



COUNCIL MEETING, SEPTEMBER 16, 2003

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

Council met in Committee-of-the-Whole at 7:00 p.m. and in open session at 7:30 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 D. Beaudoin, M. Belcastro, N. Dmytrow Bilboe, M. Dzugan, T. Eybel, D. Fortier, D. Grenier (7:40 p.m.), J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora (7:10 p.m.) .

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

City Manager T. Fitzpatrick

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

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:30 p.m.)

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

Manager, Engineering Services L. Ventresca (7:30 p.m.)

Manager, Development Planning/Real Estate D. Thorpe

Manager, Public Works J. Boc (7:30 p.m.)

03-25 Moved by Mastroianni and Irvine that Council meet in Committee-of-the-Whole, closed to the public at 7:00 p.m. to consider:

- a) the security of the property of the municipality; and
- b) labour relations or employee negotiations.

CARRIED

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

CARRIED

DISCLOSURE OF INTEREST:

Councillor Dmytrow-Bilboe disclosed an interest in Ref. No. 03-58 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as she is employed with the Niagara Health System.

DELEGATIONS:

03-49 Greg D'Amico, Tourism of Welland Niagara updated Council on the events scheduled for the Niagara Food Festival from September 26 to September 28, 2003.

03-11 Sue White, Apple Day Chairperson, Scouts Canada addressed Council regarding the 2003 Apple Day Campaign.

03-119 Hugh Thompson, Silvestri Investments addressed Council regarding the Draft Plan of Subdivision – Stoneybrook Extension north of Webber Road, south of Heritage Lane.

03-119 Stephen and Arlette Hartman addressed Council regarding the Draft Plan of Subdivision – Stoneybrook Crescent Extension north of Webber Road, south of Heritage Lane.

03-75 Mike Kerkmann, Dragon Boat Canada updated Council on the Niagara 2006 bid to host the IDBF Club Crew World Championships and requesting letter of commitment.

99-99 Kaitlin Langenbert addressed Council regarding the Welland Recreational Canal Waterways and its usage.

THE FOLLOWING CORRESPONDENCE WAS READ:

03-3 John R. Scott, Executive Director, The Air Cadet League of Canada, 87th Eagle Squadron – requesting permission to sell raffle tickets in the City of Welland.

02-173 A By-law to exempt certain lands from Part-Lot Control 64, 66, 68, 70, 72 and 74 Promenade Richelieu, City of Welland.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

95-36 Purchase of the City Hall Telephone System.

99-110 Proposed East Side Trail.

01-118 A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of vacant land fronting on the south side of Larchwood Circle, being Block D, Plan M-69, to Vincent Policella Masonry contractor Limited and to repeal By-law 2003-36.

02-4 City of Welland Auditor's 2002 Year End Statements.

02-47 Mgr., Development Planning / Real Estate D. Thorpe – Regional Policy Plan Proposed Official Plan Amendment Number 183 - Places For People: Investing In Urban Communities *Smart Growth* Initiatives.

- 02-151** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Closed Circuit TV Inspection of Sewers.
- 03-3** City Clerk C.A. Stirtzinger – Lottery License
- 03-3** Paul Bauman, Manager, Fundraising, Canadian Cancer Society, Ontario Division - requesting permission to sell raffle tickets in the City of Welland.
- 03-4**
- 03-37** Regional Sewage Treatment Overbilling.
- 03-4** A comparison of property tax, water, sewer and hydro bills throughout the Region of Niagara.
- 03-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – August 27, 2003 to September 9, 2003.
- 03-21** Welland County Motorcycle Club – Annual “Fall Mud Run”.
- 03-21** Mary-Lou Ambrose-Little, Community Recreation Coordinator – on behalf of the Welland Recreation Projects Association – requesting permission to hold the Annual Santa Claus Parade.
- 03-22** Guy Lamarre – Parking Infraction.
- 03-32** Purchase of leased mini-van for use by Arena Foreman.
- 03-58** Proposed Clinical Teaching Program.
- 03-107Z**A By-law to amend City of Welland Zoning By-law 2667 (City of Welland File 2003-05).
- 03-119** Mgr., Development Planning / Real Estate D. Thorpe – Proposed Plan of Subdivision - Stoneybrook Extension Subdivision (26t-14-03001) - Silverstar Developments Inc. - North of Webber Road, South of Heritage Lane.
- 03-121Z**A By-law to amend City of Welland Zoning By-law 2667 (Lea Silvestri Investments Inc. – File 2003-06) north of Autumn Crescent, west of Thorold Road.
- 03-123** A By-law to authorize the purchase of land for road daylighting purposes on the north east side of Netherby Road, and Rusholme Road (Part 1, Plan 59R-952) from Canada Lands Company CLC Limited.
- 03-136** Margaret Brown, Secretary, Wine Country Kennel Club – requesting waiving of license.

03-1 Moved by Spadafora and Belcastro that the Minutes of the Regular Council Meeting of September 2, 2003 be and the same are hereby approved and adopted as circulated.

CARRIED

95-36 Moved by Irvine and Dmytrow-Bilboe that Council authorizes staff to purchase the existing telephone system located in the City Hall for the price of \$5,217.38 plus applicable taxes.

CARRIED

99-99 Moved by Mastroianni and Fortier that the presentation by Kaitlin Langenbert on behalf of the Recreation and Canal Users Committee regarding the Welland Recreational Canal Waterways and its usage be received for information and referred to the Welland Recreational Canal Corporation for review and report.

CARRIED

99-110 Moved by Irvine and Dmytrow-Bilboe that the City of Welland agrees to open the proposed East Side Trail subject to

- a. A separation of motorized uses from non-motorized uses and that two trails be established, save and except where convergence to one trail is required, to cross the tunnels in the City of Welland or other

obstacles.

- b. That the proposed agreement between the original Municipality of Niagara, the Cities of Thorold, Port Colborne and Welland and user groups be modified to clearly indicate the separation of uses; and That the response from the Niagara Region to staff's inquiry with regard to the banning of ATV's be received for information.

CARRIED

02-4 Moved by Dmytrow-Bilboe and Fortier that the Auditor's Report covering the Consolidated Balance Sheet and Statement of Operations for the fiscal year ending December 31, 2002 be received for information.

CARRIED

02-47 Moved by Irvine and Dmytrow-Bilboe

1. That Report PDS-2003-68 dated September 16, 2003 regarding proposed Official Plan Amendment Number 183 to the Regional Policy Plan be received;
2. That Regional Niagara be requested to undertake a complete review of proposed Official Plan Amendment Number 183 taking into consideration comments from all interested parties and upon completion of this review Official Plan Amendment Number 183 be recirculated to all concerned parties for additional comments;
3. That Regional Niagara be requested to respond to the City of Welland comments regarding Official Plan Amendment Number 183; and
4. That the City Clerk be directed to send a copy of Report PDS-2003-68 to the Regional Municipality of Niagara Planning and Development Department for information purposes.

CARRIED

02-151 Moved by Irvine and Dmytrow-Bilboe that Council waives the requirement for the "minimum three (3) bids" for the CCTV Inspection of Sewers due to the fact that only two (2) quotations were received from Bob Robinson and Son Construction and Transvideo Inspection out of eight (8) quotation requests; and That Council authorize staff to open the tenders received for the CCTV Inspection of Sewers.

CARRIED

03-3 Moved by Irvine and Dmytrow-Bilboe that permission is hereby granted to the Air Cadet League of Canada - 87th Eagle Squadron to sell raffle tickets in the City of Welland under authority of Lottery License P0031275; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

03-3 Moved by Irvine and Dmytrow-Bilboe that a Lottery License be granted to the following: Kitty Cat Keep Pet Sanctuary - Raffle.

CARRIED

03-3 Moved by Irvine and Dmytrow-Bilboe that permission is hereby granted to the Canadian Cancer Society, Ontario Division to sell raffle tickets in the City of Welland under authority of Lottery License P031411; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

03-4 Moved by Fortier and Mastroianni that Report FIN 2003-21/FIN 2003-21 comparing property tax, water, sewer and hydro billings throughout the Region of Niagara be received for information.

CARRIED

03-4

03-37 Moved by Mastroianni and Dmytrow-Bilboe

1. That all repayments to the City of Welland by the Region of Niagara for sewage treatment over-billing, for the additional estimated \$1.4 million plus interest, be transferred to a separate Sanitary Sewer Reserve Fund, Regional Niagara Sewage Overcharge (RNSCC);
2. That the above-mentioned reserve fund only be used to fund sanitary sewer Capital related expenditures;
3. That any 2003 surplus in Account # 56023 – sewage flow treatment budgeted at \$8,120,695 be used to offset sewage Capital costs;
4. That sewage treatment flow data for previous years be revised to reflect the corrected volumes as determined through an external audit by the Accounting Firm KPMG.

CARRIED

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

1	27-Aug-03	13,381.97
2	28-Aug-03	993,371.56
3	29-Aug-03	186,641.33
4	3-Sep-03	117,062.47
5	8-Sep-03	345,335.52
6	9-Sep-03	<u>84,694.26</u>
	Total	\$ 1,740,487.11

CARRIED

03-11 Moved by Irvine and Dmytrow-Bilboe that the presentation by Sue White, Apple Day Chairperson, Scouts Canada regarding the 2003 Apple Day Campaign be received for information.

CARRIED

03-21 Moved by Irvine and Dmytrow-Bilboe that the City of Welland grants, on a one-time basis, approval to the Welland Country Motorcycle Club for the use of the Welland Canal East-Side Trail to conduct its **“Fall Mud Run”** on Saturday, October 18, 2003, between the hours of 12:00 p.m. and 4:00 p.m., as set out in Mr. Jamie Schooley’s letter of August 21, 2003, subject to the club providing proof of insurance in the amount of \$5,000,000.00 and that said insurance shall list the Corporation of the City of Welland as a named insured.

CARRIED

03-21 Moved by Irvine and Dmytrow-Bilboe that Welland City Council approves the application of Welland Recreation Projects Association for the Annual Santa Claus Parade to be held on Saturday, December 6, 2003 subject to the applicant’s completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

03-22 Moved by Irvine and Dmytrow-Bilboe that the request by Guy Lamarre to forgive parking ticket #146370 be denied but that the late fee be waived for seven working days; and further That staff be requested to review the ticket issuance process to consider improved notification processes such as signage as well as posting warnings for first time problems.

CARRIED

03-32 Moved by Irvine and Dmytrow-Bilboe that Council authorize staff to exercise the purchase option for one 2000 mini-van presently on lease to October 1, 2003 from Al Slattery Ford Ltd. for \$13,082.45 plus tax.

CARRIED

03-49 Moved by Irvine and Dmytrow-Bilboe that the presentation by Greg D'Amico, Tourism of Welland Niagara, regarding the events scheduled for the Niagara Food Festival from September 26 to September 28, 2003 be received for information.

CARRIED

03-58 Moved by Irvine and Dmytrow-Bilboe that staff be again directed to review this matter regarding the proposed Clinical Teaching Program in the City and prepare a recommendation to Council.

CARRIED

03-75 Moved by Mastroianni and Dzugan that the presentation by Mike Kerkmann, Dragon Boat Canada regarding the 2006 bid to host the IDBF Club Crew World Championships and requesting letter of commitment be received and referred to staff and to the Welland Recreational Canal Corporation for review and report.

CARRIED

03-119 Moved by Spadafora and Dmytrow-Bilboe that the presentation by Hugh Thompson, Silvestri Investments Inc. regarding the proposed Plan of Subdivision - Stoneybrook Extension Subdivision north of Webber Road, south of Heritage Lane be received for information.

CARRIED

03-119 Moved by Spadafora and Irvine that the presentations by Stephen Hartman on behalf of area residents and Arlette Hartman on behalf of Margaret Kleinsmith, regarding the Draft Plan of Subdivision - Stoneybrook Crescent Extension Subdivision north of Webber Road, south of Heritage Lane be received for information.

CARRIED

03-119 Moved by Spadafora and Irvine

1. That the City of Welland hereby grants Draft Approval to the Stoneybrook Extension Subdivision (File 26T-14-03001) developed by Silverstar Developments Inc., being part of Lot 237, former Township of Thorold, now in the City of Welland, based upon a Plan prepared by P.D. Reitsma Surveying Ltd. dated March 10, 2003 consisting of sixteen (16) single-detached residential lots and two (2) Blocks for access control purposes 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 Authorities free of all encumbrances;
 - d) That Blocks 17 and 18, being 0.3 metre Reserves, be transferred to the City of Welland free of all encumbrances for access control purposes;

...continued...

03-119...CONT'D.

- e) The Owner shall pay Cash-in-Lieu of Parkland Dedication based upon current City Requirements;
- f) 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;
- 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 servicing allocation for the Subdivision will not be assigned until the Plan is granted Final Approval for registration;
- i) 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;
- 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;
- k) That in the Subdivider's Agreement with the City of Welland, the Owner agree to provide a temporary turning circle at the end of Stoneybrook Crescent with a minimum pavement radius of 12.8 metres;
- 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 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 Subdivider's Agreement to implement the approved Stormwater Management Plan;
- m) That the Owner repay to the City monies owed under the Front-Ending Agreement between Silverstar Developments Inc. and the City of Welland registered on March 1, 1993 as Instrument No. 648440, such amount estimated at \$12,805.63 plus 2% annual compounded interest from April 11, 1995;
- n) 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: g, h and l;
Regional Niagara Public Works Department for Conditions: i, j and k;
- o) 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

2. That the Mayor be authorized to sign the Draft Approval and Final Approval Plans for the Stoneybrook Extension Subdivision once all Conditions have been satisfied.
3. That the owner shall construct a closed board fence along the rear (south) lot lines of 51 and 55 Heritage Lane and provide plantings on the north side of the fence on 51 Heritage Lane.

NOTES:

1. Land required to be registered under the Land Titles Act.

...continued...

03-119...CONT'D.

2. 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.

CARRIED

03-136 Moved by Irvine and Dmytrow-Bilboe Council that deny the request to waive the license fee in the amount of \$300.00 as requested by the Wine Country Kennel Club for an event to be held at the Niagara Regional Exhibition on October 10, 11, 12 and 13, 2003.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

03-138 Moved by Dmytrow-Bilboe and Mastroianni that the City of Welland declare part of Lot 27, Concession 7, formally Township of Crowland, now City Of Welland, surplus to its needs and dispose of the said property in accordance with the provisions of the Municipal Act.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

01-118

BYL 2003 - 142

A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of vacant land fronting on the south side of Larchwood Circle, being Block D, Plan M-69, to Vincent Policella Masonry contractor Limited and to repeal By-law 2003-36.

03-107Z

BYL 2003 - 143

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

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BY-LAWS PRESENTED FOR FIRST READING:

03-121Z

BYL 2003 - 144

A By-law to amend City of Welland Zoning By-law 2667 (Lea Silvestri Investments Inc. – File 2003-06) north of Autumn Crescent, west of Thorold Road.

03-123

BYL 2003 - 145

A By-law to authorize the purchase of land for road daylighting purposes on the north east side of Netherby Road, and Rusholme Road (Part 1, Plan 59R-952) from Canada Lands Company CLC Limited.

02-173

BYL 2003 – 146

A By-law to exempt certain lands from Part-Lot Control 64, 66, 68, 70, 72 and 74 Promenade Richelieu, City of Welland.

03-1

BYL 2003 - 147

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 16th day of September, 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 Dzugan 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

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 1, 2003 for inclusion on the next Regular Council Meeting Agenda.

Council adjourned at 10:00 p.m.

These Minutes approved and adopted by Motion of Council this 7th day of October, 2003.

MAYOR

CLERK