



## **COUNCIL MEETING, May 18, 2004**

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

Council met in Committee-of-the-Whole closed to the public at 7:15 p.m. and in open session at 7:40 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

The open meeting commenced with the playing of the National Anthem.

**Members Present:** Councillors D. Alexander, D. Beaudoin, M. Belcastro, P. Chiochio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell, and B. Sharpe (7:40 p.m.).

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

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (7:40 p.m.)

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah (7:40 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:40 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:40 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:40 p.m.)

General Manager of Planning and Development Services D. Thorpe (7:40 p.m.)

Acting General Manager of Parks and Recreation R. Morwald (7:40 p.m.)

Executive Assistant to the Mayor and City Manager L. Ip (7:40 p.m.)

Internal Auditor – Finance K. Douglas (7:40 p.m.)

**04-25** Moved by Belcastro and Grenier 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**

**04-25** Moved by Grenier and Grimaldi that the Committee-of-the-Whole arise from its closed meeting at 7:29 p.m.

**CARRIED**

### **DISCLOSURE OF INTEREST:**

Councillor Belcastro disclosed an interest in Ref. No. 04-97 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is a member of the Board of Directors at the Welland Club.

Councillor Alexander disclosed an interest in Ref. No. 03-84 and By-law 2004 – 47 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his property is served by a City drain.

### **PRESENTATIONS:**

Mayor Goulbourne presented plaques on behalf of Welland City Council and Dave Grimaldi presented certificates on behalf of Peter Kormos, MPP to the following members of the Minor Bantam Girls Select Basketball Team in recognition of winning the 2004 Ontario Basketball Association Gold Medal: *Ashley Durk, Breanne O'Neal, Caila Bruzzese, Cassandra Vallee, Cheyenne Jope, Jamie-Lee Smith, Kirsten McEwn, Larissa Bruzzese, Maddison Davoli, Melisa Gasper, Shelby Johnston, Tara Johnston and Coach Scott Vallee and Assistant Coach Rick Johnston.*

Mayor Goulbourne presented plaques on behalf of Welland City Council and Dave Grimaldi presented certificates on behalf of Peter Kormos, MPP to the following Notre Dame College School Cheerleaders in recognition of winning the Power Cheer Nationals Small Varsity Division Cheerleading competition at the Hershey Centre in Mississauga: *Taryn Bedesky, Lauren Bot, Emily Bot, Carissa Calvert, Krista Cutler, Tara Elliott, Elise Guzda, Jackie Holmes, Heather Kesik, Jessica Meehan, Kyla Michael, Lacey Michael, Lindsay Plugers, Talia Saltarelli, Sommer Staneff-Zavitz, Easton Vant Sant and coaches Karen Dzugan, Angela Tancredi, Maria DeLuca and Angela Ventresca.*

### **04-4 CONSIDERATION TO THE 2004 CAPITAL AND OPERATING BUDGETS.**

No one requested to speak.

**DELEGATIONS:**

- 04-21** David Burwell addressed Council regarding the 2004 Mike Burwell Triathlon.
- 04-6** Jean Vandebelt, Chair, and Sharon Cook, Director and Councillor of the Town of Pelham addressed Council and requested the month of June be declared as ***“Brain Injury Awareness Month”***.
- 04-21** Angela Carter, Event Co-chair, and Aggie Giovannini, addressed Council regarding the “1<sup>st</sup> annual event of ***“Rick Hansen Wheels in Motion”***”.
- 04-19** Rob Neill addressed Council regarding the 50<sup>th</sup> Anniversary of the Welland Tribune Basketball Tournament and requested waiving of fees for arena use for this event.
- 04-37** John Parisee, Sue Barnett and David Yakubowski addressed Council regarding the Petition for Water Rates.

**THE FOLLOWING CORRESPONDENCE WAS READ:**

- 04-83** A By-law to authorize the acceptance of tender and entering into a contract with the Greenfield Group Ltd. for weed cutting with the City of Welland.
- 04-97** Letter from Richard Limoges, President, The Welland Club requesting an encroachment onto the City’s property to build a deck.
- 04-13** Resolution to refer the By-law regarding the entering into a service provider contract with Philip Gamsby for the confectionery store at the Welland Transit Terminal for further review and report to the June 1, 2004 Council Meeting.

**THE FOLLOWING CORRESPONDENCE WAS DELETED:**

- 04-28** Greg D’Amico, Chair, Downtown Business Improvement Area Board – update on the downtown business area.
- 93-162**
- 99-99** A By-law to authorize the entering into an Agreement with Underground Services (1983) Limited for the reconstruction and rehabilitation of the bridge decks and pavement over the Welland River Syphon.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 93-132** Ronald M. Hobgen, 26 Miranda Court – Dog By-law 10715.
- 93-162**
- 99-99** A By-law to authorize the entering into an agreement with Underground Services (1983) Ltd. for the reconstruction and rehabilitation of the bridge decks and pavement over the Welland River Syphon.
- 96-48** Development Charges 2003 Year End Statement.

- 96-58** Snow clearing operations and policies.
- 96-160** G.I.S. Deployment Implementation.
- 99-99** City Mgr., T. Fitzpatrick – Welland Recreational Canal Waterways – Tariffs.
- 01-2** Review of City's current Business Licensing By-law.
- 01-46** Additional Engineering Services – Harry Diffin Industrial Park.
- 01-154** Review By-law from West Lincoln re sexual exploitation of children & child pornography.
- 03-17** A By-law to authorize the entering into collective agreements with the National Automobile, Aerospace, Transportation and General Workers Union of Canada C.A.W. Local 523 and its general workers for the Public Works department and the Parks and Arena Departments, effective January 1st, 2003 to December 31st, 2005.
- 03-37** City Mgr., T. Fitzpatrick – Settlement of Interest – Regional Sewer Over Billing.
- 03-75** 2006 Dragon Boat World Championship Bid.
- 03-75** Brian R. York, Welland Dragon Boat Festival - requesting that the Welland Dragon Boat Festival to be held on June 25 and June 26, 2004 be designated as a community festival.
- 04-20** Proposed Standing Water By-law.
- 03-84** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Authorization to Larvicide for West Nile Virus.
- 03-84** A By-law to resolve public health problems and concerns arising out of the dangerous condition for breeding insects created by the existence of standing water on private property in the City of Welland.
- 03-129** A By-law to authorize the Kingsway Bridge Deck Rehabilitation.
- 03-129** A By-Law to authorize the entering into an agreement with Rankin Construction Inc., to undertake the Kingsway Bridge Deck Rehabilitation.
- 03-157** A By-law to authorize the entering into a contract with Centennial Construction and Contracting (Niagara) Inc. for the Hellems Burgar Area Sewer Separation (Phase 2) from Dorothy Street to Victoria Street.
- 04-1** 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 18th day of May, 2004.
- 04-2**
- 04-23** A By-law to appoint John Krajcovic as Licensing Officer for the City of Welland for the purpose of enforcing Licensing By-law 4530, as amended, as reinstated by By-law 2001-55 and any subsequent licensing By-Law.
- 04-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-2004 Capital and Operating Budgets
- 04-4** Greg D'Amico, Chair, Welland Downtown BIA – 2004 Budget for the Welland Downtown Business Improvement Area.
- 04-4** John Clark, Chair, North Welland Business Improvement Area Association – 2004 Budget for the North Welland Business Improvement Area.
- 04-6** Rick Hansen, President and CEO, Rick Hansen Wheels in Motion requesting the day of June 13<sup>th</sup>, 2004 be declared as “**Rick Hansen Wheels in Motion**”.
- 04-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Accounts Payable – April 25, 2004 to May 11, 2004.
- 04-10** Jacqueline Haist, Reporting Secretary, regarding the appointment of Board Members to the Welland Downtown Business Improvement Area Board.
- 04-10** John Clark, Chair regarding the appointment of Board Members to the North Welland Business Improvement Area Board.
- 04-13** A By-law to authorize the entering into a service provider contract with Philip Gamsby for the confectionery store located at the Welland Transit Terminal.
- 04-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Niagara South Hip Hip Hooray – Transportation.
- 04-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – South

Niagara Rowing Club – Bus Shuttle Request.

**04-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Transit Study Implementation.

**04-19** Mary-Lou Ambrose-Little, Community Recreation Coordinator, City of Welland Parks & Recreation Department on behalf of Welland Recreation Projects Association – requesting permission to hold a fireworks display at the Canada Day Celebration, on Thursday, July 1, 2004 at Memorial Park and on Sunday, August 1, 2004 at St. George Park for the annual Family Day.

**04-21** Jeannette Smith, Heart and Stroke Foundation of Ontario – requesting permission to hold its annual **“Pedal 100 for Heart and Stroke”** on August 14<sup>th</sup>, 2004.

**04-21** Brian R. York, Organizer, Welland Dragon Boat Festival – requesting closure of Colborne Street North during the **“Welland Dragon Boat Festival”** to be held June 25 and 6, 2004.

**04-23** A By-law to appoint John Krajcovic as Weed Inspector for the City of Welland.

**04-42** A By-law to authorize the exchange of land with 1006146 Ontario Limited being vacant land north of Thorold Road between South Pelham Road and North Valley Drive.

**04-55** Proposed Plan of Subdivision and Zoning By-law amendment – Woodlawn Meadows Subdivision (Files 26T-14-03003 and 2003-15) – Adisco Limited – south side of Woodlawn Road, east of South Pelham Road.

**04-55Z** A By-law to amend City of Welland Zoning By-law 2667 (Adisco Limited -File 2003-15) south side of Woodlawn Road, east of South Pelham Road.

**04-57** Holly Dowd, Town Clerk, Town of Niagara-on-the-Lake – proposed Greenbelt Legislation.

**04-58** A By-law to authorize the entering into a contract with Provincial Construction (Niagara Falls)

Limited to undertake the Lincoln Street Combined Sewer Separation Project Phases 2 and 4 under the Oxford-Atlas-Wellington Area Sewer Separation 2004; and watermain replacement on Empress Avenue from Lincoln Street to Harrison Avenue, and on Hughes Avenue from Lincoln Street to Lewis Street.

**04-76** A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Ltd.

Emulsion Division for the supply of asphalt emulsions.

**04-77** A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Emulsion Division for the supply and application of road surface treatment materials.

**04-78** A By-law to authorize the acceptance of tender from Niagara Battery & Tire for tire maintenance service.

**04-80** A By-law to authorize the entering into a contract with Vic Vatr Contracting Limited for the Sanitary Sewer Service Lateral Replacement Program 2004.

**04-81** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Award of Tender – Supply and Application of Road Traffic Paint and Pavement Markings – 2004.

**04-83** Acting Gen. Mgr. Parks & Recreation R. Morwald – Tender – Weed Cutting.

**04-83** Tender – Weed Cutting.

**04-83** A By-law to authorize the acceptance of tender and entering into a contract with the Greenfield Group Ltd. for weed cutting with the City of Welland.

**04-85** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – CCTV Camera Inspection of Gravity Sewers.

**04-88** Casino gambling revenues.

**04- 93** Bobbi Tylor, Welland resident – requesting the expansion of toll free calling from Welland to Niagara Falls.

**04-94** Gen. Mgr. of Planning and Development Services D. Thorpe –Forks Commons Subdivision (formerly Forks End Subdivision) (File 26T-97004) – Request for Extension of Draft Approval.

**04-95** City Mgr., T. Fitzpatrick – Extension of Lease Agreement between the St. Lawrence Seaway Management Corporation and the City of Welland for a portion of the Old Welland Canal.

**04-95** A By-law to authorize an extension of the term of the lease agreement with the St. Lawrence Seaway Management Corporation for a portion of the Old Welland Recreational Canal.

**04-1** Moved by Sharpe and Chiochio that the Minutes of the Regular Council Meeting of May 4, 2004 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**93-132** Moved by Larouche and Belcastro that the presentation to General Committee on February 24th, 2004 by Ronald M. Hobgen regarding Dog By-law 10715 be again referred to staff for report to Council.

**CARRIED**

**96-48** Moved by Larouche and Belcastro that the Treasurer's Statement attached to Report FIN-04-15, in accordance with the Development Charges Act and O. Reg. 104/98, be received and the City Clerk be instructed to forward a copy of this Statement to the Minister of Municipal Affairs within 60 days of giving this report to Council as per Section 43(3).

**CARRIED**

**96-58** Moved by Larouche and Belcastro that the creation of a Committee consisting of Council, staff and representatives of the public to review snow clearing operations and policies be again referred to staff or study and report.

**CARRIED**

**96-160** Moved by Larouche and Belcastro

1. That subject to Budget approval the City of Welland proceed with deployment of a GIS system, and that the expenditures for the Project be charged to the Municipal Infrastructure Information Technology & Asset Management Strategic Plan project fund; and
2. That a GIS Coordinator position, reporting to the Information Services Manager, be created as a 2 year contract to oversee and implement the GIS system deployment.

**CARRIED**

**99-99** Moved by Larouche and Belcastro

1. That Welland Council approve the removal of user fees for access to the Welland Recreational Waterway; and
2. That Staff be directed to prepare the necessary By-law.

**CARRIED**

**01-2** Moved by Larouche and Belcastro that staff be again directed to review the City's current Business Licensing By-law.

**CARRIED**

**01-46** Moved by Larouche and Belcastro that Council authorize additional engineering services in the amount of \$92,955.04 for the City owned Harry Diffin Industrial Park and that the additional costs be funded from the 2003 Current Budget surplus.

**CARRIED**

**01-154** Moved by Larouche and Belcastro 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**

**03-37** Moved by Larouche and Belcastro

1. That the City of Welland accept \$1,070,000 in interest payments from Regional Niagara as interest owed to the City of Welland as a consequence of Regional over billing for sanitary sewage flows from 1993 to 2002;
2. That the funds be payable to the City of Welland over a six month period;
3. That the interest revenue received and any outstanding principle received on the sewage treatment overcharge be deposited in the Water and Sewer Reserve Fund for future use in sewer and water projects in the City of Welland.

**CARRIED**

**03-75** Moved by Larouche and Belcastro that the request from Dragon Boat Canada regarding the 2006 Dragon Boat World Championships be again referred to staff and to the Welland Recreational Canal Corporation for review and report.

**CARRIED**

**03-75**

**04-20** Moved by Larouche and Belcastro that the request by the Welland Dragon Boat Festival to hold a two day event on June 25, and 26, 2004 be referred to the Welland Recreational Canal Corporation for approval; and

That Welland City Council has no objection to the issuance of a Special Occasion Permit to the Welland Dragon Boat Festival for an event to be held on June 25 and 26, 2004, as outlined in the correspondence dated May 14, 2004 and designates the event as a Community Festival, subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits.

**CARRIED**

**03-84** Moved by Larouche and Belcastro that Staff be authorized to bring forward a By-law designed to reduce and limit the existence of standing water which contributes to the breeding of insects, in particular mosquito larvae.

**CARRIED**

**03-84** Moved by Larouche and Belcastro that Council authorizes the General Manager of Engineering, Public Works, and Transportation Services Department to permit the Regional Niagara Public Health Department to use larvicide on all municipally owned property for the treatment of mosquitoes that are potential vectors of the West Nile Virus.

**CARRIED**

**04-4** Moved by Larouche and Belcastro that the 2004 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**

**04-4** Moved by Larouche and Belcastro that the 2004 Budget from the North Welland Business Improvement Area Association in the amount of \$32,000.00 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**

**04-4** Moved by Belcastro and Alexander

1. That Council approve the 2004 Capital and Operating Budgets, Schedules 'A' and 'B' attached to Report FIN-04-16, resulting in a 11.47% tax levy decrease from \$25,179,466 in 2003 to \$22,291.588 in 2004, including the staffing proposals recommended by the Budget Review Committee.
2. That the City Solicitor be directed to prepare a By-law to establish Tax Rate Ratios and Tax Rates to levy taxes for the year 2004.

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**04-4**

**04-23** Moved by Beaudoin and Dzugan that the staffing position recommended as a part of the 2004 Budget be amended to move the Transit Manager position from contingency fund to operating budget with the understanding that the position would be a 2 year contract term and with the further understanding that a review of the transit system would occur during that term.

**CARRIED**

**FOLLOWING THE VOTE ON THE AMENDING MOTION, THE MAIN MOTION WAS PUT AS AMENDED AS FOLLOWS:**

**04-4**

1. *That Council approve the 2004 Capital and Operating Budgets, Schedules 'A' and 'B' attached to Report FIN-04-16, resulting in a 11.47% tax levy decrease from \$25,179,466 in 2003 to \$22,291.588 in 2004, including the staffing proposals recommended by the Budget Review Committee and as further amended by Council.*
2. *That the City Solicitor be directed to prepare a By-law to establish Tax Rate Ratios and Tax Rates to levy taxes for the year 2004.*

**AND .....**

**CARRIED**

**YEAS:** Councillors Grimaldi, Dzugan, Sharpe, Beaudoin, Alexander, Grenier Chiocchio, Larouche, Belcastro and Mayor Goulbourne.

**NAYS:** Councillors O'Dell and Fortier.

**04-6** Moved by Grimaldi and Belcastro that the presentation by Jean Vandenbelt, Chair, Board of Directors, Headway Homes (Niagara Inc.) and Sharon Cook, Director of the Board of Headway Homes (Niagara Inc.) and Councillor of the Town of Pelham to advised of activites planned for June 2004 be received for information; and  
That the Mayor declare the month of June as "**Brain Injury Awareness Month**" in the City of Welland as requested by the Headway Homes (Niagara) Inc.

**CARRIED**

**04-6** Moved by Larouche and Belcastro that the Mayor declare the day of June 13th, 2004 as "**Rick Hansen Wheels in Motion**" in the City of Welland as requested by Rick Hansen.

**CARRIED**

**04-7** Moved by Larouche and Belcastro that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	27-Apr-04	\$	5,268,291.69
2	29-Apr-04		283,892.16
3	03-May-04		96,065.71
4	05-May-04		3,465.77
5	07-May-04		244,752.40
6.	10-May-04		<u>96,267.04</u>
	<b>Total</b>	<b>\$</b>	<b>5,992,734.57</b>

**CARRIED**

**04-10** Moved by Larouche and Belcastro that Council approve the recommendation for appointment of the following: *Greg D'Amico, Domenic Ferrusi, Brian O'Neill, John Irvine, Carl Damude, Ken Nash, Sandy Valleriani, Paul Norton, Earl Henderson, Steve Talosi, and Tammy Holt* to the Welland Downtown Improvement Area Board of Management as determined by the e-mail from Jacqueline Haist, Reporting Secretary dated May 7, 2004 and in accordance with By-law 1999-51.

**CARRIED**

**04-10** Moved by Larouche and Belcastro that Council approve the recommendation for appointment of the following: *John Clark, Rick Groom, Laura McKnight, John Riley, Maria Hansen, Jeff Reuter, Alanna Galeota and Margaret, Rempel* to the North Welland Business Improvement Area Board as determined by the email from John Clark, Chair dated May 11, 2004 and in accordance with By-law 1999-135.

**CARRIED**

**04-13** Moved by Dzugan and Belcastro that the By-law to authorize the entering into a service provider contract for the confectionery Store at the Welland Transit Terminal be referred to staff for further review and report to the June 1, 2004 Council Meeting.

**CARRIED**

**04-13** Moved by Larouche and Belcastro

1. That Council approve the request from the Niagara South Hip Hip Hooray Campaign Committee for the provision of bus transportation to and from Rose City Senior Centre on Sunday, May 30, 2004.
2. That, as per Council's Policy, the financial consideration of \$260.98 be approved on a cost sharing basis for the in-kind service request.
3. That Council approve a 50% discount in fees for the delivery and use of picnic tables.

**CARRIED****04-13** Moved by Larouche and Belcastro

1. That Council deny the request from the South Niagara Rowing Club for the provision of bus shuttle service for the Annual High School Invitational Regatta on May 22 and May 23, 2004.
2. That the financial consideration of \$716.75 being the direct costs to provide the requested service be borne by the South Niagara Rowing Club.

**CARRIED****04-19** Moved by Larouche and Belcastro that the presentation by Rob Neill regarding the 50th Anniversary of the Welland Tribune Basketball tournament on January 14 and 15, 2005 be received for information; and

That the request to waive the fees for the use of the arena be approved to a maximum of \$2,500.00.

**CARRIED****04-21** Moved by Larouche and Grenier that the presentation by Angela Carter, Event Co-chair, and Aggie Giovannini regarding the 1st annual event of "***Rick Hansen Wheels in Motion***" be received for information.**CARRIED****04-21** Moved by Grenier and Larouche that the presentation by David Burwell regarding the 2004 Mike Burwell Triathlon be received for information.**CARRIED****04-21** Moved by Larouche and Belcastro that Welland City Council approves the application of the Heart and Stroke Foundation of Ontario to hold its annual "***Pedal 100 for Heart and Stroke***" on August 14th, 2004 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.**CARRIED****04-37** Moved by Larouche and Chiochio that the presentation by John Parisee, Sue Barnett, and David Yakubowski regarding the water and sewer rates petition be received for information.**CARRIED****04-55****04-55Z** Moved by Larouche and Belcastro

1. That City of Welland Zoning By-law 2667, as amended, be further amended for lands on the south side of Woodlawn Road, east of South Pelham Road (Part of Lot 246, former Township of Thorold)

- from the existing R2 Zone to the R3 Zone to permit residential development by Plan of Subdivision.
2. That the City of Welland hereby grant Draft Approval to the Woodlawn Meadows Subdivision (File 26T-14-03003) developed by Adisco Limited, being Part of Lot 246, former Township of Thorold based upon a Plan prepared by Urbex Engineering Limited dated March 18, 2004 consisting of forty (40) single-detached residential lots, three (3) Blocks for future residential purposes, one (1) Block for a temporary Storm Water Management Facility, one (1) Block for a future street and seven (7) Blocks for access control purposes 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 46 through 52 inclusive, 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 Dedications based upon current City Requirements.

...continued...

**04-55**

**04-55Z...CONT'D.**

- 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) The Owner shall construct a temporary Storm Water Management Facility on Block 43, including any required fencing and landscaping to the satisfactory of the City. Vehicular access will be permitted over Blocks 42, 47 and 48 for maintenance of the Facility. The City shall not take ownership of Block 43 and the Owner shall be responsible for its maintenance and operations. The Owner shall provide the City with financial security to ensure maintenance.
- h) When the temporary Storm Water Management Facility on Block 43 is no longer required, the Owner shall be responsible for ensuring that Block 43 is restored to its original condition in accordance with any government procedures and to the satisfactory of the City of Welland.
- i) Subject to any government requirements concerning the re-use of Block 43 for residential purposes, the development of adjoining lands to the south to incorporate a street in conjunction with Block 42 and the entering into of any Agreements required in the future, the City may permit the development of Block 43 for single-detached residential purposes.
- j) That detailed sedimentation and erosion control plans detailing methods proposed for the control of silt and erosion during the construction phase and restoration proposed for the site after construction be submitted to the N.P.C.A. for review and approval.
- k) That the Owner acknowledge promptly that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of final approval of the subdivision for registration purposes.
- l) That immediately following notice of draft plan approval, the Owner shall provide the Regional Niagara Planning and Development Department with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this subdivision, shall contain a clause clearly indicating that a servicing allocation for this subdivision will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the Subdivider's Agreement between the Owner and the City of Welland.
- m) That the design drawings for the water, sanitary sewer and stormwater drainage systems required to service this development be submitted to the Regional Public Works Department for review and approval. (Note: Any Stormwater Management Facility that may be proposed for this development would require the direct approval of the Ministry of the Environment, Toronto).

- n) That prior to final approval for registration of this plan, the Owner shall obtain Ministry of the Environment Certificates of Approval to the satisfaction of the Regional Public Works Department for the necessary servicing (watermains, storm sewers and sanitary sewers) for this development.
- o) That prior to approval of the final plan or any on-site grading, the Owner shall submit to the Regional Planning and Development Department for review and approval two copies of a detailed Stormwater Management Plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer 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:
  - i) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - ii) Detailed sediment and erosion control plans.

Note: The Region will request the Niagara Peninsula Conservation Authority to review the Stormwater Management Plan and other related plans on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of these plans and the subsequent clearance of related conditions by Regional Planning staff.
- p) That the Subdivider's Agreement between the Owner and the City of Welland contain provisions whereby the Owner agrees to implement the approved Stormwater Management Plan required in accordance with Condition o) above.

...continued...

**04-55**

**04-55Z..CONT'D.**

- q) That the developer revise the proposed plan of subdivision with a redline revision wherein Lots 12 to 16 are removed and replaced with a block for a Stormwater Management Facility.
  - r) The Owner shall prepay for the subject land's share, on an area basis, of a permanent Storm Water Management Facility to be constructed in accordance with the Central West Planning and Services Review Study, such facility to be constructed in the future.
  - s) That Block 42 proposed to form part of future road allowance, be transferred to the City at no cost for such purposes.
  - t) 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 k), l), o), p) and q);
    - Regional Niagara Public Works Department for Conditions m) and n);
    - Niagara Peninsula Conservation Authority for Conditions j).
  - u) 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
3. That the Mayor be authorized to sign Draft Approval and Final Approval Plan for the Woodlawn Meadows Subdivision once all Conditions have been satisfied.

**NOTES:**

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

**04-57** Moved by Larouche and Belcastro that Welland City Council supports the resolution from the Town of Niagara-on-the-Lake requesting the Province to set up a sub-committee with agricultural representatives to address the economic viability of the agricultural industry before the Greenbelt Legislation is finalized by the Province.

**CARRIED**

**04-83** Moved by Larouche and Belcastro that Council waive the requirement for the minimum of three (3) bids for weed cutting along urban and rural roadsides, on privately owned and City owned lots, and on lands adjacent to the Rowing Club, south of Forks Road in the City of Welland, due to the fact that only two (2) tenders were received, and furthermore, that Council authorize the opening of the two tenders.

**CARRIED**

**04-83** Moved by Larouche and Belcastro that Council accept the tender quotation from The Greenfield Group Ltd. for weed cutting along urban and rural roadsides, on privately owned and City-owned lots, and on lands adjacent to the Rowing Club, south of Forks Road in the City of Welland, for a period of three years, according to the rates specified in Report P&R-2004-13, this being the lower and most comprehensive of the two tender quotations received.

**CARRIED**

**04-85** Moved by Larouche and Belcastro that Council authorize the General Manager Engineering, Public Works and Transportation Services to retain SARP Sewer Services to undertake the closed circuit camera (CCTV) inspection of gravity sewers, as tendered, in the amount of \$47,975 plus applicable G.S.T., and

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 CCTV inspection works, at the tender price of \$47,975 plus applicable G.S.T., and

That Council further authorize the General Manager Engineering, Public Works and Transportation Services to retain SARP Sewer Services to undertake supplemental CCTV inspection works, at the unit prices bid, not to exceed allocated funding totaling \$81,500 for 2004, and conditional to the successful completion of the initial prescribed tendered work program.

**CARRIED**

**04-88** Moved by Dzugan and Belcastro that the casino gambling revenues resolution be referred to later in the meeting.

**CARRIED**

**04-88** Moved by Dzugan and Belcastro that the City of Welland urges both the Province of Ontario and the Ontario Gaming Commission to fairly allocate new casino gambling revenues as part of a new deal for the Region of Niagara and all its area municipalities; and  
That the Region negotiate a new deal with the Province for monies related to all gaming revenues in Niagara Falls and Fort Erie to benefit all municipalities in the Niagara Region; and further  
That this resolution be endorsed by the Region of Niagara and all its area municipalities.

**CARRIED**

**YEAS:** Councillors O'Dell, Grimaldi, Dzugan, Fortier, Sharpe, Grenier, Chiocchio, Larouche, Belcastro and Mayor Goulbourne.

**NAYS:** Councillors Beaudoin and Alexander.

**04-93** Moved by Larouche and Belcastro that the letter from Bobbi Tylor requesting the expansion of toll free calling from Welland to Niagara Falls be supported and referred to Bell Canada for consideration and response.

**CARRIED**

**04-94** Moved by Larouche and Belcastro that Council approve an extension to Draft Approval for the Forks Commons Subdivision (formerly Forks End Subdivision) (File 26T-97004) for one (1) year to June 29, 2005 as requested by Patrick Luciani on behalf of ATXX Corporation.

**CARRIED**

**04-95** Moved by Larouche and Belcastro that the Mayor and Clerk be authorized to execute a supplemental Lease Agreement extending Lease 66-1414 to March 31, 2027 with the St. Lawrence Seaway Management Corporation for a portion of the Old Welland Canal

**CARRIED**

**04-97** Moved by Larouche and Chiocchio that Council approve the request from the Welland Club for encroachment onto City property for deck construction; and  
That the City Solicitor be directed to prepare the said agreement.

**CARRIED**

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

**04-10** Moved by Alexander and Chiocchio that Councillor Paul Grenier be appointed to the Welland Recreational Canal Corporation to replace Councillor Joe Spadafora.

**CARRIED**

**04-12** Moved by Alexander and Chiochio that Councillor Mary Ann Grimaldi be appointed as Vice Mayor for a three (3) month term of office, commencing June 1, 2004 to August 31, 2004 to replace Councillor Belcastro; and  
That By-law 2003-182 be amended accordingly.

**CARRIED**

## **BY-LAWS**

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

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

**03-17**

BYL 2004 - 46

A By-law to authorize the entering into collective agreements with the National Automobile, Aerospace, Transportation and General Workers Union of Canada C.A.W. Local 523 and its general workers for the Public Works Department and the Parks and Arena Departments, effective January 1st, 2003 to December 31st, 2005.

...continued...

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

**03-84**

BYL 2004 - 47

A By-law to resolve public health problems and concerns arising out of the dangerous condition for breeding insects created by the existence of standing water on private property in the City of Welland.

**03-129**

BYL 2004 - 48

A By-law to authorize the Kingsway Bridge Deck Rehabilitation.

**03-129**

BYL 2004 - 49

A By-law to authorize the entering into an agreement with Rankin Construction Inc., to undertake the Kingsway Bridge Deck Rehabilitation.

**03-157**

BYL 2004 - 50

A By-law to authorize the entering into a contract with Centennial Construction and Contracting (Niagara) Inc. for the Hellems Burgar Area Sewer Separation (Phase 2) from Dorothy Street to Victoria Street.

**04-2**

**04-23**

**BYL 2004 - 51**

A By-law to appoint John Krajcovic as Licensing Officer for the City of Welland for the purpose of enforcing Licensing By-law 4530, as amended, as reinstated by By-law 2001-55 and any subsequent licensing By-Law.

**04-23****BYL 2004 - 52**

A By-law to appoint John Krajcovic as Weed Inspector for the City of Welland.

**04-42****BYL 2004 - 53**

A By-law to authorize the exchange of land with 1006146 Ontario Limited being vacant land north of Thorold Road between South Pelham Road and North Valley Drive.

**04-55Z****BYL 2004 - 54**

A By-law to amend City of Welland Zoning By-law 2667 (Adisco Limited -File 2003-15) south side of Woodlawn Road, east of South Pelham Road.

**04-58****BYL 2004 - 55**

A By-law to authorize the entering into a contract with Provincial Construction (Niagara Falls) Limited to undertake the Lincoln Street Combined Sewer Separation Project Phases 2 and 4 under the Oxford-Atlas-Wellington Area Sewer Separation 2004; and watermain replacement on Empress Avenue from Lincoln Street to Harrison Avenue, and on Hughes Avenue from Lincoln Street to Lewis Street.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:****04-76****BYL 2004 - 56**

A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Ltd. Emulsion Division for the supply of asphalt emulsions.

**04-77****BYL 2004 - 57**

A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Emulsion Division for the supply and application of road surface treatment materials.

**04-78****BYL 2004 - 58**

A By-law to authorize the acceptance of tender from Niagara Battery & Tire for tire maintenance service.

**04-80****BYL 2004 - 59**

A By-law to authorize the entering into a contract with Vic Vatrt Contracting Limited for the Sanitary Sewer Service Lateral Replacement Program 2004.

**04-95**

BYL 2004 - 60

A By-law to authorize an extension of the term of the lease agreement with the St. Lawrence Seaway Management Corporation for a portion of the Old Welland Recreational Canal.

**04-83**

BYL 2004 - 61

A By-law to authorize the acceptance of tender and entering into a contract with The Greenfield Group Ltd. for weed cutting with the City of Welland.

**04-1**

BYL 2004 - 62

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 18th day of May, 2004.

And that the same be now read a first time.

**CARRIED**

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

2. Moved by Grenier 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**

**CURFEW**

Due to curfew, the following items were not addressed and are to be rescheduled at the Special Council Meeting of May 25, 2004.

**04-13** Report TRANS 2004-04 – Transit Study Implementation.

**04-81** Report TRAF 2004-13 – Award of Tender – Supply and Application of Road Traffic Paint and Pavement Markings – 2004.

**04-19** Mary-Lou Ambrose-Little, Community Recreation Coordinator, City of Welland Parks & Recreation Department on behalf of Welland Recreation Projects Association – requesting permission to hold a fireworks display at the Canada Day Celebration, on Thursday, July 1, 2004 at Memorial Park and on Sunday, August 1, 2004 at St. George Park for the annual Family Day.

**04-21** Brian R. York, Organizer, Welland Dragon Boat Festival – requesting closure of Colborne Street North during the ***“Welland Dragon Boat Festival”*** to be held June 25 and 26, 2004.

**93-162****99-99**

A By-law to authorize the entering into an agreement with Underground Services (1983) Ltd. for the reconstruction and rehabilitation of the bridge decks and pavement over the Welland River Syphon.

### **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, May 26, 2004 for inclusion on the next Regular Council Meeting Agenda of June 1, 2004.**

Council adjourned at 11:00 p.m.

These Minutes approved and adopted by Motion of Council this 1<sup>st</sup> day of June, 2004.

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**MAYOR**

**CLERK**