



COUNCIL MEETING, APRIL 18, 2000

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 6:40 p.m. and in open session at 7:50 p.m. on the above date.

His Worship Mayor J. Richard Reuter in the Chair.

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

Members Present: Councillors D. Beaudoin, V. Bellantino (7:25 p.m.), F. Campion, C. Forster, D. Fortier, J. Larouche, J.L. MacLellan, C. McQueen, S. O'Dell, J. Spadafora (7:15 p.m.), and L. Van Vliet.

Members of the Staff and Others Present:

Chief Administrative Officer V. Kerschl
City Clerk C.A. Stirtzinger
City Solicitor G. Banks
Environmental Services Engineer D. Cook
Director of Development Services T. Fitzpatrick
Director of Operational Services G. Marcello (7:50 p.m.)
City Treasurer R. Perron
Community Services Director Ian Smith (7:15 p.m. - 9:00 p.m.)
Assistant Clerk D. Vettori
Development Planner D. Thorpe (7:50 p.m. - 8:15 p.m.)
Economic Development Officer D. Degazio (7:05 p.m. - 10:45 p.m.)

2000-25 Moved by Campion and O'Dell that Council meet in Committee-of-the-Whole, closed to the public at 6:40 p.m. to consider:

- a) the security of the property of the municipality; and
- b) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

(Councillors Spadafora and Bellantino were not present during the- property.) **Committee-of-Whole discussions on matters of solicitor/client privilege and security of**

2000-25 Moved by Campion and O'Dell that the Committee-of-the-Whole arise from its closed meeting at 7:40 p.m. without report.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Forster disclosed an interest in Ref. No. 94-102 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as her husband is an employee of the City of Welland on leave of absence and is affected by this contract.

Councillor Van Vliet disclosed an interest in Ref. No. 95-175 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is an employee of the Region of Niagara.

Councillor McQueen disclosed an interest in Ref. No. 95-175 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is an employee of the Region of Niagara.

Councillor Spadafora disclosed an interest in Ref. No. 98-82 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his company may bid on the proposed Civic Centre Project.

Councillor Bellantino disclosed an interest in Ref. No. 98-82 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property adjacent to the proposed Civic Centre Project.

PUBLIC HEARING PURSUANT TO SECTION 442 OF THE MUNICIPAL ACT - TAX WRITE OFFS

No one spoke.

DELEGATIONS:

- 2000-28** Spencer Corish presented to Council his Corish Recycle-Matic Water Conservation system.
- 2000-28** Ms. Amy Elder, Board of Director Member, Welland-Pelham Chamber of Commerce addressed Council regarding upcoming Chamber events.
- 2000-21** Gerry Berkhout, Chairman, Welland Chapter, Heart and Stroke Foundation of Ontario addressed Council regarding the ***“Big Bike For Stroke”*** event on Saturday, May 13th at the Blue Star Restaurant.
- 99-43** Bob McCallion and Mike Grimaldi, Welland District Labour Council addressed Council regarding Hydro Restructuring.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 94-83** R.J. Douglas, Town Clerk, Town of Richmond Hill, requesting support of a resolution regarding Adult Entertainment Parlours And requesting the Provincial Legislature to enact the statutory amendment.
- 94-102** Installation and Calibration of water meters by city forces
- 94-164Z** A By-law to amend Zoning By-law 2667 upon the application of Fernando Homes Construction Ltd. to remove the Holding Symbol “H” from certain lands on the east side of Clare Avenue, north of Woodlawn Road known municipally as 810 Clare Avenue.
- 95-105** Dir. of Dev. Services T. Fitzpatrick - Final Budget Analysis - Welland Court House.
- 95-175** Berkeley Report - “Good Governance for the Future”.
- 96-100** Dir. of Oper. Services G. Marcello and Dir. of Dev. Services T. Fitzpatrick - Construction of street “A” - River Road to Brown Road.
- 98-78** Completion of East Bank Combined Sewer and Government Drain Separation Works
- 98-82** Construction Costs - Civic Centre Complex.
- 99-35** Policy for Community Safety Zones for the Region of Niagara.
- 99-46** Building Permit Issuance and new water billing accounts.
- 99-120** Wellington Street Roadway Construction
- 99-133** Supplemental Information - Matthews Road, North of Buchner Road
- 2000-1** 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 11th day and 18th day of April, 2000 .
- 2000-3** Lois Flemming, Director, Fund Development, Canadian Red Cross requesting permission to sell lottery tickets in the City of Welland.
- 2000-3** George Csuka, Wainfleet Historical Society requesting permission to sell lottery tickets in the City of Welland.
- 2000-4** Royal Canadian Legion request of write off taxes
- 2000-4** City Treas. R. Perron - Adopt the 2000 Municipal Capital and 10 Operations Budget estimates.
- 2000-4** A By-law to set the 2000 transition ratios and to levy taxes for the year 2000.
- 2000-4** A By-law to exempt the Royal Canadian Legion (Branch 4), the Canadian Corps Association and the British Canadian Veterans Association from property taxation, pursuant to Section 207(62) of The Municipal Act.

- 2000-6** Dr. Arnold Paulson, President, Board of Directors, Welland & District Society for the Prevention of Cruelty to Animals - Request for designation of the week of July 31st, 2000 as "***Humane Society***" week in the City of Welland.
- 2000-7** City Treas. R. Perron - Accounts Payable Report - March 30 - April 12, 2000.
- 2000-9** Letter from Linda Stortz and George Knezic requesting installation of street lights on Colbeck Drive South.
- 2000-9** Installation of streetlight on existing hydro pole at 130 Gadsby Avenue - Mrs. Doreen Calarco.
- 2000-20** Daniel M. Fortier, Club Member, Club Richelieu requesting Special Occasion Permit for an Elimination Day Fundraising Event.
- 2000-21** Letter from Lynn Tisi-Nero, Chairperson, Glendale Playground Committee requesting permission to hold a Walk-a-thon.
- 2000-21** Letter from Major Dwyer, Lincoln and Welland Regiment requesting permission to hold a triathlon.
- 2000-21** Damien R. Matthews, Race MTB, requesting permission to hold a mountain bike race.
- 2000-21** D. Boutin, Bookkeeper, Welland & District Society for the Prevention of Cruelty to Animals, requesting permission to hold a Walk-a-thon.
- 2000-22** Parking Controls - Municipal Parking Lots - On Street Parking Meters - City of Welland.
- 2000-22** Request for establishment 4 hour permissive parking zone - North and South sides Kennedy Street - River Road to Ross Street
- 2000-22** Upgrade Parking Meters - Pay and Display Machines - 2000 Coin Set
- 2000-26** Sidewalk Repair Program 2000
- 2000-27** Joe Mocasn, Welland Rose Festival Inc. requesting to use City Hall parking lot for the sale of "City of Welland" roses.
- 2000-28** Dr. Anthony Broski, Dir. of Renal Transplant, Hotel Dieu Hospital - Organ Donor Awareness Night, Thursday, April 27 at White Oaks Conference Resort & Spa, St. Catharines.
- 2000-31** Comm. Serv. Dir. I Smith - Ecole Nouvel Horizon - playground equipment.
- 2000-32** Update - Arena Project
- 2000-32** Comm. Serv. Dir. I. Smith - Capital Projects - Arena.
- 2000-43** Lot Grading/Site Alterations.
- 2000-58** Dir. of Oper. Services G. Marcello - Sanitary Service Lateral Replacement Program 2000 - Award of Tender.
- 2000-62** Sale of Docteur-Renaud School - 100 First Street.
- 2000-65** A By-law to authorize the stopping-up, closing and conveying of the unopened road allowance being part of Abbey Road and Block 74, Plan 59M-132 lying east of Green Pointe Drive in the College View Estates Subdivision. ***(THIRD READING)***
- 2000-69** Dir. of Dev. Services T. Fitzpatrick - Proposed Plan of Subdivision - Clare Avenue Estates (26T-14-99002) - Vincent Policella Masonry Contractor Limited, west side of Clare Avenue, north of Thorold Road.
- 2000-70** A By-law to authorize the acceptance of tender from Niagara Battery & Tire for maintenance service for city-owned vehicles.
- 2000-75** Regional Policy Plan Review
- 2000-76** Regional Niagara Publication 94 (January 2000) Niagara's Greenhouse Industry
- 2000-78Z** Proposed amendment to Zoning By-law 1538 - Ludwig Werkmeister - 130 Moyer Road (File 2000-03)
- 2000-79** Lincoln Street Combined Sewer Separation
- 2000-81** Dir. of Oper. Services G. Marcello - Supply and Application of Road Traffic Paint.
- 2000-83** A By-law to authorize the signing of a Development Agreement with John Anthony Kaas and Lisa Stephanie Kaas with respect to Lots 3042 to 3044, Plan 941 being vacant land on the west side of Forster Avenue.

2000-1 Moved by Beaudoin and Spadafora that the Minutes of the Regular Council Meeting of April 4th, 2000 and Special Council Meeting of April 11th, 2000 be and the same are hereby approved and adopted as circulated.

CARRIED

94-83 Moved by Spadafora and Fortier that the letter from the Town of Richmond Hill to request the Legislature of the Province of Ontario to consider the enactment of an amendment to Section 225 of the Municipal Act, R.S.O. 1990, c.M.45, as amended to authorize the council of a local municipality, at its option, to prohibit the establishment of businesses which offer adult entertainment services at any location within the municipality if such a prohibition is deemed to be within the public interest, by by-law duly enacted for that purpose, be received for information.

CARRIED

(Councillors MacLellan, Van Vliet, O'Dell and Bellantino asked to be recorded as opposed to this resolution.)

94-102 Moved by Van Vliet and Beaudoin that the installation of all water meters and calibration of water meters in compliance with By-Law 10894 continue to be performed by City employees since these activities are financially sustainable (ie. revenue neutral) and furthermore that, in order to carry out the necessary maintenance and repairs to the water distribution system, Council authorize the filling of the vacant position of pipefitter to replace the pipefitter that was assigned to installation and calibration of water meters and authorize the purchase of an additional service vehicle for the purpose.

CARRIED

95-105 Moved by Van Vliet and Beaudoin

1. That Council received and adopt Report DSD-2000-24 concerning the Welland Court House Project Costs; and
2. That the "Administration" component of the operating costs received by the Province on an annual basis be placed in a Capital Reserve Account to be used only for the purpose of major capital improvements to the Court House.

CARRIED

95-175 Moved by Bellantino and Forster that the final Berkeley Report "***Good Governance for the Future***", be received and referred to Councillor O'Dell (Chair) and other interested members of Council to review the report with staff.

CARRIED

96-100 Moved by Spadafora and Bellantino that Report ENG 2000-18 re: Construction of Street "A" , River Road to Brown Road, City of Welland be referred to the next General Committee meeting.

CARRIED

98-4

99-4 Moved by Larouche and MacLellan that pursuant to Section 442 of the Municipal Act, R.S.O. 1990, C.M. 45, Council approve the write off of taxes as contained in the attached report listing the reasons for reduction or cancellation and assessment values.

CARRIED

98-78 Moved by Van Vliet and Beaudoin that Report ENG-2000-17 relating to East Bank Combined Sewer and Government Drain Separation Works be received for Council's information ; and furthermore

That the Director of Operational Services be authorized to submit the report entitled 'City of Welland, Flow Monitoring Program - King Street (East Bank) Sanitary Sewer' to the Ministry of the Environment in order to advise the Ministry of the Sewer Separation Pollution Abatement Program implemented for this area in compliance with the Province of Ontario's Environmental Policy for the reduction and eventual elimination of sewage overflows being discharged in the Welland River.

CARRIED

98-82 Moved by Van Vliet and MacLellan that Report TR 2000-08 entitled "Construction Costs - Civic Centre Complex" be received for information of Council and be placed on file in the Clerk's Department.

CARRIED

99-35 Moved by Van Vliet and Beaudoin

1. That the City of Welland adopt a policy, the 'Policy for Community Safety Zones for the Region of Niagara' as outlined in correspondence and attachments dated December 3, 1999 from Mr. Thomas R. Hollick - Regional Clerk, for those roadways under the jurisdiction of the City of Welland.
2. That a copy of this Policy be incorporated into the City of Welland Policy Manual.

CARRIED

99-43 Moved by Van Vliet and MacLellan that the presentation by Bob McCallion and Mike Grimaldi, Welland District Labour Council, regarding the matter of Hydro Restructuring, be received for information.

CARRIED

99-46 Moved by Van Vliet and Beaudoin that the existing Policy SER-018-0001 be revised to require all new water accounts be initiated upon the installation of the water meter, instead of upon the issuance of the building permit.

CARRIED

99-120 Moved by Bellantino and Larouche that Council deny Staff Report ENG 2000-16 recommended by General Committee, dealing with the deferral of the reconstruction of Wellington Street.

LOST

YEAS: Councillors Larouche, Bellantino, and McQueen.

NAYS: Councillors MacLellan, Van Vliet, Beaudoin, Fortier, O'Dell, Campion, Forster, Spadafora, and Mayor Reuter.

99-120 Moved by Spadafora and Campion that the Wellington Street Roadway Construction be deferred until such time that all combined sewers are separated, aging municipal infrastructure renewed and the existing roadway structural life span expired;
That the Director of Operational Services be authorized to allocate required funds in future budgets for the evaluation of all Wellington Street Infrastructure needs;
That part of the cost of roadway construction, when executed, including asphalt pavement, concrete curb and gutter, asphalt driveway entrance, and sodded boulevards be assessed to the immediate property owners, under the provisions of the Local Improvement Act, as amended.

CARRIED

(Councillor Bellantino asked to be recorded as opposed to this Resolution.)

99-133 Moved by MacLellan and Bellantino that Matthews Road immediately north of Buchner Road be opened at the expense of Mr. Mammoliti to permit development of a lot at Part 21, Plan 59R-7377.

CARRIED

2000-3 Moved by Van Vliet and Beaudoin that permission is hereby granted to the Wainfleet Historical Society to sell lottery tickets in the City of Welland under authority of Lottery License M32940, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

2000-3 Moved by Van Vliet and Beaudoin that permission is hereby granted to the Canadian Red Cross to sell lottery tickets in the City of Welland under authority of Lottery License P000223, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

2000-4 Moved by Fortier and Van Vliet that the City of Welland write off the municipal portion of taxes levied on property owned by the Royal Canadian Legion for the maximum time allowed under Section 207.62 of the Ontario Municipal Act.

CARRIED

2000-4 Moved by Fortier and Van Vliet that Council approve and adopt:

- (a) the 2000 Municipal Capital and Operations Revenues and Expenditures Budget Estimates, Schedule 'A', reflecting the impact of the increased Community Reinvestment Fund allocation announced by the Province on April 6, 2000, and
 (b) the By-law to set Tax Rates.

CARRIED

2000-6 Moved by Van Vliet and Beaudoin that the Mayor declare the week of July 31st, 2000 as "Humane Society Week" in the City of Welland as requested by the Welland & District Society for the Prevention of Cruelty to Animals.

CARRIED

2000-7 Moved by Van Vliet and Beaudoin that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	30-Mar-00	\$ 346,174.35
2	31-Mar-00	160,582.96
3	05-Apr-00	83,210.69
4	06-Apr-00	11,450.64
5	07-Apr-00	68,256.94
6	10-Apr-00	24,986.17
7	11-Apr-00	56,340.39
8	12-Apr-00	<u>14,598.14</u>

Total **\$ 765,600.28**

CARRIED

2000-9 Moved by Van Vliet and Beaudoin that the request for the installation of streetlight onto an existing hydro pole at 130 Gadsby Avenue by Ms. Doreen Calarco be referred to the April 25, 2000 General Committee Meeting.

CARRIED

2000-9 Moved by Van Vliet and Beaudoin that the letter from Linda Stortz and George Knezic requesting installation of street lights on Colbeck Drive, be again referred to Operational Services staff for study and review.

CARRIED

2000-20 Moved by Van Vliet and Beaudoin that Welland City Council has no objection to the issuance of a Special Occasion Permit to Club Richelieu to hold an Elimination Day Fundraising Event on Friday, June 2nd, 2000 at Auberge Richelieu.

CARRIED

2000-21 Moved by Van Vliet and Beaudoin that Welland City Council approve the application of the Heart and Stroke Foundation of Ontario to hold "**Big Bike for Stroke**" on Saturday, May 13th, 2000 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

2000-21 Moved by Van Vliet and Beaudoin that Welland City Council approve the application of Race MTB to hold "**The Great Lake to Lake Classic**" on Saturday, May 13th, 2000 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities and further subject to confirmation of approval of all affected authorities within the City of Welland's municipal boundaries.

CARRIED

2000-21 Moved by Van Vliet and Beaudoin that Welland City Council approve the application of the Welland and District Society for the Prevention of Cruelty to Animals to hold "**The Welland and District Humane Society's Annual Walkathon**" on Sunday, September 24th, 2000 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

2000-21 Moved by Van Vliet and Beaudoin that Welland City Council approve the application of Glendale School Playground Committee to hold "**Family Day Walk-a-thon for Glendale School**" on Sunday, April 30th, 2000 on Merritt Island subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

2000-21 Moved by Van Vliet and Beaudoin that Welland City Council approve the application of Lincoln and Welland Regiment to hold "**Lincoln and Welland Regiment Triathlon**" on Sunday, April 30th, 2000 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

2000-22 Moved by Van Vliet and Beaudoin that Report TRAF 2000-03 regarding Parking Controls - Municipal Parking Lots and On Street Parking Meters - City of Welland dated March 28, 2000 be received for the information of Council.

CARRIED

2000-22 Moved by MacLellan and Van Vliet

1. That the City Solicitor be requested to prepare an amendment to By-law 89-2000 - Schedule 'E'
 - 'Limited Parking' by adding the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4	COLUMN 5
HIGHWAY	SIDE	FROM	TO	PERIOD	TIMES/DAYS
KENNEDY ST.	SOUTH	MARGERY ST.	ROSS STREET	4 HOURS	AT ALL TIMES
KENNEDY ST.	NORTH	ROSS STREET	RIVER ROAD	4 HOURS	AT ALL TIMES

2. That the Director of Operational Services be requested to install the necessary signage in accordance with the Highway Traffic Act.

CARRIED

2000-22 Moved by Van Vliet and Beaudoin

1. That the Director of Operational Services be authorized to issue purchase orders to J.J. MacKay Limited and Precise B/I Systems in the amounts of \$2,625.00 and \$2,550.00, excluding taxes, installation, shipping and handling, to upgrade 'On Street' electronic Parking Meters and Pay and Display Machines in the Frazer Street and Fire Hall Parking Lots respectively;
2. That an allocation of \$7,100.00 be included in the 2000 Capital Budget - Parking for this conversion;
3. That staff submit a further report, once costs are determined to upgrade the 'Pay and Display' Machines in the Court House, Market Square, Park Street and Plymouth Road Parking Lots.

CARRIED

2000-26 Moved by Campion and Van Vliet that the Director of Operational Services be authorized to proceed with the preparation of plans, specifications and the calling of tenders for the repair and replacement of various sidewalks, and curb and gutters;

That the estimated construction cost of \$175,000.00 be allocated in the 2000 Transportation Services - Sidewalk Replacement Budget and Roadways Capital Budget; \$150,000.00 and \$25,000.00 respectively;

That the Director of Operational Services be authorized to proceed with the construction of this project upon approval of the 2000 Operating Budget;

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

CARRIED

2000-27 Moved by Van Vliet and Beaudoin that in accordance with past practice, Council has no objection to the Welland Rose Festival Committee selling "City of Welland" roses in the City Hall parking lot on Saturday, April 29th, 2000, subject to the City being named as co-insured on the required Certificate of Insurance.

CARRIED

2000-28 Moved by Van Vliet and Beaudoin that Spencer Corish be thanked for demonstrating his invention of the "**Corish Recycle-Matic Water Conservation System**" this evening; and

That he be congratulated for his innovative idea regarding water conservation and receiving the top Outstanding Achievement Award in the Juvenile (Grade 5-6) Division at the 38th Annual Niagara Regional Engineering and Science Fair as well as Special Achievement Awards presented by the Niagara Peninsula Conservation Authority and by the Water Environment Association of Ontario.

CARRIED

2000-28 Moved by Van Vliet and Beaudoin that the letter from Dr. Anthony Broski, Director of Renal Transplant, Hotel Dieu Hospital, St. Catharines regarding Organ Donor Awareness Night to be held at White Oaks Conference Resort & Spa on April 27, 2000 be received for information; and

That residents of Welland be encouraged to attend this important event by contacting Hotel Dieu's Public Relations Department to reserve a seat.

CARRIED

2000-31 Moved by Van Vliet and Beaudoin that Council approve the partnership with Ecole Nouvel Horizon to assist with playground equipment on school property; and further That the assistance be capped at a maximum of 1/3 of the project cost or \$10,000.00, whichever is the lesser, with the funds being drawn from the Park Reserve Fund.

CARRIED

2000-32 Moved by Van Vliet and Beaudoin that Community Services Department Report CSD 2000-11, Update on the Arena Project, dated April 11, 2000 be received for information.

CARRIED

2000-32 Moved by Van Vliet and Beaudoin that Council directs staff to begin the following in the Welland Arena:

Harris Clock - Arena Scoreboard - \$21,275.00

CIMCO Refrigeration - Heat Exchanger Plate - \$55,456.00

to ensure completion by the start of the Main Arena ice season. Funding for the projects is from the 2000 Community Services Capital budget.

CARRIED

2000-43 Moved by Van Vliet and Beaudoin that Report DSD 2000-23 regarding Lot Grading/Site Alterations be referred to the April 25, 2000 General Committee Meeting.

CARRIED

2000-58 Moved by McQueen and Beaudoin that Council accepts the tender of Centennial Construction and Contracting (Niagara) Inc. for the Sanitary Service Lateral Replacement Program 2000; 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 a tender price of \$107,260.00 plus G.S.T.

CARRIED

2000-62 Moved by Van Vliet and Beaudoin that the City of Welland advise Le Conseil scolaire de district du Centre-Sud-Quest that it does not wish to purchase Docteur-Renard School 100 First Street.

CARRIED

2000-69 Moved by MacLellan and Bellantino

1. That the City of Welland hereby grants Draft Approval to the Clare Avenue Estates Subdivision (File 26T-14-99002) developed by Vincent Policella Masonry Contractor Limited being composed of Part of Lot 246, former Township of Thorold, now in the City of Welland, based upon a Plan prepared by P. D. Reitsma Surveying Ltd. dated December 7, 1999 containing seventeen (17) single-detached residential lots and two (2) Blocks for 0.305 metre reserves, 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 any necessary Easements required for utility and servicing purposes be granted to the appropriate Authority;

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2000-69...Cont'd.

- c) that 0.305 metre reserves, shown as Part Blocks 18 and 19, be deeded to the City free of all encumbrances;
- d) that the Owner shall pay to the City 5% Cash-in-Lieu of Parkland Dedication;
- e) that the Owner dedicate those parts of Lots 6, 7, 8, 11, 12 and 13 which are required for temporary turning circles (cul-de-sacs) to the City of Welland free and clear of all encumbrances. Upon the extension of Street "B", the City will transfer Title of those parts to the respective Lot Owners;
- f) that the Owner submit a Phase I Environmental Audit Report for the subject lands to the Development Services Department;
- g) that no grading or construction work shall commence on the site until such time as a Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation is registered on Title;
- h) 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;
- i) 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 which 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;
- j) that the detailed design drawings for the watermain and sanitary sewer systems, including any downstream sewer improvements and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval;
- k) that the Ministry of the Environment Certificates of Approval be obtained for the necessary servicing (water, sanitary sewer and storm water drainage) for the development prior to Final Approval for registration;
- l) that prior to approval of the Final Plan, the Owner submit to the Regional Planning Department a detailed Stormwater Management Plan for the Subdivision completed in accordance with the Ministry of the Environment document entitled Stormwater Management Practices, Planning and Design Manual, June 1994 as revised, endorsed by a suitably qualified Professional Engineer. Furthermore, that the Owner agree in the Subdivision Agreement with the City of Welland to implement the approved Stormwater Management Plan;
- m) that prior to the granting of approval of the Final Plan, the City of Welland Development Services Department will require written notice from the Regional Municipality of Niagara that Conditions (h) through (l) inclusive have been met satisfactorily;
- n) 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;

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

...Continued...

2000-69...Cont'd.

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.

2. That the Mayor be authorized to sign Draft Approval and Final Approval Plans for the Clare Avenue Estates Subdivision once all Conditions have been satisfied.

CARRIED

(Councillor Beaudoin asked to be recorded as opposed to this Resolution.)

2000-75 Moved by Van Vliet and Beaudoin

1. That Report DSD-2000-26 of the Development Services Department dated April 11, 2000 regarding the Regional Policy Plan review process be received; and
2. That the City Clerk be directed to send a copy of Report DSD-2000-26 to the Regional Municipality of Niagara Planning and Development Department for information purposes.

CARRIED**2000-76** Moved by Van Vliet and Beaudoin

1. That Report DSD-2000-27 of the Development Services Department dated April 11, 2000 regarding Publication 94 entitled Niagara's Greenhouse Industry - Characteristics and Policy Alternatives, prepared by the Regional Municipality of Niagara Planning and Development Department (January 2000) be received;
2. That the Regional Municipality of Niagara be apprised that the City of Welland supports the notion of restricting agricultural uses on lands designated as "Unique Agricultural Areas" so as to preserve and protect such areas for tender fruit and grape production;
3. That the Regional Municipality of Niagara be further advised that the City of Welland advocates the formulation of Regional Plan policies which would direct agricultural uses such as greenhouse operations away from tender fruit and grape growing areas to other areas throughout the Region; and
4. That the City Clerk be directed to send a copy of Report DSD-2000-27 to the Regional Municipality of Niagara Planning and Development Department.

CARRIED

2000-78Z Moved by Van Vliet and Beaudoin that the Application submitted by Hari S. Nesathurai, Solicitor on behalf of Ludwig Werkmeister to rezone lands on the east side of Moyer Road, south of East Main Street known municipally as 130 Moyer Road (Part of Lot 12, Concession 4, former Township of Crowland) to permit residential lots of 0.5 and 0.7 hectares in area and for a 4.1 metre north side yard for the existing dwelling be approved.

CARRIED

2000-79 Moved by Van Vliet and Beaudoin that Council adopt in principle the Lincoln Street Combined Sewer Separation report prepared by Wiebe Engineering Group Inc., of Welland, as part of the City of Welland Sewer Separation Master Plan.

CARRIED

2000-81 Moved by Van Vliet and Beaudoin that the tender for the Supply and Application of Road Traffic Paint be awarded to 649799 Ontario Limited, o/a Provincial Maintenance in the amount of \$11,038.39 including G.S.T.

CARRIED

BY-LAWS

BY-LAW PRESENTED FOR THIRD READING:

1. Moved by Van Vliet and McQueen that the following proposed By-law, having been given first and second reading on the 7th day of March, 2000:

2000-65

BYL 2000-23

A By-law to authorize the stopping-up, closing and conveying of the unopened road allowance being Part of Abbey Road and Block 74, Plan 59M-132, lying east of Green Pointe Drive in the College View Estates Subdivision.

Be now read a third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED

BY-LAWS PRESENTED FOR FIRST READING:

2. Moved by Van Vliet and Campion that leave now be given to introduce the following proposed By-laws entitled:

2000-70

BYL 2000-42

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

2000-83

BYL 2000-43

A By-law to authorize the signing of a Development Agreement with John Anthony Kaas and Lisa Stephanie Kaas with respect to Lots 3042 to 3044 Plan 941 being vacant land on the west side of Forster Avenue.

2000-4

BYL 2000-44

A By-law to exempt the Royal Canadian Legion (Branch 4), The Canadian Corps Association and the British Canadian Veterans Association from property taxation, pursuant to Section 207(62) of the Municipal Act.

...Continued...

BY-LAWS PRESENTED FOR FIRST READING...Cont'd.**94-164Z****BYL 2000-45**

A By-law to amend Zoning By-law 2667 upon the application of Fernando Homes Construction Ltd. to remove the Holding Symbol "H" from certain lands on the east side of Clare Avenue, north of Woodlawn Road known municipally as 810 Clare Avenue.

2000-4**BYL 2000-46**

A By-law to set the 2000 transition ratios and to levy taxes for the year 2000.

2000-1**BYL 2000-47**

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the 11th day and 18th day of April, 2000.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Van Vliet and Campion 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

NOTICES OF MOTION**99-43**

Councillor Forster gave Notice of Motion of the following issue to be presented to Council at the May 2, 2000 Regular Council Meeting:

That Council reconsider its lost motion of April 4, 2000 to reconsider rescinding its motion of December 20, 1999, specifically with respect to operating the new Welland Hydro under the Business Corporation Act (Ontario) on a "for profit" basis, no sooner than May 2nd, 2000.

2000-4

Councillor MacLellan gave Notice of Motion of the following issue to be presented to Council at the May 2, 2000 Regular Council Meeting:

That Council direct staff to debenture \$800,000 in the fall issue for creation of a reserve fund.

Council adjourned at 11:05 p.m.

These Minutes approved and adopted by Motion of Council this 2nd day of May, 2000.

MAYOR

CLERK