



COUNCIL MEETING, SEPTEMBER 5, 2000

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 6:50 p.m., in open session at 7:40 p.m. and again in Committee-of-the-Whole at 10:00 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 M. Belcastro, V. Bellantino , F. Champion, C. Forster,
D. Fortier (7:00 p.m.), J. Larouche, J.L. MacLellan (6:55 p.m.),
C. McQueen, S. O'Dell, J. Spadafora 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
Fire Chief P. Olah
City Treasurer R. Perron
Community Services Director Ian Smith (8:05 p.m.)
Assistant Clerk D. Vettori
Engineering Services Co-ordinator L. Ventresca (7:40 p.m.)

2000-25 Moved by Belcastro and Bellantino that Council meet in Committee-of-the-Whole, closed to the public at 6:50 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

2000-25 Moved by Belcastro and Bellantino that the Committee-of-the-Whole arise from its closed meeting at 7:30 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Bellantino disclosed an interest in Ref. No. 2000-01 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he was absent from the August 22, 2000 Regular Council Meeting when the issue of the Civic Centre was discussed (Ref. 98-82) and he owns property in the vicinity of the Civic Centre Project.

Councillor Van Vliet disclosed an interest in discussions on the Waste Management/Recycling issues and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by the Region of Niagara.

Councillor Spadafora disclosed an interest in discussions on the Civic Centre Project and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his company may bid on the Civic Centre Project.

Councillor Bellantino disclosed an interest in discussions on the Civic Centre Project and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property in the vicinity of the Civic Centre Project.

DELEGATIONS:

99-110 Mr. D. Bruce Timms, Regional Councillor, and Chair, Welland Canals Parkway and Trails Coordination Committee addressed Council regarding Regional Policy Plan Amendment 148, Greater Niagara Circle Route and Related Trails.

94-106 Mr. Bob Johnson, Manager of Transportation and Mr. John Barr, Project Coordinator for Mid Peninsula Corridor addressed Council regarding The Niagara Peninsula Transportation Needs Assessment Study.

THE FOLLOWING CORRESPONDENCE WAS READ:

2000-21 Application for Street Use for the Terry Fox Run on September 17, 2000.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 96-177** Dir. of Development Services T. Fitzpatrick - South Pelham Subdivision - Lea Silvestri Investments Ltd. - request for exemption from Part Lot Control.
- 96-177** A By-law to exempt certain lands from Part-Lot Control on Lea Crescent in the South Pelham Subdivision (59M-246) City of Welland.
- 97-41** Dir. of Operational Services G. Marcello - Maple Leaf Area Sanitary Sewers - Storm Water Infiltration Abatement.
- 97-68** A By-law to authorize the acceptance of tender of Volsci Construction Co. Inc. for **2000-105** the replacement of watermain on Ontario Road from Southworth Street to Memorial Park Drive; the construction of watermain on Hobson Avenue from Ontario Road to the southerly limit; and the construction of watermain on Iva Street from Sauer Avenue to the northerly limit.
- 2000-1** 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 22nd day of August, 2000.
- 2000-7** City Treas. R. Perron - Accounts Payable Report - August 17 - August 25, 2000.
- 2000-20** Kim Reep, General Manager, Tourism of Welland Niagara requesting Council to **2000-21** designate the "***Niagara Food Festival***" as a Community Festival, to issue a Special
- 2000-114** Occasion Permit and to approve fireworks presentation and temporary street closures.
- 2000-22** Petition signed by area residents requesting a 3-way stop condition be installed at Woodlawn Road and South Pelham Street.
- 2000-22** A By-law to amend Schedules "C" and "P" of By-law 89-2000.
- 2000-66** City Clerk C. Stirtzinger - Council Meeting Cancellation.
- 2000-66** A By-law to provide for Advance Votes to be held prior to Voting Day.
- 2000-66** A By-law to provide for reduced hours of voting in institutions and retirement homes.
- 2000-69** Dir. of Development Services T. Fitzpatrick - Amendment to Draft Plan Conditions Clare Avenue Estates Subdivision File 26T-14-99002.
- 2000-114** Director of Community Services I. Smith - Black Stallion Helicopters.
- 2000-114** A By-law to authorize the entering into a License of Occupation Agreement with Tourism of Welland Niagara (T.O.W.N.) for the use of part of Merritt Island and part of the administration building for the purpose of holding a Food Festival.
- 2000-117** Dir. of Development Services T. Fitzpatrick - acceptance of land for road widening purposes and authorization to dedicate a road widening as part of Thorold Road - Bouke Jelle and Wilhelmina Wymenga - 508 Thorold Road - File B010/2000Well.
- 2000-117** A By-law to dedicate Part of Lot 246, former Township of Thorold now in the City of Welland, being Part 3 on Plan 59R-11138 as Public Highway and naming the same Thorold Road (File B010/2000 WELL).
- 2000-120** Bruce Wade, White River Helicopters Inc. requesting Council's approval to provide helicopter rides during the Niagara Regional Exhibition.

2000-1 Moved by McQueen and MacLellan that the Minutes of the Regular Council Meeting of August 22, 2000 be and the same are hereby approved and adopted as circulated.

CARRIED

94-106 Moved by Van Vliet and O'Dell that the presentation by Bob Johnson, Manager of Transportation and Mr. John Barr, Project Co-ordinator for Mid Peninsula Corridor regarding the Niagara Peninsula Transportation Needs Assessment Study be received for information.

CARRIED

96-177 Moved by Larouche and Belcastro

1. That the City of Welland adopt a By-law to exempt Lots 89, 90, 91 and 92, Plan 59M-246 from Part Lot Control, in order to redevelop the four (4) lots into six (6) lots.
2. That the By-law to exempt Part Lot Control be repealed and discharged from Title once all parts on the requisite Reference Plan have been conveyed.

CARRIED

97-41 Moved by Larouche and Belcastro that Council accepts the tender of Uniflo Sewer Services Inc. for the Maple Leaf Area Sanitary Sewers - Storm Water Infiltration Abatement; 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 \$61,320.00 plus G.S.T.

CARRIED

98-113 Moved by Campion and McQueen that Report TR 2000-34 regarding comparative **2000-113** Lease Quotes - 4 Wheel Articulated Front End Loader Forestry 55' Aerial Bucket Device be referred to the Special Council Meeting of September 12, 2000, to discuss this issue as well as the Niagara Voice Radio proposal.

CARRIED

99-110 Moved by Larouche and Belcastro that the presentation by Mr. D. Bruce Timms Regional Councillor and Chair of the Welland Canals Parkway and Trails Coordinating Committee regarding Regional Policy Plan Amendment 148, Greater Niagara Circle Route and Related Trails be received for information.

CARRIED

2000-07 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	17-Aug-00	\$ 191,685.55
2	18-Aug-00	461,915.28
3	21-Aug-00	42,967.62
4	23-Aug-00	349,269.32
5	24-Aug-00	119,543.82
6	25-Aug-00	<u>403.11</u>

Total **\$1,165,784.70**

CARRIED

2000-20 Moved by Van Vliet and MacLellan that Welland City Council has no objection to the **2000-21** issuance of a Special Occasion Permit to Tourism of Welland Niagara for the "**Niagara 2000-114 Food Festival**" to be held at Merritt Island on Saturday, September 30th and Sunday, October 1st, 2000 and designates this event as a Community Festival; and further

That subject to the supervision of the event by a properly licensed person, permission is hereby granted to Tourism of Welland Niagara to hold a fireworks display on Saturday, September 30th, 2000 as part of the "**Niagara Food Festival**"; and

That staff ensure all fireworks used are not manufactured using child labour; and further

That Traffic staff be directed to install temporary "No Parking" signs on the north side of Merritt Street from Aqueduct Street to Niagara Streets; and further

...Continued...

2000-20**2000-21****2000-114** ...Cont'd....

That Council has no objection to Black Stallion Helicopters operating a passenger sightseeing flight service on Saturday, September 30th and Sunday, October 1st, 2000 from a safe and secure location on Merritt Island during the "**Niagara Food Festival**", subject to the applicant providing insurance in the amount of \$5,000,000.00 (five million dollars) naming the City of Welland as additional insured; and further That the request for temporary street closures during the "**Niagara Food Festival**" be received and referred to Operational Services staff for study and review; and further That the City Solicitor be instructed to incorporate the above approvals into the Agreement with Tourism of Welland Niagara for the "**Niagara Food Festival**".

CARRIED

2000-21 Moved by Larouche and Belcastro that Welland City Council approve the application for "**The Terry Fox Run for Cancer Research**" on Sunday, September 17th, 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 Campion that the petition signed by area residents requesting a 3 - way stop condition at Woodlawn and South Pelham Roads be received and referred to Regional Niagara to investigate the request for a 3 - way stop/Traffic Control Signals at this intersection; and further That City staff be instructed to conduct a traffic study to review the warrants.

CARRIED

2000-22 Moved by Larouche and MacLellan that the petition from the area residents of Forks Road and Elm Street to have a flashing red stop light and forewarning yellow flashing stop sign installed at the intersection of Forks Road and Elm Street be referred to staff for study and review.

CARRIED

2000-22 Moved by Van Vliet and MacLellan that a stop sign at the intersection of Trent Street and First Avenue be installed.

NOT PUT

2000-22 Moved by Bellantino and Fortier that the matter of the installation of a stop sign at the intersection of Trent Street and First Avenue be referred to the October 10th General Committee Meeting.

CARRIED

(Councillors Van Vliet and Spadafora asked to be recorded as opposed to this Resolution.)

2000-29 Moved by Larouche and Belcastro that the November 7th, 2000 Regular Council **2000-66** Meeting be cancelled.

CARRIED

2000-69 Moved by Larouche and Belcastro that Condition 1(c) of the Conditions of Draft Plan Approval for the Clare Estates Subdivision, File 26T-14-99002, be amended to delete reference to Part/Block 18 so that the condition will now read "That 0.305 metre reserve(s), Shown as Part/Block 19, be deeded to the City free of all encumbrances.

CARRIED

2000-117 Moved by Larouche and Belcastro

1. That Council accept a Deed for Part of Lot 246, Former Township of Thorold, now in the City of Welland, being Part 3, Plan 59R-11138 from Bouke Jelle and Wilhelmina Wymenga for road widening purposes to satisfy a condition of Consent imposed by the Committee of Adjustment;
2. That Council pass a By-law dedicating Part 3, Plan 59R-11138 as part of Thorold Road;
3. That the Mayor and Clerk be authorized to execute all documentation with respect to these transactions.

CARRIED

2000-120 Moved by Larouche and Belcastro that Council is aware and has no objection to White River Helicopters Inc. providing helicopter rides during the Niagara Regional Exhibition being held September 13th to September 17th, 2000, provided they comply with the Canadian Aviation Regulations and have provided the required proof of liability insurance.

CARRIED**BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****94-35** Moved by Larouche and Campion

1. That the City of Welland enter into a lease to purchase agreement with Centre de sante communautaire Hamilton-Wentworth/Niagara(CSC), in the amount of \$40,000 plus City costs of \$4,000 to be paid on closing;
2. That a monthly rent of \$400.00, triple net, be established with one-half (1/2) of the said rent being applied to the purchase price of \$40,000;
3. That the sale transaction be completed with three (3) years of the entering into of the lease to purchase agreement;
4. That any improvements or alterations to the building made by the lessee shall have prior approval of the City;
5. That the proceeds from the lease to purchase agreement and any sales transaction be credited to the Parks Development Reserve Fund; and
6. That the City Solicitor prepare the necessary by-laws and documents to effect the transaction.

CARRIED

***(Councillors Bellantino, Mac Lellan and Spadafora
asked to be recorded as opposed to this Resolution.)***

2000-115 Moved by Van Vliet and Spadafora

1. That the City of Welland enter into an Agreement with Habitat for Humanity Niagara pursuant to Section 210.1 of the Municipal Act to convey Lot 172, Plan 951 (560 Lincoln Street) to Habitat for Humanity at no cost; and
2. That the said agreement provide that the subject lands not be sold by Habitat for Humanity save and except in accordance with its normal procedures.

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2000-115 Moved by Bellantino and McQueen that the matter of a conveyance of Lot 172, Plan 951 (southeast corner of Lincoln Street and Empress Avenue - 560 Lincoln Street) be referred to the September 12th General Committee Meeting.

LOST

FOLLOWING THE LOST VOTE ON THE DEFERRAL MOTION,

THE MAIN MOTION WAS THEN PUT AND

CARRIED

YEAS: Councillor Belcastro, Larouche, Van Vliet, Fortier, Campion, Forster, Spadafora, and Mayor Reuter.

NAYS: Councillors MacLellan, Bellantino, and McQueen.

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

2000-22

BYL 2000-114

A By-law to amend Schedules "C" and "P" of By-law 89-2000.

97-68

2000-105

BYL 2000-105

A By-law to authorize the acceptance of tender of Volsci Construction Co. Inc. for the replacement of watermain on Ontario Road from Southworth Street to Memorial Park Drive; the construction of watermain on Hobson Avenue from Ontario Road to the southerly limit; and the construction of watermain on Iva Street from Sauer Avenue to the northerly limit.

2000-114

BYL 2000-130

A By-law to authorize the entering into a License of Occupation Agreement with Tourism of Welland Niagara (T.O.W.N.) for the use of part of Merritt Island and part of the administration building for the purpose of holding a Food Festival.

2000-66

BYL 2000-131

A By-law to provide for Advance Votes to be held prior to Voting Day.

96-177

BYL 2000-132

A By-law to exempt certain lands from Part-Lot Control on Lea Crescent in the South Pelham Subdivision (59M-246) City of Welland.

...Continued...

BY-LAWS PRESENTED FOR FIRST READING...CONTINUED...

2000-117

BYL 2000-133

A By-law to accept the transfer of certain lands for road widening purposes being Part of Lot 246, former Township of Thorold, more particularly described as Part 3, Plan 59R-11138 from Bouke Jelle and Wilhelmina Wymenga to the Corporation of the City of Welland on the north side of Thorold Road, west of Clare Avenue (File B010/2000WELL).

2000-117

BYL 2000-134

A By-law to dedicate Part of Lot 246, former Township of Thorold now in the City of Welland, being Part 3 on Plan 59R-11138 as Public Highway and naming the same Thorold Road (File B010/2000 WELL).

2000-66

BYL 2000-135

A By-law to provide for reduced hours of voting in institutions and retirement homes.

2000-1

BYL 2000-136

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 22nd day of August, 2000.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by McQueen 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

2000-25 Moved by Belcastro and Bellantino that Council meet in Committee-of-the-Whole, closed to the public at 10:00 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

2000-25 Moved by Belcastro and Bellantino that the Committee-of-the-Whole arise from its closed meeting at 10:25 p.m.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

2000-10 Moved by Campion and Van Vliet that Councillor Chris McQueen be appointed as Operational Services Chair effective August 31, 2000 to November 30, 2000 to replace Councillor Campion.

CARRIED

2000-10 Moved by Forster and MacLellan that Councillor Sandy O'Dell be appointed to the Regional Niagara Bicycling Committee effective September 5, 2000 to November 30, 2000.

CARRIED

Council adjourned at 10:30 p.m.

These Minutes approved and adopted by Motion of Council this day of 19th day of September, 2000.

MAYOR

CLERK