



COUNCIL MEETING, SEPTEMBER 2, 2003

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 6:35 p.m. and in open session at 7:45 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 (7:05 p.m.), M. Dzugan, T. Eybel, D. Fortier, D. Grenier (7:05 p.m.), 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 (7:00 p.m.)

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services
D. Shantz (7:45 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:45 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:45p.m.)

Manager, Development Planning/Real Estate D. Thorpe

Manager Human Resources R. Beaumont (until 7:40 p.m.)

Manager, Leisure Services R. Morwald (7:45 p.m.)

Acting Executive Assistant to the Mayor and City Manager L. Ip (7:45 p.m.)

03-25 Moved by Mastroianni and Spadafora 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;
- c) a proposed or pending acquisition of land for municipal purposes; and
- d) labour relations or employee negotiations.

CARRIED

(Councillor Dmytrow-Bilboe was not present during Committee-of-the-Whole discussion on a security of property matter).

03-25 Moved by Mastroianni and Spadafora that the Committee-of-the-Whole arise from its closed meeting at 7:40 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Mayor Forster disclosed an interest in Ref. No. 03-107Z/03-108Z and did not take part in the consideration and discussion of same, and refrained from voting thereon, as she has recently purchased a Recreational Vehicle, storage of which may be affected by this proposed By-law. During discussion on this issue, Mayor Forster vacated the Chair and Vice Mayor John Irvine presided.

Councillor Eybel disclosed an interest in By-law 2003-134 (Ref. No. 03-15) and did not take part in the consideration and discussion of same, and refrained from voting thereon, as her daughter is applying for a position as a Professional Firefighter.

Councillor Eybel disclosed an interest in Ref. No. 03-01 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as she was not present at the August 21, 2003 Special Council Meeting where the issues of Fire Safety Plan (Ref. 03-15) and a Memorandum of Settlement for Volunteer Firefighters under By-law 2003-130 (Ref. 03-15) were discussed. Her daughter is a volunteer firefighter affected by these matters.

DELEGATIONS:

03-28 Bill Auchterlonie, Campaign & Marketing Director addressed Council regarding the 2003 United Way of South Niagara Campaign.

03-121

03-121Z Hugh Thompson, Silvestri Investments addressed Council regarding the Application for amendment to Zoning By-law 2667 Lea Silvestri Investments Inc., for lots on the south side of Thorold Road.

97-101

Jim Handley, Member of The Bar and Restaurant Coalition of Niagara addressed Council in opposition of the Regional Smoking By-law 22-1002.

- 97-101** Rick Christoff, Vice President, The Bar and Restaurant Coalition of Niagara addressed Council in support of the Regional Smoking By-law 22-1002.
- 99-43** Don Smith, Eyes on City Hall addressed Council regarding election of Hydro board members in lieu of appointment.

THE FOLLOWING CORRESPONDENCE WAS READ:

- 02-136** Report from Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – update on Regional Proposal to expand Humberstone Landfill.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 93-162** Welland River Water Level Fluctuation Study, Ontario Power Generation/NPCA.
- 01-2** Review the City's current Business Licensing By-law.
- 01-154** Review By-law from West Lincoln re sexual exploitation of children & child pornography.
- 02-22** Concerns of Parking lane widths and traffic speed at East Main and Division Streets.
- 02-85** Mgr., Leisure Services R. Morwald – Accessibility Plan for the City of Welland.
- 02-167** Tax Reduction Policy.
- 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 21st day of August, 2003 and the 2nd day of September, 2003.
- 03-3** City Clerk C.A. Stirtzinger – Lottery License.
- 03-3** Debbie Hillyer, Treasurer, The Air Cadet League of Canada -requesting permission to sell raffle tickets in the City of Welland.
- 03-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Accounts Payable – August 5, 2003 to August 26, 2003.
- 03-13** A By-law to authorize the acceptance of tender from Crestline Coach Limited for the procurement of three mini buses.
- 03-15** A By-law to authorize the entering into a Collective Agreement with the Welland Professional Firefighters Association (I.A.F.F. 481) effective January 1, 2003 to December 31, 2004.
- 03-19** Susan Noyes, Chairperson– Winter Lights Committee requesting to be added as a rider to the City's existing insurance policy for their first fundraiser.
- 03-22** Petition from the residents of Dain City along the Kingsway and surrounding areas regarding parking signs.
- 03-31** Mary-Lou Ambrose-Little, Community Recreation Co-ordinator – requesting permission for fireworks display for the Dain City Recreation Group on Sunday, August 31, 2003.
- 03-31** A By-law to authorize acceptance of a quotation from Henderson Recreation Equipment Limited for the supply and assembly of a play structure at Maple Park.
- 03-31** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Maple Park Play Structure Purchase.
- 03-46** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Request for authorization for the procurement of two (2) cargo style vans, as previously outlined and approved by Council.
- 03-49** Tourism of Welland Niagara requesting permission to hold a fireworks display during the Niagara Food Festival.
- 03-49** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Town request for waiver of hydrant fee for Niagara Food Festival.
- 03-84** Thomas R. Hollick, Regional Clerk, Regional Municipality of Niagara – West Nile Virus Update.

03-100 A By-law to authorize the entering into a contract with Vic Vatrt Contracting Limited for extension of the Summit Avenue Area Watermain Replacement, to include the section of watermain on Claremount Circle.

03-107Z

03-108Z Mgr., Development Planning / Real Estate D. Thorpe – Proposed general amendment to Zoning By-law 2667 – Storing and parking of Trailers, Boats and Motor Homes – City of Welland (File 2003-05).

03-107Z A By-law to amend City of Welland Zoning By-law 2667 (City of Welland File 2003-05).

03-121

03-121Z Mgr., Development Planning / Real Estate D. Thorpe – Proposed plan of Subdivision and Zoning By-law Amendment – Whispering Pine Subdivision (26T-14-03002 and 2003-06) – Lea Silvestri Investments Inc. – north of Autumn Crescent, west of Thorold Road.

03-124 George Vadeboncoeur, CAO/Town Clerk, Town of Penetanguishene – Requesting the Province of Ontario to increase the payment-in-lieu (PIL) of taxes paid to municipalities where hospitals are located.

03-127 A By-law to authorize the sale of that Part of Nelson Avenue, as stopped-up and closed by By-law 6587 and designated as Parts 2,3,4 and 5, Plan 59R_____ to abutting land owners.

03-128 A By-law to authorize the entering into an agreement with R.V. Anderson Associates Ltd. to provide engineering services for the Stop 19 Area Watermain Replacement Project (Rose, Donald, Lacy, Sharpe and Hatter Avenues).

03-129 Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Award of tender – Forks Road and Kingsway Bridge Rehabilitation 2003.

03-129 A By-law to authorize the entering into a contract with Rankin Construction Inc. for the Forks Road and Kingsway Bridge Rehabilitation 2003.

03-133 City Mgr., T. Fitzpatrick – National Brownfield Redevelopment Strategy for Canada.

03-1 Moved by Dzugan and Dmytrow-Bilboe that the Minutes of the Regular Council Meeting of August 12, 2003 and Special Council Minutes of August 21, 2003 be and the same are hereby approved and adopted as circulated.

CARRIED

93-162 Moved by Eybel and Irvine that Report Eng-2003-31 Re: Welland River Water Level Fluctuation Study, Ontario Power Generation/NPCA be referred to staff for further information including: comments of NPCA, comments of other municipalities, shoreline impact and financial costs.

CARRIED

97-101 Moved by Spadafora and Mastroianni the presentation by Jim Handley, member of the The Bar and Restaurant Coaliton of Niagara in opposition of the Regional Smoking By-law 22-1002 be received for information.

CARRIED

97-101 Moved by O'Dell and Alakas that the presentation by Rick Christoff, Vice President, The Bar and Restaurant Coaliton of Niagara in support of the Regional Smoking By-law 22-1002 be received for information.

CARRIED

99-43 Moved by Mastroianni and Dmytrow-Bilboe that the request from Don Smith on behalf of Eyes on City Hall requesting the election of Hydro board members in lieu of appointment be received for information as the deadline for submitting questions to Council for consideration and inclusion on the 2003 Municipal Elections Ballot, in accordance with Report CLK 2003-08 approved by Council on March 18, 2003, has expired; and further

That this matter, being a governance issue, be referred to the Welland Hydro-Electric System Corporation Board of Directors for future consideration and response to Council.

CARRIED

01-2 Moved by Eybel and Irvine that staff be again directed to review the City's current Business Licensing By-law in accordance with Council's directive; and
That Councillors Dianne Grenier and Mike Belcastro be included in the review process.

CARRIED

01-154 Moved by Eybel and Irvine that the Licensing By-law from West Lincoln regarding the sexual exploitation of children and the devastating effects of pornography on society be again referred to staff for review.

CARRIED

02-22 Moved by Eybel and Irvine that staff again be requested to review the concerns of Councillor Irvine relative to parking lane widths and traffic speed on East Main and Division Streets;
and further

That this review include consideration of the need for bicycle traffic lanes on these streets as part of the Regional Bicycle Path Plan.

CARRIED

02-85 Moved by Alakas and Mastroianni

1. That in accordance with the Ontarians With Disabilities Act, 2001, Council approve the draft Accessibility Plan, attached as Schedule 'A'.
2. That City Departments include funds in the 2004 budget to finance implementation of the plan.

CARRIED

02-136 Moved by Eybel and Irvine that Council endorses the report of R.J. Burnside & Associates Limited on the ***“Peer Review of the Regional Municipality of Nagara’s Regional Mid-Term Disposal Alternatives- August 2003”***.

CARRIED

02-167 Moved by Eybel and Irvine that the letter from the Regional Clerk regarding Report CSD 133-2002 Heritage Properties Tax Reduction or Refund Program - Bill 127 approved by the Ad Hoc Committee on Property Assessment and Taxation Reform at its meeting of October 17, 2002 be again

referred to the General Manager, Financial and Corporate Services/Treasurer for study and report on a tax deduction policy.

CARRIED

03-3 Moved by Eybel and Irvine that a Lottery License be granted to the following:
Metis Nation Long Term Care - Welland Council - Single Bingo.

CARRIED

03-3 Moved by Eybel and Irvine that permission is hereby granted to the Air Cadet League of Canada to sell raffle tickets in the City of Welland under authority of Lottery License P031275; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

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

1	5-Aug-03	917.92
2	6-Aug-03	54,854.07
3	7-Aug-03	176,676.59
4	8-Aug-03	39,751.71
5	11-Aug-03	5,778,462.33
6	12-Aug-03	417.88
7	13-Aug-03	199,932.62
8	14-Aug-03	3,510.96
9	18-Aug-03	2,295,227.11
10	19-Aug-03	44,365.87
11	20-Aug-03	24,097.64
12	21-Aug-03	26,951.47
13	22-Aug-03	255,423.76
14	25-Aug-03	487,593.30
15	26-Aug-03	<u>1,321,369.12</u>
	Total	\$10,709,552.35

CARRIED

03-19 Moved by Eybel and Irvine that the City of Welland agrees to add a rider to its insurance to permit the Winter Lights Committee to fundraise on September 21, 2003 at Club Richelieu.

CARRIED

03-21

03-49 Moved by Eybel and Irvine that the application from Tourism of Welland Niagara (TOWN) to hold a fireworks display during the Food Festival on September 27, 2003 be approved subject to the applicant's completion of all conditions of the City of Welland's Fireworks By-law 2003-127; and That Council approves the amendment to the Road Use application from TOWN to include the closure of Chippawa Road during the Niagara Food Festival events.

CARRIED

03-22 Moved by Eybel and Irvine that the petition from the residents of Dain City along the Kingsway and surrounding areas regarding parking signs be again referred to staff for study and review.

CARRIED

03-28

04-4 Moved by Eybel and Irvine that the presentation by Bill Auchterlonie, Campaign and Marketing Director regarding the 2003 United Way of South Niagara Campaign be received for information; and

That the request for financial contribution from the Corporation be referred to the Budget Review Committee.

CARRIED**03-31**

Moved by Eybel and Irvine that Council accept the quotation of Henderson Recreation Equipment Limited for the provision and installation of a Model # PF04784R0 play structure, as part of the 2003 Maple Park Upgrade Project presented December 10, 2002 in report P & R-02-39;

That the purchase and installation cost, in the amount of \$65,000 for the play structure, and up to \$20,000 for the curbing and base installed by City forces for a total cost of \$85,000, be approved as part of the \$125,000 Capital Budget funding approved for Maple Park in 2003.

CARRIED**03-31**

Moved by Eybel and Irvine that Council waives the requirement of the permit application fee and security deposit in the amount of \$500.00 and approves the application from the Dain City Recreation Group to hold a fireworks display at Glenwood Park on Sunday, August 31, 2003 subject to the applicant's completion of all conditions of the City of Welland's Fireworks By-law 2003-127.

CARRIED**03-46**

Moved by Beaudoin and Fortier that Council authorize staff to purchase two (2) cargo style vans from Gillespie Pontiac Buick Cadillac Ltd. at a cost of \$24,943.50 each at a total cost of \$49,887.00, including taxes.

CARRIED**03-49**

Moved by Eybel and Irvine that Council waives the requirement of the annual Hydrant Fee for the Tourism of Welland Niagara for the provision of potable water for the Niagara Food Festival.

CARRIED**03-84**

Moved by Eybel and Fortier that the Region of Niagara Report PHD 47-2003 respecting West Nile Virus update be received for information and that staff be directed to review the request from the Region to develop and enact a standing water by-law that would specifically address mosquito -breeding sites.

CARRIED

03-107Z Moved by Fortier and Mastroianni that Resolution 03-107Z be amended by deleting in

1. (a) the words ***"must be stored within a Building and"***.

LOST

03-107Z Moved by Beaudoin and Fortier

1. That City of Welland Zoning By-law 2667, as amended, be further amended to incorporate the following:

In any Residential ZONE, no PERSON shall store a trailer, boat, motor home, snowmobile or similar vehicle except in accordance with the following:

- (a) on lands associated with an APARTMENT BUILDING or TOWNHOUSES, a trailer, a boat, motor home, snowmobile or similar vehicle must be stored within a BUILDING and shall only be permitted in spaces or areas that are additional to the number of PARKING SPACES required by this By-law;
- (b) in any other Residential areas, the storage of a trailer, a boat, a motor home, a snowmobile or similar vehicle shall be permitted:

...continued...

03-107Z...CONT'D.

- (i) in the REAR YARD provided a minimum setback of 0.9 metres is maintained from LOT LINES;
- (ii) in the INTERIOR SIDE YARD provided a minimum setback of 0.9 metres is maintained from LOT LINES; and,
- (iii) on an in-season basis in the FRONT YARD and EXTERIOR SIDE YARD provided that the trailer, boat, motor home, snowmobile or like vehicle, is located a minimum 1.5 metres from the all lot lines, and is stored in accordance with Section 5.20.4.1 (a) (ii) of Zoning By-law 2667, as amended. In no case shall such vehicles be stored within the required sight triangle on a CORNER LOT; and,
- (c) the USE of a trailer, motor home, or similar vehicle for human habitation is not permitted.

CARRIED

(Councillors Eybel, Mastroianni and Fortier asked to be recorded as opposed to this Resolution.)

03-121

03-121ZMoved by Grenier and Beaudoin that the presentation by Hugh Thompson, Silvestri Investments Inc. regarding the application for amendment to Zoning By-law 2667 for lots on the south side of Thorold Road be received for information.

CARRIED

03-121

03-121ZMoved by Grenier and Beaudoin

1. That City of Welland Zoning By-law 2667, as amended, be further amended for lands north of Autumn Crescent and west of Thorold Road (Part of Lot 1, Concession 12, former Township of Pelham) from RA to R3, and a Site Specific RM4 Zone to permit Apartment Buildings, Townhouses or Street Townhouses only;
2. That the City of Welland hereby grants Draft Approval to the Whispering Pines Subdivision (File 26T-14-03002) developed by Lea Silvestri Investments Inc., being Part of Lot 1, Concession 12, former Township of Pelham based upon a Plan prepared by Upper Canada Consultants dated April 15, 2003 consisting of twenty-eight (28) single-detached residential lots, and one (1) Block for high density residential development as red-lined by City Council 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 no grading or construction work shall commence on the site until such time as the Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title;
 - c) That all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances;

- d) That Blocks 25 and 26, being 0.3 metre Reserves, be transferred to the City of Welland free of all encumbrances for access control purposes;
- e) The Owner shall pay Cash-in-Lieu of Parkland Dedication based upon current City Requirements;
- f) Prepayments for a future pedestrian activated crosswalk signal at Block 187, Plan 59M-246 and South Pelham Road in the amount of \$100.00 per dwelling unit is payable prior to the issuance of a Building Permit;
- g) The Owner shall provide a Geotechnical Subsurface Investigation Study, prepared by a qualified Geotechnical firm, to the City which must make recommendations on the use of the site for the construction of houses/buildings;

...continued...

03-121

03-121Z...CONT'D.

- h) The Owner shall enter into an Agreement with the City of Welland agreeing to delete other lands owned by the Applicant, located south of Autumn Crescent, east of Lea Crescent and west of South Pelham Road, from the sanitary sewer drainage area rendering the lands undevelopable until the Fitch Street Pumping Station is taken out of commission, all at the Owner's expense;
- i) The Owner must apply for and receive an amended Certificate of Approval from the Ministry of Environment to permit the subject lands to be incorporated within the sanitary sewer drainage area for the Fitch Street Pumping Station;
- j) 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;
- k) 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 servicing allocation for the Subdivision will not be assigned until the Plan is granted Final Approval for registration;
- l) That the detailed design 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;
- m) 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;
- n) 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 the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 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;
- o) That, in the subdivision agreement with the City of Welland, the Owner agree to provide a temporary turning circle at the northern end of Foxtail Drive with a minimum pavement radius of 12.8 metres;
- p) That, prior to final approval for registration, the Owner agree in the subdivision agreement with the City of Welland to submit a noise impact study to the Regional Planning Department for review and approval. The study is to be prepared by a qualified consultant (P. Eng. with noise expertise) who shall sign and certify that the study meets the requirements of the Ministry of the Environment Guidelines entitled Noise Assessment Criteria in Land Use Planning, October 1997, as amended. A copy of the study should also be submitted to the City of Welland. Further that the Owner agree in the subdivision agreement to implement any relevant recommendations of the

- study;
- q) That prior to the granting of Approval for the Final Plan, City of Welland Planning and Development Services will require written notice from the following upon their respective Conditions having been met satisfactorily: Regional Niagara Planning and Development Department for Conditions: j, k, n and p Regional Niagara Public Works Department for Conditions: i, l, m and o
 - r) 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; and
4. That the Mayor be authorized to sign the Draft Approval and Final Approval Plans for the Whispering Pines Subdivision once all Conditions have been satisfied.

CARRIED

03-124 Moved by Eybel and Irvine that Welland City Council supports the resolution from the Town of Penetanguishene requesting the Province of Ontario through the Ministry of Finance to increase the amount of the Payment in Lieu of Taxes (PIL) per bed rate paid for hospitals, institutions and correctional facilities paid to municipalities where these facilities are located.

CARRIED

03-129 Moved by Eybel and Irvine that Council accepts the tender of Rankin Construction Inc. for the bridge rehabilitation on Forks Road and Kingsway, as presented in report ENG-2003-54; That staff be authorized to negotiate with Rankin Construction Inc. to carry out the Forks Road portion of construction in 2003, leaving Kingsway portion until 2004, subject to Council's approval of the 2004 Roadways Operating Budget; 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 the tender price of \$51,166.00, plus applicable G.S.T. for the Forks Road Bridge portion of works tendered; That the revised project cost based on the low bid, in the amount of \$109,000.00 be apportioned as follows:

- Forks Road Bridge - \$63,000.00 to be expended in 2003, to be funded from the approved 2003 Roadways Operating Budget - Bridge Maintenance Section.
- Kingsway Bridge - \$46,000.00 to be expended in 2004, subject to approval by City Council in 2004.

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

CARRIED

03-133 Moved by Fortier and Mastroianni that Council support a National Brownfield Redevelopment Strategy for Canada, as recommended by the Federation of Canadian Municipalities; and That Council direct the writer to send a letter to Mr. Tony Tirabassi, M.P. requesting that the federal government officially adopt the recommendations contained in the National Round Table on the Environment and the Economy's document "Cleaning up the Past, Building the Future - A National Brownfields Redevelopment Strategy for Canada".

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

96-129

03-10 Moved by Spadafora and Beaudoin that Council accepts the resignation of Councillor Dan Fortier from the Welland District Humane Society.

CARRIED

01-118 Moved by Alakas and Beaudoin

1. That Council authorize the entering into of an Agreement of Purchase and Sale with Vincent Policella Masonry Contractor Limited for Block "D", Plan M-69 located on the south side of Larchwood Circle for the amount of \$7,000.00 plus G.S.T., if required, subject to an Easement over Part "D", Plan 59R-2652 in favour of the City of Welland for sewer purposes;
2. That the City retain a one foot square portion at the northeast corner of Block "D", if required, and accept a conveyance from the Purchaser of a one-foot square section of Lot 1, Plan 59M-294, being Part 4, Plan 59R-12084 for road widening purposes;
3. That net proceed of the sale be credited, in the amount of 10% to the Municipal Incentive Grant Fund and 90% of the Planning Act Trust Fund;

...continued...

01-118...CONT'D.

4. That the Resolution (01-118) passed by Council on April 1, 2003 be rescinded and that By-law 2003-36 authorizing the original conveyance be repealed; and
5. That Staff be authorized to prepare the necessary By-laws.

CARRIED

03-13 Moved by Beaudoin and Fortier that Council ratify the negotiated settlement between the Corporation of the City of Welland and The Amalgamated Transit Union (ATU) as per the attached Memorandum of Settlement dated August 8, 2003; and
That the City Solicitor be instructed to prepare the necessary By-law.

CARRIED

03-127 Moved by Irvine and Alakas

1. That part of closed Nelson Avenue, Plan 652 being Parts 2, 3 and 4 on a draft Reference Plan prepared by P.D. Reitsma Surveying Ltd. (File 03-44) be offered for sale to the Owners of 168 Thorold Road subject to an Easement in favour of the City of Welland over Part 4 for storm sewer purposes for the amount of \$10,000.00 plus one-half the cost of the Reference Plan with the lands merging in Title with 168 Thorold Road;
2. That part of closed Nelson Avenue, Plan 652 being Parts 5 and 6 on a draft Reference Plan prepared by P.D. Reitsma Surveying Ltd. (File 03-44) be offered for sale to the Owner of 166 Thorold Road subject to an Easement in favour of the City of Welland over Part 5 for storm sewer purposes for the amount of \$10,000.00 plus one-half the cost of the Reference Plan with the lands merging in Title with 166 Thorold Road;
3. That the net proceeds from the sale of the lands be deposited in the Civic Square Reserve Fund; and
4. That Staff be authorized to prepare the necessary By-law(s) to finalize the transactions.

CARRIED

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

BY-LAW PRESENTED FOR FIRST READING:

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

03-127

BYL 2003 – 132

A By-law to authorize the sale of that Part of Nelson Avenue, as stopped-up and closed by By-law 6587 and designated as Parts 2,3,4 and 5, Plan 59R_____ to abutting land owners.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Irvine and Alakas that the By-law listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

03-13

BYL 2003 - 133

A By-law to authorize the acceptance of tender from Crestline Coach Limited for the procurement of three mini buses.

03-15

BYL 2003 - 134

A By-law to authorize the entering into a Collective Agreement with the Welland Professional Firefighters Association (I.A.F.F. 481) effective January 1, 2003 to December 31, 2004.

03-31

BYL 2003 - 135

A By-law to authorize acceptance of a quotation from Henderson Recreation Equipment Limited for the supply and assembly of a play structure at Maple Park.

03-100

BYL 2003 - 136

A By-law to authorize the entering into a contract with Vic Vatr Contracting Limited for extension of the Summit Avenue Area Watermain Replacement, to include the section of watermain on Claremount Circle.

03-107Z

BYL 2003 - 137

A By-law to amend City of Welland Zoning By-law 2667 (City of Welland File 2003-05).

03-108Z

BYL 2003 - 138

A By-law to amend City of Welland Zoning By-law 1538 (City of Welland File 2003-05).

...continued...

BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:**03-128**

BYL 2003 - 139

A By-law to authorize the entering into an agreement with R.V. Anderson Associates Ltd. to provide engineering services for the Stop 19 Area Watermain Replacement Project (Rose, Donald, Lacy, Sharpe and Hatter Avenues).

03-129

BYL 2003 - 140

A By-law to authorize the entering into a contract with Rankin Construction Inc. for the Forks Road and Kingsway Bridge Rehabilitation 2003.

03-1

BYL 2003 - 141

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 21st day of August, 2003 and the 2nd day of September, 2003.

And that the same now be read a first time.

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

4. 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, September 10, 2003 for inclusion on the next Regular Council Meeting Agenda.

Council adjourned at 11:05 p.m.

These Minutes approved and adopted by Motion of Council this 16th day of September, 2003.

MAYOR

CLERK