



## COUNCIL MEETING, FEBRUARY 18, 2003

### 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 7:30 p.m. on the above date.

Vice Mayor Dianne Grenier 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:**

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (7:30 p.m.)

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah (7:30 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:30 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri

Administrative Assistant/Deputy Clerk (7:30 p.m.)

Manager, Development Planning/Real Estate D. Thorpe

Manager Leisure Services R. Morwald (until 7:20 p.m.)

**03-25** Moved by Mastroianni and Irvine that Council meet in Committee-of-the-Whole, closed to the public at 7:15 p.m. to consider:

- a) Personal matters about an identifiable individual, including municipal employees.

**CARRIED**

**03-25** Moved by Irvine and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 7:20 p.m.

**CARRIED**

### **PUBLIC HEARING PURSUANT TO SECTION 442 – TAX WRITE-OFFS**

No one requested to speak

Vice Mayor Grenier vacated the Chair to speak to Ref. No. 03-4 Report FIN-03-07 – Properties Eligible for Tax Registration. Councillor O'Dell Chaired this portion of the meeting.

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

- 03-21** Letter from Wayne Street withdrawing his request to address Council regarding a Father's Day Parade on June 15, 2003.

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

- 03-21** Letter from Wayne Street requesting to address Council regarding a Father's Day Parade on June 15, 2003.

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

**93-133**

**99-22** A By-law to amend City of Welland Fence By-law 10545.

**94-172** Mgr., Development, Planning/Real Estate D. Thorpe – Request for extension to Draft Approval – Seaway Estates Subdivision (26T-94011) – Ravenda Homes Ltd., west side of Lancaster Drive, south of Jefferson Court West.

**99-38** Gen. Mgr., Engineering, Public Works/Transportation Services D. Shantz – Award of Tender – Central West Area – Trunk Sanitary Sewer – Phase 2 (Hillsdale Road).

**99-38** A By-law to authorize the entering into a contract with WESROC Construction Ltd. for the construction of the Central West Area Trunk Sanitary Sewer – Phase 2 (Hillsdale Road).

...continued...

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED...CONT'D.:**

- 99-38** A By-law to retain K.T. Howe Engineering to provide engineering services for the Central West Area Trunk Sanitary Sewer – Phase 2 (Hillsdale Road).
- 99-38** A By-law to accept an easement from Gillmora Corporation Limited for the purposes of constructing the Central West Area Trunk Sanitary Sewer – Phase 2 (Gillmora Estates Subdivision).
- 00-4**
- 01-4** Gen. Mgr. Financial & Corp. Serv./Treasurer B. Silvestri – Application for Tax Write-offs Section 442.
- 02-4**
- 00-121**
- 03-60** Gen. Mgr., Financial and Corp. Serv. Treasurer B. Silvestri – City of Welland Corporate Lease Financing Policy and Goals.
- 02-14** Gen. Mgr., Financial and Corp. Serv. Treasurer B. Silvestri – 2002 Remuneration and Expense Report – Members of Council.
- 02-47** Neil H. Rodgers, President, Urban Development Institute/Ontario requesting endorsement of report entitled “Investing for Tomorrow: Moving Forward with Smart Growth in Central Ontario”.
- 02-136** Response to Draft Report July, 2002, Environmental Assessment Level Review of Regional Mid Term Disposal Alternatives, Urban Environmental Management Inc., Regional Municipality of Niagara.
- 02-147Z** Proposed amendment to the Official Plan and Zoning By-law 2667 – Victoria Welland Developments Ltd. – 430, 432 and 434 Niagara Street.
- 02-147** A By-law to authorize the signing of Official Plan Amendment No. 110.
- 02-147Z** A By-law to amend City of Welland Zoning By-law 2667 (Victoria Welland Developments Ltd. – File 2002-08) 430, 432 and 434 Niagara Street.
- 02-157** Mgr., Development, Planning/Real Estate D. Thorpe – Planning and Servicing Review/Study for Northwest Welland.
- 02-158** Semi-Annual Subdivision Status Report – December 31, 2002.
- 02-160** Eliminating General Committee Meeting Evenings.
- 02-169** Request for exemption from Fence By-law 10545, Visibility Triangle for 85 Aqueduct St.
- 03-1** 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 11<sup>th</sup> and 18<sup>th</sup> day of February, 2003.
- 03-4** Gen. Mgr., Financial and Corp. Serv. Treasurer B. Silvestri – Properties eligible for Tax Registration.
- 03-4** Greg D’Amico, Chair, Welland Downtown BIA – 2003 Budget for the Welland Downtown Business Improvement Area.
- 03-4** John Clark, Chair, North Welland Business Improvement Area Association – 2003 Budget for the North Welland Business Improvement Area.
- 03-4** A By-law to establish reserves and to authorize the use of reserve funds.
- 03-7** Gen. Mgr., Financial and Corp. Serv. Treasurer B. Silvestri – Accounts Payable Report – January 28, 2003 to February 10, 2003.
- 03-9** Request for streetlighting – 22 Karen Crescent.
- 03-13**
- 03-21** Gen. Mgr., Engineering, Public Works/Transportation Services D. Shantz – Niagara South Hip Hip Hooray – Bus Shuttle Request.
- 03-13**
- 03-21** Ginger Kerho, Campaign Chair, Niagara South Hip Hip Hooray Campaign requesting the use of a shuttle bus and two buses for May 25, 2003 for the “**Hip Hip Hooray Walk-a-thon**”.
- 03-21** Angela Carter, Partners in Pride - requesting closure of East Main St. on June 7, 2003 and that Partners in Pride be added as a rider to the City’s existing insurance policy for this event.
- 03-21** Letter from Mr. Wayne Anthony Street requesting to address Council regarding the Fathers’ Day Parade for June 15, 2003.

**03-22** Amendments to By-law 9840, By-law to authorize designation and provision of parking spaces for sole use by a handicapped person.

...continued...

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED...CONT'D.:**

**03-22** A By-law appoint Richard Goupil as a By-law Enforcement Officer of the Corporation of the City of Welland.

**03-22** A By-law to amend By-law 2003-11, being a By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland.

**03-45** A By-law to authorize retention of RISKPRO for 2004 Insurance Renewal.

**03-51** Council's concerns regarding first snowfall event – December 1, 2002.

**03-55**

**03-55Z** Application for Draft Plan of Subdivision approval and Rezoning Amendment – 1346619 Ontario Inc. – Rainbow Country Estates.

**03-56Z** Proposed amendment to Zoning By-law 2667 – Fiskin Developments Ltd. – 425 King Street.

**03-56Z** A By-law to amend City of Welland Zoning By-law 2667 (Fiskin Developments Ltd. – File 2002-14) 425 King Street.

**03-62** E.O. Martin, Clerk-Treasurer, Town of Northeastern Manitoulin and the Islands – Opposing of funding to the United States Army Corps Engineers and any further deepening of the St. Lawrence Seaway .

**03-1** Moved by Dzugan and Belcastro that the Minutes of the Regular Council Meeting of February 4, 2003 and Special Council Meeting of February 11, 2003 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**94-172** Moved by Mastroianni and Dzugan that Council approves an extension to Draft Approval for the Seaway Estates Subdivision (File 26T-94011) for an additional one (1) year to March 16, 2004 as requested by John Ravenda, President, Ravenda Homes Ltd.

**CARRIED**

**99-38** Moved by Mastroianni and Dzugan that Council accepts the tender of Wesroc Construction Ltd. for the construction of Central West Area Trunk Sanitary Sewer - Phase 2 (Hillsdale Road), as presented in report ENG 2003-07;

That the estimated project cost, in the amount of \$400,000.00, as approved in the 2003 Sanitary Sewers Capital Budget, be funded as follows:

\$100,000.00 from Capital Contribution from Operating Budget

\$275,000.00 from Development Charges Funding

\$25,000.00 from cost sharing, as stipulated in the Master Development Agreement, with Harvest Investment Corp.,

Gillmora Corporation Ltd., and 1372708 Ontario Inc.

That the City Solicitor be directed to prepare all necessary by-laws to enter into a contract with the said contractor, to execute the trunk sanitary sewer construction;

That the City Solicitor be further directed to secure an easement from Gillmora Corporation Ltd., in the Corporation's favour, for the construction of part of the subject trunk sanitary sewer within the properties known to be Gillmora Estates, as laid out in Schedule 'G' of the aforesaid Master Development Agreement;

...continued...

**99-38...CONT'D.**

That Council also authorizes staff to retain K.T. Howe Engineering Ltd., the designing consultant of the subject trunk sanitary sewers to carry out the construction administration, quality control and inspection services, in the approximate sum of \$16,500.00, to be funded within the total project allotment.

That any remaining funds allocated for this project be retained in the Development Charges Fund.

**CARRIED**

**00-4** Moved by Irvine and Eybel that pursuant to Section 442 of the Municipal Act, R.S.O.

**01-4** 1990, C.M. 45, Council approve the write off of taxes in the amount of \$19,681.79 as

**02-4** contained in Report FIN-03-66 dated February 18, 2003, listing the reasons for reduction or cancellation and assessment values.

**CARRIED**

**00-121**

**03-60** Moved by Mastroianni and Dzugan that Council approves the new Corporate Lease Financing Policy and Goals for the City of Welland (attached to Report FIN-2003-04, dated February 11, 2003) which adheres to the recently amended Ontario Regulation 46/94 filed September 20, 2002 under the Ontario Municipal Act; and

That City of Welland Policy Fin-004-0001 re Lease Agreements and By-law 2001-10, being a By-law to establish and adopt a procedure governing lease agreements be repealed; and replaced with new Lease Agreement Policy FIN-004-0001; and further

That the City Solicitor be directed to prepare the necessary By-law.

**CARRIED**

**02-14** Moved by Eybel and Mastroianni that Report FIN-2003-05, dated February 18, 2003, with respect to 2002 Remuneration and Expenditures covering Members of Council be received and placed on file in the Clerk's Department.

**CARRIED**

**02-47** Moved by Mastroianni and Dzugan that the letter from the Urban Development Institute/Ontario requesting the endorsement of the report entitled "***Investing for Tomorrow: Moving Forward with Smart Growth in Central Ontario***" be received and referred to staff for study and review.

**CARRIED**

**02-136** Moved by Mastroianni and Dzugan that Staff Report ENG-2003-08, as amended by General Committee on February 11, 2003, be forwarded to the Region of Niagara for information and consideration in

the preparation of the 'Final' Report on the 'Mid-Term Disposal Alternatives' being prepared for Regional Niagara by Urban Environmental Management Inc.

**CARRIED**

**02-147Z** Moved by Mastroianni and Dzugan

1. That the City of Welland adopt Official Plan Amendment No. 110 respecting part of Lots 2 and 3, Plan 592 known municipally as 430, 432 and 434 Niagara Street from Residential to Commercial to permit a parking lot for the existing commercial plaza to the north; and
2. That Zoning By-law 2667, as amended, be further amended for 430, 432 and 434 Niagara Street (part of Lots 2 and 3, Plan 592) from the existing RM2 Zone to the Site Specific C2-X4 Zone, to permit C2 uses and to incorporate a minimum yard setback from Zimmer Lane and to amend the regulations for the C2-X4 Zone.

**CARRIED**

**02-157** Moved by Mastroianni and Dzugan

1. That the City retain the firm of EarthTech, a Tyco International Ltd. Company, to undertake a Planning and Servicing Review Study for the Northwest area of the City in accordance with the City's Request for Proposal and EarthTech's proposal 42.20585.3 dated January 15, 2003 at a price of \$59,561.00, plus G.S.T.;
2. That the total budget for the Study, including City costs be established at an upset amount of \$71,000.00; and
3. That an additional \$20,000.00 from the Development Charges Reserve Fund be used to fund this Study with the remaining \$51,000.00 coming from the Current Operating Budget.

**CARRIED**

**02-158** Moved by Mastroianni and Dzugan that the Semi-Annual Subdivision Status Report as of December 31, 2002 be received for information.

**CARRIED**

**02-160** Moved by Mastroianni and Dzugan that Report CLK-2003-04 regarding the elimination of General Committee Meetings be referred to the March 4th, 2003 Council Meeting.

**CARRIED**

**02-169** Moved by Mastroianni and Dzugan that Mr. and Mrs. Harold be advised to have their hedge at 85 Aqueduct Street conform with the previous Fence By-law 5705 by April 30, 2003 and that any wrought iron fence or plantings within the regulated area not exceed 3 feet in height.

**CARRIED**

**03-4** Moved by Grenier and Mastroianni that Report FIN-03-07 dated February 18, 2003 regarding Properties Eligible for Tax Registration be referred to the March 4<sup>th</sup>, 2003 Regular Council Meeting.

**CARRIED**

**03-4** Moved by Mastroianni and Dzugan that the 2003 Budget from the Welland Downtown Business Improvement Area Board in the amount of \$50,000.00 be approved; and

That the General Manager Financial and Corporate Services/Treasurer be authorized to make arrangements to levy an amount of \$50,000.00 against the business operations within the defined area.

**CARRIED**

**03-4** Moved by Mastroianni and Dzugan that the 2003 Budget from the North Welland Business Improvement Area Association in the amount of \$51,800.00 be approved; and  
That the General Manager Financial and Corporate Services/Treasurer be authorized to make arrangements to levy an amount of \$32,000.00 against the business operations within the defined area.

**CARRIED**

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

|   |              |                      |
|---|--------------|----------------------|
| 1 | 28-Jan-03    | 10,125.39            |
| 2 | 30-Jan-03    | 127,054.20           |
| 3 | 31-Jan-03    | 11,021.52            |
| 4 | 3-Feb-03     | 295,430.91           |
| 5 | 4-Feb-03     | 650.00               |
| 6 | 5-Feb-03     | 49,469.21            |
| 7 | 6-Feb-03     | 21,297.41            |
| 8 | 7-Feb.-3     | 110,031.79           |
| 9 | 10-Feb-03    | <u>74,758.35</u>     |
|   | <b>Total</b> | <b>\$ 669,838.78</b> |

**CARRIED**

**03-9** Moved by Mastroianni and Dzugan that the request from Eileen Pando for the installation of a streetlight and hydro pole on the south west side of the curve across from 22 Karen Crescent be approved and that staff be authorized to proceed with the installation of a hydro pole with streetlight at an estimated cost of \$2,922.79, excluding taxes.

**CARRIED**

**03-13**

**03-21** Moved by Mastroianni and Dzugan

1. That Council approves the request from the Niagara South Hip Hip Hooray Campaign Committee for the provision of bus shuttle service to and from Merritt Island on Sunday, May 25, 2003; and
2. That, as per Council's Policy, the financial consideration to an upset of \$607.80 be approved on a cost sharing basis for the in-kind service request.

**CARRIED**

**03-21** Moved by Mastroianni and Dzugan that Welland City Council approves the Civic Pride Event to be held by Partners in Pride on June 7, 2003 subject to the applicant's completion of all conditions of the Policy of Street Use for Community Activities; and  
That the City of Welland agrees to add a rider to its insurance to permit the Partners in Pride organizers to promote a Civic Pride Event in downtown Welland on June 7, 2003 from 11:00 a.m. to 4:00 p.m.

**CARRIED**

**03-22** Moved by Mastroianni and Dzugan that the City Solicitor be requested to prepare a By-law to amend the text of By-law 9840, being a By-law to authorize designation and provision of parking spaces for sole use by a handicapped person, passed by Council on May 5th, 1992, to incorporate changes to the text as outlined in Report TRAF-2003-02 re: designation and provision of parking spaces for sole use by a handicapped person.

**CARRIED**

**03-51** Moved by Mastroianni and Dzugan that Report ENG-2003-03 regarding Council's concerns with respect to the First Snowfall Event - December 1, 2002 be received for information purposes.

**CARRIED**

**03-55**

**03-55Z** Moved by Mastroianni and Dzugan that Report PDS-2003-06 concerning Applications for Rezoning and Draft Plan of Subdivision for the Rainbow Country Estates be received for information purposes.

**CARRIED**

**03-56Z** Moved by Mastroianni and Dzugan that Zoning By-law 2667, as amended, be further amended for 425 King Street (Part of Block E, Plan 574) from the existing C2 Zone to a Site Specific C2 Zone to permit a Motor Vehicle Repair Shop Class "A"; a Service or Repair Shop Class "A" and "B"; a Sales and Hire Garage and a Fast Food Outlet in addition to the uses permitted in the C2 Zone.

**CARRIED**

**03-62** Moved by Mastroianni and Dzugan the letter from the Town of Northeastern Manitoulin and the Islands regarding its opposition to the provision of funding to the United States Army Corps Engineers and any further deepening of the St. Lawrence Seaway be received for information.

**CARRIED**

### **BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

**02-85**

**03-10** Moved by O'Dell and Mastroianni that Council appoint the following nine individuals to serve on the Accessibility Advisory Committee in accordance with the Terms of Reference adopted by Council on January 14, 2003:

|                     |                                 |
|---------------------|---------------------------------|
| Ms. Heather Delisle | Physical disability             |
| Mr. Geoff Eden      | Physical disability             |
| Mr. Russ Findlay    | Physical disability             |
| Mr. Gordon Misener  | Physical disability             |
| Ms. Maureen Todd    | Cognitive disability            |
| Ms. Mary Holmes     | Parent of child with disability |
| Mr. Saro Stranges   | No disability                   |

Ms. Jane Thompson      No disability  
Councillor Rick Alakas      No disability

**CARRIED**

## **BY-LAWS**

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

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

**93-133**

**99-22**

BYL 2003 - 16

A By-law to amend City of Welland Fence By-law 10545.

**02-4**

**03-4**

BYL 2003 - 17

A By-law to establish Reserves and to authorize the use of Reserve Funds.

**03-22**

BYL 2003 - 18

A By-law to appoint Richard Goupil as a By-law Enforcement Officer of the Corporation of the City of Welland.

**03-22**

BYL 2003 - 19

A By-law to amend By-law 2003-11, being a By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland.

**03-45**

BYL 2003 - 20

A By-law to authorize the retention of RISKPRO for 2004 Insurance Renewal.

**03-56Z**

BYL 2003 - 21

A By-law to amend City of Welland Zoning By-law 2667 (Fiskin Developments Ltd. -File 2002-14) 425 King Street.

**99-38**

BYL 2003 - 22

A By-law to authorize the entering into a contract with WESROC Construction Ltd. for the construction of Central West Area Trunk Sanitary Sewer - Phase 2 (Hillsdale Road).

**99-38**

BYL 2003 - 23

A By-law to retain K.T. Howe Engineering to provide engineering services for the Central West Area Trunk Sanitary Sewer - Phase 2 (Hillsdale Road).

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:****99-38**

BYL 2003 - 24

A By-law to accept an easement from Gillmora Corporation Limited for the purposes of extending the Central West Area Trunk Sanitary Sewer through Gillmora Estates Subdivision.

**02-147**

BYL 2003 - 25

A By-law to authorize the adoption of Official Plan Amendment No. 110.

**02-147Z**

BYL 2003 - 26

A By-law to amend City of Welland Zoning By-law 2667 (Victoria Welland Developments Ltd. - File 2002-08) 430, 432 and 434 Niagara Street.

**03-1**

BYL 2003 - 27

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 11th day and 18th 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 Belcastro and Dzugan 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 26, 2003 for inclusion on the next Regular Council Meeting Agenda.**

Council adjourned at 8:20 p.m.

These Minutes approved and adopted by Motion of Council this 4<sup>th</sup> day of March, 2003.

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**MAYOR**

**CLERK**