



COUNCIL MEETING, FEBRUARY 4, 2003

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 6:35 p.m. and in 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, D. Beaudoin, M. Belcastro, N. Dmytrow Bilboe, M. Dzugan (until 7:25 p.m.), 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

City Solicitor G. Banks

City Manager T. Fitzpatrick

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

General Manager Financial & Corporate Services/Treasurer B. Silvestri

Administrative Assistant/Deputy Clerk B. Gallaccio (7:35 p.m.)

Manager, Development Planning/Real Estate D. Thorpe

Community Fire Safety Officer/Deputy Fire Chief K. Roach (7:35 p.m.)

03-25 Moved by Belcastro and Irvine that Council meet in Committee-of-the-Whole, closed to the public at 6:35 p.m. to consider:

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

CARRIED

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

03-25 Moved by Irvine and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 7: 25 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Spadafora disclosed an interest in Ref. No. 03-53Z and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is an owner of the subject property.

DELEGATIONS:

- 03-28** Morris Farmer, Health Promotions, Chairman addressed Council regarding upcoming activities during the Heart and Stroke Campaign.
- 03-28** Douglas Elliott, Vice Chairman, addressed Council regarding the activities of the Niagara Peninsula Conservation authority.
- 03-4** Invitation for representations with respect to the 2003 Capital and Operating Budgets.
(No one spoke.)

THE FOLLOWING CORRESPONDENCE WAS READ:

- 93-152**
- 99-99** A By-law to impose maximum truck load limits and controls of the use of the bridge structure of the Welland River Syphon and to repeal By-law 2002-100.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

94-111 A By-law to authorize the execution of an Application to Amend Register to release the registered owner of Part 2, Plan 59R-11454 being 57 Topham Boulevard, Welland from the restrictions contained in Development Agreement.

01-34 A By-law to amend By-law 2001-1, being a By-law to authorize participation in the Ontario Municipal Employees Retirement System (OMERS) in respect of its Head of Council and Councillors.

01-35 Janet Beckett, City Clerk, City of Port Colborne – requesting support of its resolution regarding the preferred route for Mid Peninsula Corridor.

02-75 A By-law to authorize the signing of Official Plan Amendment No. 109, to repeal By-law 10240 and to amend By-law 8160.

03-4 Gen. Mgr., Financial and Corp. Serv. Treasurer B. Silvestri – 2003 Capital and Operating Budgets.

03-4 A By-law to provide for the Interim Tax Levies for the year 2003 for the City of Welland.

03-7 Gen. Mgr., Financial and Corp. Serv. Treasurer B. Silvestri – Accounts Payable Report – January 14, 2003 to January 27, 2003.

03-22 A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland and to Repeal By-law 2002-206.

03-28 Morris Farmer, Health Promotions Chairman, Heart and Stroke Foundation – update Council on its Campaign.

03-28 Douglas E. Elliott, Vice Chairman, update on Niagara Peninsula Conservation Authority's activities.

03-45 Insurance Audit for 2004 Insurance Renewal.

03-52Z Proposed Amendment to zoning By-law 2667 – Nino and Josephine Iocca – 35 Aqueduct Street.

03-52Z A By-law to amend City of Welland Zoning By-law 2667 (Nino and Josephine Iocca – File 2002-11) 35 Aqueduct Street.

03-53Z Proposed Amendment to Zoning By-law 1538 – Floria Ontario Inc. – North-east corner of Ridge Road and Highway 140.

03-53Z A By-law to amend City of Welland Zoning By-law 1538 (Floria Ontario Inc. – File 2002-12) north side of Ridge Road, east of Highway No. 140.

03-1 Moved by Irvine and Alakas that the Minutes of the Regular Council Meeting of January 21, 2003 and Special Council Meeting of January 28, 2003 be and the same are hereby approved and adopted as circulated.

CARRIED

99-157 Moved by Dmytrow-Bilboe and Spadafora

1. That Council receive the letter from Mr. Moccia concerning 18 Montgomery Road, Welland dated January 6, 2003 and received by the City Clerk on January 13, 2003;
2. That the City Clerk inform Mr. Moccia that the Council Resolution of November 16, 1999 providing a credit in the amount of \$750.00 against any City Development Charge is still valid under the current Development Charge By-law 1999-142; and
3. That Mr. Moccia be advised that upon Application and payment of the fees in place at the time (currently \$3,300.00 for sanitary lateral and \$1,600.00 for water lateral) the City will install the required

laterals.

CARRIED

01-35 Moved by Dmytrow-Bilboe and Spadafora

1. That the City of Welland support the continued efforts of the Ontario Ministry of Transportation in the preparation of the 'Mid-Peninsula Transportation Corridor EA Terms of Reference' as outlined at the Public Meeting - November 5th, 2002 - Royal Canadian Legion, 383 Morningstar Avenue, Welland; and
2. That the City of Welland fully support the undertaking of an Environmental Assessment Review of 'Conceptual Transportation Corridor - Alternative 'C' as the Corridor affects the Niagara Region; and
3. That the City of Welland strongly recommend that the Townline Tunnel be fully reviewed as a possible Welland Canal crossing for the Mid-Peninsula Corridor and that it be included in the review of Alternative "C"; and
4. That the City of Welland cannot support any further evaluation of Alternative Corridor "D2" and requests that the Alternative be removed from any further consideration; and
5. That the Clerk circulate this resolution to area Municipalities in Regional Niagara and to Regional Niagara for support and to Niagara Region MPP's; and further
6. That staff be authorized to present this resolution to the Public Information Centre #5 meeting being held on 5 February, 2003 at the Royal Canadian Legion 383 Morningstar Avenue.

CARRIED

01-35 Moved by Dmytrow-Bilboe and Spadafora that the letter from the City of Port Colborne requesting support of its resolution regarding the preferred route for the Mid Peninsula Trade Corridor be received and referred to staff for study and review.

CARRIED

03-4 Moved by Irvine and Dmytrow-Bilboe that Council approves the 2003 Capital and Operating Budget Schedules "A" and "B" (attached to Report FIN-2003-03, dated February 4, 2003) resulting in a 2.98% tax levy increase.

CARRIED

03-7 Moved by Dmytrow-Bilboe and Spadafora that Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	14-Jan-03	261,205.23
2	15-Jan-03	26,473.00
3	16-Jan-03	162,128.15
4	17-Jan-03	229,289.06
5	21-Jan-03	269,312.18
6	22-Jan-03	5,108.94
7	27-Jan-03	<u>176,329.69</u>
	Total	\$1,129,846.25

CARRIED

03-22 Moved by Beaudoin and Mastroianni that staff be directed to review the following:

1. The current Zoning By-laws 2667 and 1538 concerning the parking of different types of trailers in residential areas; and
2. The expanding of the City's parameter with respect to:
 - a) length/width/height and type,
 - b) seasonal usage, and

c) location on residential lots.

CARRIED

03-28 Moved by Alakas and Grenier that the presentation by Morris Farmer, Health Promotions Chairman, Heart and Stroke Foundation of Ontario regarding upcoming activities during the Heart and Stroke Campaign be received for information.

CARRIED

03-28 Moved by Alakas and Eybel that the presentation by Douglas Elliott, Vice Chairman, regarding the activities of the Niagara Peninsula Conservation Authority be received for information.

CARRIED

03-45 Moved by Dmytrow-Bilboe and Spadafora

1. Council accept the proposal from RISKPRO, Risk Management Consulting of Woodstock, Ontario to conduct an insurance audit, develop a Request for Proposal (RFP) for insurance renewal, and review (RFP) submissions in accordance with its proposal submitted on January 17, 2003 at an estimated cost of \$17,950 + GST; and
2. That this expenditure be funded from the 2003 Outside Contract Operating Budget of the Clerks Department and the Insurance Deductible Reserve.

CARRIED

03-52Z Moved by Dmytrow-Bilboe and Spadafora that Zoning By-law 2667, as amended, be further amended for 35 Aqueduct Street (Lot 54, Part Lot 53, Plan 549 and 550) from the RM2 Zone to a Site Specific RM2 Zone to recognize an existing residential 6plex with a minimum front yard setback of 7.5 metres; a minimum rear yard setback of 14 metres; a north side yard of 5 metres; a south side yard of 7 metres; a minimum lot frontage of 30 metres; minimum lot area of 960 square metres; minimum lot coverage of 35%; and to recognize an accessory building with a rear yard of 0.5 metres and a north side yard setback of 0.4 metres.

CARRIED

03-53Z Moved by Dmytrow-Bilboe and Spadafora that Zoning By-law 1538 (Crowland) be amended for lands on the north-east corner of Ridge Road and Highway 140 (Part of Lot 16, Concession 6, former Township of Crowland, now in the City of Welland being Part 2, Plan 59R-7238) from the RA District (with some industrial uses) to a Site Specific I1 Zone to permit an assembly/fabrication/manufacturing or processing plant; warehousing; a contractor's establishment; business service establishment; call centre; and a testing/research laboratory and to provide Site Specific Zone provisions to regulate setbacks and outdoor storage.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

03-19 Moved by Spadafora and Belcastro that Council accept the quotation from Hamilton Web Printing for the printing of the 2003 Spring/Summer & 2003/04 Fall/Winter Leisure Guides at a cost of \$16,934.92 plus applicable taxes, this being the lowest of five quotations received that meet the required specifications.

CARRIED

...continued...

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE...CONT'D.:

03-57 Moved by Mastroianni and Belcastro

1. That the City offer Ms Anna Di Cato the sum of \$3000 per lot, for a total of \$6000 for the acquisition of Lots 109 and 110, Plan 28, NP 949 located on the west side of unopened Santone Avenue, north of Broadway; and
2. That the Municipal Incentive Grant Fund be utilized to finance this transaction; and further
3. That the City Solicitor be authorized to prepare the required documentation, including Transfer/Deed of Land, for this conveyance.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

94-111

BYL 2003-7

A By-law to authorize the execution of an Application to Amend Register to release the registered owner of Part 2, Plan 59R-11454 being 57 Topham Boulevard, Welland from the restrictions contained in Development Agreement.

01-34

BYL 2003-8

A By-law to amend By-law 2001-1, being a By-law to authorize participation in the Ontario Municipal Employees Retirement System (OMERS) in respect of its Head of Council and Councillors.

02-175

BYL 2003-9

A By-law to authorize the signing of Official Plan Amendment No. 109, to repeal By-law 10240 and to amend By-law 8160.

03-4

BYL 2003-10
A By-law to provide for the Interim Tax Levies for the year 2003
for the City of Welland.

...continued...

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

03-22

BYL 2003-11
A By-law to appoint By-law Enforcement Officers of the
Corporation of the City of Welland and to Repeal By-law 2002-206.

03-52Z

BYL 2003-12
A By-law to amend City of Welland Zoning By-law 2667 (Nino
and Josephine Iocca – File 2002-11) 35 Aqueduct Street.

03-53Z

BYL 2003-13
A By-law to amend City of Welland Zoning By-law 1538 (Floria
Ontario Inc. – File 2002-12) north side of Ridge Road, east of
Highway No. 140.

93-152

99-99

BYL 2003-14
A By-law to impose maximum truck load limits and controls of the
use of the bridge structure of the Welland River Syphon and to
repeal By-law 2002- 100.

03-1

BYL 2003-15
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 28th day
of January 2003 and 4th day of February, 2003.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Mastroianni and Dmytrow-Bilboe 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, February 11, 2003 for inclusion on the next Regular Council Meeting Agenda.

Council adjourned at 9:00 p.m.

These Minutes approved and adopted by Motion of Council this 18th day of February, 2003.

MAYOR

CLERK