARRIED**

**99-43** Moved by Dmytrow-Bilboe and Spadafora that Welland City Council supports the resolution of the City of Thorold requesting the Minister of Finance to take the necessary steps to eliminate the GST from the debt retirement charge on electricity bills in Ontario; and  
That the City Clerk advise the proper authorities accordingly.

**CARRIED**

**01-4** Moved by Fortier and Irvine that the Auditor's Report covering the Consolidated Balance Sheet and Statement of Operations for the fiscal year ending December 31, 2001 be received for information.

**CARRIED**

**01-126** Moved by Dmytrow-Bilboe and Spadafora that Welland City Council endorses the resolution from the Ontario Public Service Employees Union to assure high quality property assessment.

**CARRIED**

**01-154** Moved by Dmytrow-Bilboe and Spadafora that Welland City Council endorses the  
**02-6** resolution from the Canada Family Action Coalition to raise the age of consent for sexual activity to 18 years of age; and

That the Mayor declares the week of October 20 - 27 as 'White Ribbon Against Pornography' in the City of Welland as requested by the Canada Family Action Coalition; and

That the City Clerk advise the proper authorities accordingly.

**CARRIED**

**01-165** Moved by Eybel and Alakas that Welland Council waives the Building Permit Fees, in the amount of \$1,444.40 relative to the renovations for the Homeless Shelter at 116 Division Street in the City of Welland.

**CARRIED**

**02-3** Moved by Dmytrow-Bilboe and Spadafora that permission is hereby granted to the Knights of Columbus to sell raffle tickets in the City of Welland under authority of Provincial Lottery Licence P021469, subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

**02-6** Moved by Dmytrow-Bilboe and Spadafora that the Mayor declare the month of October as "**Lupus Awareness Month**" in the City of Welland as requested by the Lupus Foundation of Ontario.

**CARRIED**

**02-7** Moved by Dmytrow-Bilboe and Spadafora that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	24-Sep-02	\$ 8,053,267.88
2	25-Sep-02	147,491.09
3	27-Sep-02	32,478.27
4	30-Sep-02	111,855.71
5	01-Oct-02	359,130.74
6	03-Oct-02	93,845.39
7	04-Oct-02	<u>40,257.38</u>

**Total** **\$ 9,044,762.53**

**CARRIED**

**02-21** Moved by Dmytrow-Bilboe and Spadafora that Welland City Council approves the application of the Royal Canadian Legion Branch 4 for the "**Annual Remembrance Day Parade and Service**" to be held on Sunday, November 10, 2002 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**02-21** Moved by Dmytrow-Bilboe and Spadafora that Welland City Council approves the application of Welland Recreation Projects Association for the "**Annual Santa Claus Parade**" to be held on Saturday, December 7, 2002 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**02-21** Moved by Dmytrow-Bilboe and Spadafora that Welland City Council approves the application for "**Notre Dame's 27th Annual Pilgrimage**" for the Third World on Sunday, October 27, 2002 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**02-28** Moved by Alakas and Eybel that the presentation by Shirley Perron regarding the "**Annual City-wide Food Drive**" on Saturday, November 2, 2002 be received for information and that Councillors and citizens be encouraged to participate in this community event.

**CARRIED**

**02-73** Moved by Dmytrow-Bilboe and Spadafora

1. That Council accept the dedication of a 3.0 metre wide parcel of land being Part 1, Plan 59R-11869 from DiMarcantonio and Sons Limited for road widening purposes to satisfy Conditions imposed by the City of Welland Committee of Adjustment for Consent Applications;
2. That Part 1, Plan 59R-11869 be Layed Out, Established and Named as part of Southworth Street; and
3. That Staff be authorized to prepare the necessary By-laws.

**CARRIED**

**02-140** Moved by Eybel and Mastroianni that Council accepts the tender of DeRose Bros. General Contracting Ltd. for replacement of watermains on the following roadways, referred as the Dain City Area Watermain Replacement Phase I:

Crescent Drive - full length

Glenwood Parkway - between Crescent Drive and Thornton Avenue

Thornton Avenue - between Glenwood Parkway and Stanley Street;

That the estimated project cost, in the amount of \$340,000.00 be funded from the approved 2002 Waterworks Capital Budget as follows:

\$150,000.00 from Capital Contribution from Operating Budget

\$190,000.00 from Municipal Debenture;

That the City Solicitor be directed to prepare all necessary and appropriate by-law to enter into a contract with the said contractor, to execute the construction as detailed in Report ENG 2002-45 dated September 10, 2002, at the tender price of \$303,633.30, plus applicable G.S.T.

**CARRIED**

**02-147Z** Moved by Spadafora and Belcastro that the letter from Gary Felsbourg, President, Sarasota Investments Ltd. and owner of 4 Zimmer Lane regarding the proposed amendments to the Official Plan and Zoning By-law 2667 from Victoria Welland Developments Ltd. for property located at 430, 432 and 434 Niagara Street be received for information.

**CARRIED**

**02-147Z** Moved by Spadafora and Belcastro that the Official Plan and Zoning Amendment applications by P. Douglas Reitsma Surveying Ltd. on behalf of Victoria Welland Developments Ltd. for lands at 430, 432 and 434 Niagara Street be adjourned sine die at the request of the applicant.

**CARRIED**

**02-148Z** Moved by Dzugan and Mastroianni that Zoning By-law 2667, as amended, be further amended for 180 and 184 Thorold Road (part of Lot 242, former Township of Thorold, now in the City of Welland) from the

R1 Zone to a Site Specific R1 Zone to permit a clinic and business office and associated parking on the westerly 51± metres; parking only on the easterly 25.6± metres; minimum setbacks for any building of 17.5 metres on the south, 20.0 metres on the west, 13.5 metres on the north and 26.0 metres on the east; a landscaped buffer of 3.0 metres along the west, north and east property lines and no parking of vehicles on the easterly 25.6± metres within the minimum front yard setback of 17.5 metres.

**CARRIED**

**02-155** Moved by Grenier and Dmytrow-Bilboe that Welland City Council supports the following resolution from the Ontario Clean Air Alliance regarding the phasing-out of purchases of coal-fired electricity:

1. The City of Welland endorses, in principle, the objective of phasing-out its purchases of coal-fired electricity.
2. The City of Welland directs its staff to report, within three months, on the emission reduction benefits and financial costs of phasing-out the City's purchases of coal-fired electricity by: a) 2005; b) 2007; c) 2010.

**CARRIED**

**02-162** Moved by Dmytrow-Bilboe and Spadafora that Council authorizes staff to submit in concert with Regional Niagara and area municipalities an expression of interest to host one of six Pilot Tax Incentive Zones in the Province of Ontario.

**CARRIED**

## **BY-LAWS**

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

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

**02-36**

BYL 2002-166

A By-law to authorize the acceptance of tender from Amaco Equipment for the purchase of a Tail Gate Spreader and a Rubber Tire Roller.

**02-73**

BYL 2002-167

A By-law to accept the transfer of certain lands for road widening purposes being Part of Lot 22, Concession 7, former Township of Crowland, more particularly described as Part 1, Plan 59R-11869 from Dimarcantonio and Sons Limited to the Corporation of the City of Welland on the east side of Southworth Street, South of McCabe Avenue.

**02-73**

BYL 2002-168

A By-law to lay out, establish and name as a Public Highway for road widening purposes Part 1, Plan 59R-11869 as part of Southworth Street.

**02-156**

BYL 2002-169

A By-law to permit an encroachment onto the Empire Street road allowance abutting Lots 228 & 229, Plan 593, for the benefit of the owners from time to time of the property known municipally as 128 Empire Street.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...cont'd.:****02-140**

BYL 2002-170

A By-law to authorize the entering into a contract with DeRose Bros. General Contracting Ltd. for the Dain City Area watermain replacement – Phase 1 on Crescent Drive, Glenwood Parkway between Crescent Drive and Thornton Avenue and Thornton Avenue between Glenwood Parkway and Stanley Street.

**02-1**

BYL 2002-171

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 15<sup>th</sup> day of October, 2002

And that the same be now read a first time.

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

2. Moved by Dzugan and Mastroianni that the By-laws 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****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, October 30, 2002 for inclusion on the next Regular Council Meeting Agenda.**

Council adjourned at 9:50 p.m.

These Minutes approved and adopted by Motion of Council this 15 day of October, 2002.

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**MAYOR**

**CLERK**