



COUNCIL MEETING, APRIL 15, 2003

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 6:00 p.m. and in open session at 7:25 p.m. and again in Committee-of-the-Whole at 10:05 p.m. on the above date.

Her Worship Mayor Cindy Forster in the Chair.

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

Members Present: Councillors R. Alakas, D. Beaudoin, M. Belcastro (6:05 p.m.), N. Dmytrow Bilboe (until 10:00 p.m.), M. Dzugan, T. Eybel, D. Fortier, J. Irvine, J. Mastroianni, S. O'Dell (6:05 p.m.) and J. Spadafora .

Members of the Staff and Others Present:

City Manager T. Fitzpatrick

City Solicitor G. Banks

Manager, Environmental & Traffic Services D. Cook (7: 25 p.m.)

Chief, Fire & Emergency Services P. Olah

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:25 p.m.)

General Manager Parks & Recreation I. Smith (7:25 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio

Manager, Development Planning/Real Estate D. Thorpe

Manager Leisure Services, R. Morwald (7:25 p.m.)

Administrative Assistant to the Mayor and the City Manager, L. Ip (7:25 p.m.)

Clerk Steno III, C. Viger (7:25 p.m.)

03-25 Moved by Dzugan and Irvine that Council meet in Committee-of-the-Whole, closed to the public at 6:00 p.m. to consider:

- a) the security of the property of the municipality; and
- b) personal matters about an identifiable individual, including municipal employees.

CARRIED

03-25 Moved by Irvine and Alakas that the Committee-of-the-Whole arise from its closed meeting at 7:20 p.m. without report.

CARRIED

PUBLIC HEARING PURSUANT TO THE MUNICIPAL ACT

The Mayor advised that the Public Hearing scheduled for April 15, 2003 to consider an amendment to the 2003 Capital Budget was deferred to the May 6 Council Meeting at which time consideration will be given to amend the City's 2003 Capital, Current and Sewer and Water Budgets.

DELEGATIONS:

02-85 Russ Findlay, Chair, addressed Council regarding the activities of the Accessibility Advisory Committee.

92-168 Rick Florio, President, introduced Board Members: Terry Andrews, Harvey Gracey and Kim Shanon, athletes: Karey Marr, Sarah Daybol and Phil Hoover and updated Council on the activities of the South Niagara Rowing Club.

97-77 Kolya Malloff, General Manager and Kim Jenkins, Assistant Manager, addressed Council regarding the activities of the Niagara Stars Canadian Baseball League.

THE FOLLOWING CORRESPONDENCE WAS READ:

03-80Z Report from Mgr., Development Planning/Real Estate D. Thorpe regarding Amendment to report – Proposed Plan of Subdivision and Zoning By-law Amendment – Riverside West Subdivision (26T-14-2003 and 2002-15) – Mac-Bri Developments Inc. – West side of Riverside Drive, south of Lincoln Street.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

- 01-42** Report from Mgr., Development Planning/Real Estate D. Thorpe regarding request for Red-Lined Revision to Draft Plan – Draper’s Creek Estates Subdivision (formerly Gillmora Estates Subdivision) - File 26T-14-2002 – Gillmora Corporation Limited – North of Webber Road, east of Clare Avenue.
- 03-70** A By-law to authorize the acceptance of tender by Groff Tire & Battery for tire maintenance service.
- 03-80Z** A By-law to amend City of Welland Zoning By-law 2667 (Mac-Bri Developments Inc. – File 2002-15) 224 Riverside Drive.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 92-168** Rick Floria, President, South Niagara Rowing Club – Introduction of Board Members, athletes and events of the 2003 season.
- 94-102** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz –
- 97-35** Amendment to Waterworks By-law #10894, Schedule “B”, Water Consumption Fees for Hydrant Use Permit.
- 94-102** A By-law to amend Waterworks By-law 10894, to set a fixed consumption rate for Hydrant use Permits and to repeal By-law 2002-63.
- 97-35**
- 97-77** Kolya Malloff, General Manager, Niagara Stars Canadian Baseball League, update on inaugural season and activities.
- 97-77** Chris Laing, Canadian Baseball League – requesting permission to serve alcohol at the
- 03-20** Welland Sports Complex during home games.
- 99-92** Mgr., Development Planning/Real Estate D. Thorpe – Request for Extension to Draft Approval; Request for Red-Lined Revision to Draft Plan – Harry Diffin Industrial Park Subdivision – City of Welland (File 26T-89015).
- 99-43** Michael Pace, Barrister & Solicitors, Miller Thomson – Resolution regarding Bill 210.
- 99-99** Being the Canal Lands Safety By-law, A By-law to Regulate and Protect the Public’s Use of the Welland Recreational Canal Lands.
- 01-35** Mgr., Development Planning/Real Estate D. Thorpe – Mid-Peninsula Transportation Corridor Environmental Assessment Terms of Reference - Ontario Ministry of Transportation.
- 01-42** Mgr., Development Planning/Real Estate D. Thorpe – Request for Red-Lined Revision to Draft Plan – Draper’s Creek Estates Subdivision (Formerly Gillmora Estates Subdivision) – File 26T-14-2002 – Gillmora Corporation Limited – North of Webber Road, East of Clare Avenue.
- 02-22** A By-law to amend Schedules “A”, “C” and “C1” of By-law 89-2000, being a By-law
- 03-22** Regulating Traffic and Parking on City Streets.
- 02-85** Russ Findlay, Chair, Accessibility Advisory Committee – update on its activities.
- 02-155** City Manager T. Fitzpatrick – Phasing-Out Coal Fired Electricity.
- 02-164** Mr. Justice Douglas Lissaman, Chair, Federal Electoral Boundaries Commission for Ontario – Release of Electoral Boundaries Report.
- 02-166** City Clerk C.A. Stirtzinger – Reshaping the Council of Regional Niagara.

- 03-3** Barb Sockovie, Executive Director, the Foundation for Quality Child Care Inc. requesting permission to hold a 50/50 draw in the City of Welland.
- 03-3** Andrea Lloyd, Senior Manager – Direct Response Marketing, Heart and Stroke Foundation requesting permission to sell raffle tickets in the City of Welland.
- 03-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – March 26, 2003 to April 8, 2003.
- 03-10** Janet Booth, Secretary/CEO, Welland Public Library Board – Amendments to the Public
- 03-89** Libraries Act.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Niagara/Brock Extension of Service.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Transcab Service.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Chassis Refurbishment of Transit Bus #116.
- 03-13** A By-law to authorize the entering into an Extension Agreement with 1032560 Ontario Inc. operating as 4500 Taxi (1993) for the supply of taxi service.
- 03-19** Gen. Mgr., Parks and Recreation I. Smith – Letter of Understanding – City of Welland & District School Board of Niagara.
- 03-19** Mary-Lou Ambrose-Little, Marketing & Revenue Development Coordinator, City of Welland Parks & Recreation Department on behalf of Sherwood Recreation – requesting permission to hold a fireworks display at the Sports Complex.
- 03-21** Gen. Mgr., Parks and Recreation I. Smith – Welland County Motorcycle Club.
- 03-31** Gen. Mgr., Parks and Recreation I. Smith – Waiving of Fees – Plymouth Field Soccer League.
- 03-22** Review current Zoning By-laws 2667 and 1538 regarding the parking of different types of trailers in residential areas and expanding of the City's Parameter.
- 03-22** Request of D & B Fries for use of three (3) parking stalls eastside of Cross Street.
- 03-22** A By-law to authorize the replacement and/or upgrading of Traffic Signals at the intersections of Ontario Road at Canal Bank Street and Lincoln Street at King Street, in conjunction with the Regional Municipality of Niagara.
- 03-22** A By-law to retain Totten Sims Hubicki Associates to undertake an Environmental
- 03-77** Assessment Study, Functional Design and Tender Documents for intersection improvements and traffic signals at the intersection of Quaker Road at Rice Road.
- 03-44** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Authorization to purchase 123 parking meter housings and mounting hardware.
- 03-67** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of Tender – Supply of Top Soil.
- 03-70** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Tender – Tire Maintenance Service.
- 03-71** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Tender – Supply of RSI or HF150S and Tender – Supply & application of Road Surface Treatment Materials.
- 03-76** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of Tender – Supply and Application of Road Traffic Paint and Pavement Markings – 2003.
- 03-76** A By-law to authorize the acceptance of tenders and entering into contracts with K.D.N. Pavement Markings Limited and Mason Pavement Marking Inc. for the supply and application of road traffic paint and pavement markings.
- 03-80** Mgr., Development Planning/Real Estate D. Thorpe – proposed Plan of Subdivision and **03-80Z** Zoning By-law Amendment – Riverside West Subdivision (26T-14-2003 and 2002-15) – MAC-BRI Developments Inc. – West side of Riverside Drive, South of Lincoln Street.
- 03-80Z** A By-law to amend City of Welland Zoning By-Law 2667 (Mac-Bri Developments Inc. - File 2002-15) 224 Riverside Drive.
- 03-88** Gen. Mgr., Parks and Recreation I. Smith– Niagara Peninsula Conservation Authority Partnership – Drapers Creek/Maple Park.

03-90 Donna (Mollica) Cotnam, Community Relations Coordinator Miramichi Lodge, County of Renfrew – requesting permission to revise and to use the City of Welland slogan to raise funds for the new Miramichi Lodge in Pembroke, Ontario.

03-93 Mgr., Development Planning/Real Estate D. Thorpe – Request for Encroachment Agreement – Daimler Properties Limited – 620 Niagara Street, Welland.

03-1 Moved by Dzugan and Alakas that the Minutes of the Regular Council Meeting of April 1, 2003 be and the same are hereby approved and adopted as circulated.

CARRIED

03-1 Moved by Dzugan and Alakas that the Minutes of the General Committee Meeting of March 25, 2003 be received and filed.

CARRIED

92-168 Moved by Alakas and Dmytrow-Bilboe that the presentation by Rick Florio, President regarding the introduction of Board Members, athletes and activities of the South Niagara Rowing Club be received for information.

CARRIED

94-102

97-35 Moved by Dmytrow-Bilboe and Mastroianni that Council amend Waterworks By-law #10894, Schedule "B" for Hydrant Use Permits to reflect the current water rate, based on actual consumption, to a fixed amended consumption rate of \$466.00 per year per individual Hydrant Use Permit.

CARRIED

97-77 Moved by Alakas and Dmytrow-Bilboe that the presentation by Kolya Malloff, General Manager regarding the activities of the Niagara Stars Canadian Baseball League be received for information.

CARRIED

97-77

03-20 Moved by Dmytrow-Bilboe and Mastroianni that in accordance with By-law 2003-1, being a By-law to authorize into a Lease Agreement with CBL Baseball League (Canada) Inc. to lease the Welland Stadium, Welland City Council has no objection to the issuance of a liquor license to the Canadian Baseball League (CBL) on behalf of the Niagara Stars Professional Baseball Club for the sale of alcohol at the Welland Sports Complex during league baseball games.

CARRIED

99-43 Moved by O'Dell and Spadafora that Council endorses the following resolution with respect to Bill 210:

WHEREAS Section 142 of The Electricity Act, 1998, required municipalities to convert their existing electricity businesses into corporations incorporated under the Business Corporations Act within two years of its enactment; and

...continued...

99-43...Cont'd.

WHEREAS Welland Hydro-Electric System Corp. was formed in 2000 as a Business Corporations Act corporation established under Section 142 of The Electricity Act, 1998, for the purpose of converting the City of Welland's existing electricity business in accordance with The Electricity Act, 1998; and

WHEREAS Welland Hydro-Electric System Corp. has the lowest residential rates in Ontario for a 750 kWh customer, and Welland Hydro-Electric System Corp. and other local hydro-electric distribution companies pay no dividends and generate no surplus revenues; and

WHEREAS on December 9, 2002 Bill 210, the Electricity, Pricing, Conservation and Supply Act, 2002, received third reading and Royal Assent; and

WHEREAS Bill 210 amends The Electricity Act, 1998, by adding Section 159.1, to require a municipality that beneficially owns voting securities in a corporation incorporated under Section 142 of The Electricity Act, 1998, either to pass a resolution affirming that the corporation should continue to be incorporated as a Business Corporations Act corporation and to file the Certificate required by Bill 210 within the time prescribed by Bill 210, or to suffer severe financial consequences; and

WHEREAS the City of Welland will continue to operate Welland Hydro-Electric System Corp. in accordance with the Shareholder Declaration from the City of Welland, to the extent permitted by Ontario law, as a "not-for-profit" organization; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Corporation of the City of Welland affirms that Welland Hydro-Electric System Corp. continues to be incorporated as a Business Corporations Act company as provided in Subsection 142(1) of The Electricity Act, 1998.
2. Council authorizes the Mayor and Clerk to file the resolution and the form of certificate required by Bill 210 within the time prescribed by Bill 210.

CARRIED

99-92 Moved by Irvine and Dmytrow-Bilboe

1. That Council approves an extension to Draft Approval for the Harry Diffin Industrial Park Subdivision (File 26T-89015) for an additional one (1) year to February 3, 2004;
2. That the City of Welland hereby grants a red-lined Amendment to the Harry Diffin Industrial Park Draft Plan of Subdivision (File 26T-89015), Part of Lot 17, Concession 5, former Township of Crowland, now in the City of Welland, prepared by AWS Engineers and Planners as red-lined by City Council dated April 15, 2003 showing eight (8) Lots, one (1) Lot for a Storm Water Management Facility, daylighting triangles and various 0.3 metre reserves for access control purposes;
3. That the City of Welland agrees, that as Owner of the Subdivision, during development of the Subdivision, or to require as a Condition of Approval of any Site Plan Control Agreement respecting the development of the Subdivision to:
 - a. submit to the Regional Planning Department for review and approval a detailed Stormwater Management Plan for the Subdivision completed in accordance with the Ministry of the Environment documents entitled Stormwater Management Practices, Planning and Design Manual, June 1994 as revised and Stormwater Quality Guidelines for New Development, May 1991 endorsed by a suitably qualified Professional Engineer. The Stormwater Management Plan should address, among other matters, impacts on Lyons Creek, erosion and sedimentation control and lot grading and drainage. A copy of the Stormwater Management Plan and supporting documentation should also be submitted to the Niagara Peninsula Conservation Authority for its review and response to the Regional Planning Department. Furthermore, that the Owner agree to implement the approved Stormwater Management Plan prior to approval

- of the Final Plan;
- b. submit to the Regional Public Works Department for its review and approval the detailed design drawings for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal;

...continued...

99-92...Cont'd.

- c. obtain the Ministry of the Environment Certificates of Approval for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration. NOTE: The design for the stormwater management system where a detention/retention facility and/or a new outlet are involved should be submitted directly to the Ministry of the Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;
- d. acknowledge promptly to the Regional Planning Department that 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;
- e. provide the Regional Planning Department with a written undertaking that all Offers and Agreements of Purchase and Sale that may be negotiated prior to registration of the Subdivision shall contain a clause clearly indicating that a servicing allocation for the Subdivision will not be assigned until the Plan is granted Final approval for registration;
- f. not use Ontario Hydro Services Company property without express written permission of Ontario Hydro Services Company. The proponent will be responsible for restoration of any damage to the right-of-way resulting from construction of the Subdivision;
- g. make arrangements satisfactory to Ontario Hydro Services Company for the dedications of any proposed road allowance to the City of Welland. A separate proposal shall be submitted to Ontario Hydro Services Company for any future road crossing;
- h. pay any costs of any relocations or revisions to Ontario Hydro Services Company facilities, which are necessary to accommodate this Subdivision;
- i. Convey Blocks 12 and 13 being 0.3 metre reserves to the Ministry of Transportation free and clear of all encumbrances;
- j. submit to the Ministry of Transportation for review and approval, a copy of a Traffic Impact Study addressing the anticipated traffic volumes and their impacts upon Highway 140 prior to Final Approval;
- k. submit to the Ministry of Transportation for review and approval, a copy of a Stormwater Management Report and Grading and Servicing Plan indicating the intended treatment of the calculated runoff prior to Final Approval;
- l. make arrangements to the satisfaction of the Ministry of Transportation, for the disposal of surplus lands to the Owner and the incorporation of these lands into the final M-Plan prior to Final Approval;
- m. ensure all road allowances shall be assumed by the City of Welland;
- n. dedicate visibility triangles 15 metres x 15 metres (Blocks 19 and 20) as a public highway on the Owner's Certificate on the registered plan of Subdivision;
- o. make arrangements to the satisfaction of the Ministry of Transportation, for the creation of a security fence (if applicable) prior to Final Approval;
- p. submit an Illumination Plan for Ministry review and approval prior to Final Approval;
- q. ensure that enhanced landscaping and screening of outside storage areas along Highway 140 and Buchner Road are undertaken;
- r. prior to granting Approval to the Final Plan, City of Welland Planning and Development Services will require written notice from the following Agencies that their respective Conditions have been met satisfactorily:

Regional Planning Department – Conditions b, c;
 Regional Public Works – Condition c;
 Ontario Hydro – Conditions, f, g, h;
 Ministry of Transportation – Conditions i-p.

NOTES:

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

...continued.

99-92...Cont'd.

2. The transmission line affected by this Subdivision operates at 115,000 volts. Section 186 – Proximity of the Regulations for Construction Projects in the Occupational Health and Safety Act, require 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 conductors could raise and lower without warning depending on the electrical demand placed on the line.

CARRIED

01-35 Moved by Spadafora and Mastroianni

1. That the City of Welland fully support the undertaking of an Environmental Assessment Review of "Conceptual Transportation Corridor – Alternative C" as the Corridor affects the Niagara Region;
2. That the City of Welland strongly recommend that the Townline Tunnel be fully reviewed as a possible Welland Canal crossing for the Mid-Peninsula Corridor and that it be included in the review of Alternative Corridor "C";
3. That the City of Welland does not support any further evaluation of Alternative Corridor "D2" and requests that this Alternative be removed from any further consideration;
4. That the City of Welland support the City of Port Colborne Resolution dated January 13th, 2003 endorsing the southern route (Corridor "C") for the Mid-Peninsula Corridor;
5. That the City of Welland support the Resolution recommended at the Joint Meeting of Regional Public Works, Planning Services and Transportation Services at its meeting of March 25th, 2003 concerning the Mid-Peninsula Corridor; and
6. That the City Clerk be directed to circulate this Resolution to the Ontario Ministry of Transportation, Members of Provincial Parliament representing residents of the Region of Niagara, the Regional Municipality of Niagara and all local area municipalities in the Region.

CARRIED

(Councillor O'Dell asked to be recorded as opposed to this Resolution)

02-85 Moved by Alakas and Dmytrow-Bilboe that the presentation by Russ Findlay, Chair, regarding the activities of the Accessibility Advisory Committee be received for information.

CARRIED

02-155 Moved by Dmytrow-Bilboe and Belcastro

1. That the City of Welland petition the Ontario Minister of the Environment, the Honourable Chris Stockwell to direct Ontario Power Generation (OPG) to phase out coal-burning at the Nanticoke power generating station beginning in 2005 by building or converting the existing generators with new, high-

- efficiency natural gas power generators at Nanticoke and elsewhere in Ontario; and
2. That the City of Welland petition the Province of Ontario to create incentive programs to assist municipalities to convert to green energy sources;
 3. That the City of Welland petition the Federal Government to create incentive programs to assist municipalities to convert to green energy sources.

CARRIED

02-164 Moved by Dmytrow-Bilboe and Mastroianni that the Release of Electoral Boundaries Report from the Federal Electoral Boundaries Commission for Ontario be received and filed.

CARRIED

02-166 Moved by Dmytrow-Bilboe and Mastroianni that Welland City Council's response to the questions posed by the Reshaping the Council of Regional Niagara Committee is as follows:

- a) Should Mayors continue to be members of Regional Council? YES (unanimous)
- b) Should Regional Councillors be directly elected from Regional Wards? YES
- c) Should the election of Regional Councillors be based on representation by population? YES
- d) Should the total numbers of members of Council be less than 30? YES

In addition, the following comments to the questions are included for the Committee's consideration:

- Statutory provision for occasional or long term absence of Mayor at Regional Council to be filled by an alternate appointed by lower tier municipality
- Size of Council could be significantly reduced if Regional Councillors are full time and they are provided with assistants
- No municipality should have a majority representation
- Weighted votes should be considered
- Representation by population is unfair to small municipalities
- Size of Council range from 17-25.

CARRIED

03-3 Moved by Dmytrow-Bilboe and Mastroianni that permission is hereby granted to the Foundation for Quality Child Care Inc. to hold a 50/50 draw event at the Welland Lions Community Centre on Saturday, March 29, 2003 under authority of License Number M356260; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

03-3 Moved by Dmytrow-Bilboe and Mastroianni that permission is hereby granted to the Heart and Stroke Foundation to sell lottery tickets in the City of Welland under authority of Lottery License P030351, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

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

1	26-Mar-03	192,623.83
2	27-Mar-03	25,759.51
3	28-Mar-03	179,291.81

4	01-Apr-03	57,711.47
5	03-Apr-03	114,323,26
6	07-Apr-03	<u>5,047,990.47</u>

Total \$ 5,617,700.35

CARRIED

03-10

03-89 Moved by Dmytrow-Bilboe and Mastroianni that Welland City Council acknowledges and supports the recommendation of the Welland Public Library Board to retain the status quo for composition and size of the Welland Public Library Board, amendments to Public Libraries Act and Government Efficiency Act 2002 notwithstanding.

CARRIED

03-13 Moved by Dmytrow-Bilboe and Mastroianni

1. That Council approves the recommendation from the joint Transit Review/Advisory Committees to extend the Brock Hub service for a one (1) month trial period commencing April 28th to May 30th, 2003 at a projected maximum cost of \$5,130.96; and
2. That the service be continued if determined to be cost neutral to the City of Welland with a report being returned to Council in June, 2003.

CARRIED

03-13 Moved by Irvine and Beaudoin

1. That Council approves the extension of the Transcab contract with 4500 Taxi (1993) O/A 1032560 Ontario Inc., for a two year period commencing April 15, 2003 to April 14, 2005 with no rate increase; and
2. That the City Solicitor be directed to prepare the by-law to authorize entering into an agreement for the supply of taxi service.

CARRIED

03-13 Moved by Dmytrow-Bilboe and Mastroianni that Council authorizes Ontario Truck Division-Hamilton to make chassis refurbishing repairs necessary for Transit Bus #116, a 1990 40' OBI Orion V transit vehicle, as per the quotation of March 3, 2003 for a total of \$ 14,018.13, including tax.

CARRIED

03-19 Moved by Dzugan and Alakas

1. That Council approves the partnership with Princess Elizabeth Public School to assist with a play ground equipment project on school property;
2. That the assistance be capped at 1/3 of the project cost to a maximum of \$10,000.00.; and
3. That the Mayor and City Clerk be authorized to sign the Letter of Understanding between the Niagara District School Board and the City of Welland ensuring public access to the play equipment and school property during non-school hours.

CARRIED

03-19 Moved by Spadafora and Belcastro that subject to the supervision of the event by a properly licensed person, permission is hereby granted to the Sherwood Recreation Activity Centre to hold a fireworks display on Sunday, May 18, 2003 (rain date: Monday, May 19, 2003) as part of the "Victoria Day Celebrations" at the Sports Complex; and

That staff be directed to ensure that all fireworks used in the City sponsored display are not manufactured using child labour.

CARRIED

03-21 Moved by Dmytrow-Bilboe and Mastroianni

1. That Welland City Council grants, on a one time basis, approval to the Welland County Motorcycle Club to host it's "**Spring Mud Run**" on Saturday, May 10, 2003 between noon and 4:00 p.m. subject to approvals from:
 - a) St. Lawrence Seaway Management Corporation
 - b) Ontario Ministry of Transportation
 - c) Regional Municipality of Niagara
 - d) Corporation of the City of Port Colborne; and
2. That the Welland County Motorcycle Club provide proof of insurance in the amount of \$5 million and said insurance shall list the Corporation of the City of Welland as a co- insured; and
3. The Welland County Motorcycle Club complete and meet all conditions of the City of Welland Policy of Road Use for Community Activities.

CARRIED

03-22 Moved by Irvine and Mastroianni

1. That supplemental report TRAF 2003-14 be received for the information of Council
2. a) That the owners agree to enter into an agreement with the City of Welland which would establish:
 - i) Fees for the use of the three (3) parking stalls - \$25.00 per month per stall
 - ii) Terms and Conditions of Occupation - commencement and termination dates
 - iii) Placement and maintenance of waste receptacles
- b) Security deposit for damage to City owned property occupied by 'Chip Wagon' should it occur during the occupation of the three (3) parking stalls
3. That the owners obtain a 'Refreshment Vehicle' license from the City of Welland as outlined in By-law 10049.

CARRIED

03-22 Moved by Dmytrow-Bilboe that staff be again directed to review the following:

1. The current Zoning By-law 2667 and 1538 concerning the parking of different types of trailers in residential areas; and
2. The expanding of the City's parameter with respect to:
 - a) length/width/height and type,
 - b) seasonal usage, and
 - c) location on residential lots.

CARRIED

03-31 Moved by Dmytrow-Bilboe and Beaudoin that the matter regarding the waiving of user fees for the 2003 season for use of Plymouth Field by the Plymouth Field Soccer League be referred to the May 6, 2003 Regular Council Meeting.

LOST

03-31 Moved by Eybel and Fortier that Council waive user fees for the 2003 season for use of Plymouth Field by the Plymouth Field Soccer League.

CARRIED

03-44 Moved by Belcastro and Spadafora that the General Manager of Engineering, Public Works and Transportation Services be authorized to issue a Purchase Order to J.J. McKay Limited for the purchase of 123 MKH4000 – Parking Meter Housings at a cost of \$30,748.77 (plus applicable taxes) as outlined in quotation 03-03-312SH dated March 21, 2003.

CARRIED

(Councillor Eybel asked to recorded as opposed to this Resolution)

03-67 Moved by Dmytrow-Bilboe and Mastroianni that Council accepts the quotations for the Supply of Top Soil as submitted by Compost Niagara Inc. at the quoted price of \$18.50 per cubic metre, Waterdown Garden Supplies (Stangl's Enviro Lawn Care) at the quoted price of \$20.16 per cubic metre, as well as the submission by Dimartile Farms at the quoted price of \$24.18 per cubic metre, as these being the prices submitted by the three (3) companies to supply top soil.

CARRIED

03-70 Moved by Dmytrow-Bilboe and Mastroianni

1. That Council waives the requirements for the "minimum three (3) bids" for the provision of Tire Maintenance Service due to the fact that only two (2) quotations were received from Groff Tire & Battery Ltd. and Niagara Battery & Tire, out of six (6) quotation requests; and
2. That Council authorizes staff to open the tenders received for the supply of the subject service.

CARRIED

03-71 Moved by Fortier and Mastroianni

1. That Council waives the requirement for the "minimum three (3) bids" for the supply of RS1 or HF150S due to the fact that only one (1) tender was received from Norjohn Limited out of four (4) tender requests; and
2. That Council waives the requirement for the "minimum three (3) bids" for the supply and application of Road Surface Treatment Materials due to the fact that only one (1) tender was received from Norjohn Contracting out of five (5) tender requests; and
3. That Council authorizes the opening of both of these tenders for the supply of the subject materials and accept and approve the sole tender bid from Norjohn Limited on condition that the tender submission is in compliance with specifications and that prices are within the approved budget allocations.

CARRIED

03-76 Moved by Eybel and Irvine

1. That Part 'A' of the tender for the Supply and Application of Road Traffic Paint, which includes Spring and Fall painting of: Centre Line, Edgeline, Transitions and those pavement markings usually applied with truck mounted line marking equipment, be awarded to K.D.N. Pavement Markings Limited, R.R.4 Rockwood, Ontario, in the amount of \$32,500.00 plus applicable taxes;
2. That Part 'B' of the tender for the Supply and Application of Road Traffic Paint which includes Spring and Fall painting of: Stop Bars, Directional Arrows, On-Street Parking Stalls, pedestrian Crossings, etc., those pavement markings usually applied with manual line marking equipment, be awarded to

Mason Pavement Marking Inc., 573 South Mary Lake Road, Port Sydney, Ontario in the amount of \$16,047.00 plus applicable taxes;

3. That Part 'C' of the Tender for the Supply and Application of Road Traffic Paint which covers Pavement Markings in Municipal Parking Lots, be awarded to Mason Pavement Marking Inc., 573 South Mary Lake Road, Port Sydney, Ontario, in the amount of \$3,877.00 plus applicable taxes;
4. That the City Solicitor be requested to prepare the necessary By-law(s) to award the tender for the Supply and Application of Road Traffic Paint – 2003 as follows:
 - Part 'A' – K.D.N. Pavement Markings Limited in the Amount of \$32,500.00 plus applicable taxes.
 - Part 'B' – Mason Pavement Marking Inc. in the amount of \$16,047.00 plus applicable taxes.
 - Part 'C' – Mason Pavement Marking Inc., in the amount of \$3,877.00 plus applicable taxes.

CARRIED

03-80

03-80Z Moved by Fortier and Alakas that the matter regarding a Proposed Plan of Subdivision and Zoning By-law Amendment - Riverside Drive West Subdivision (26T-14-02003 and 2002-15) Mac-Bri Developments Inc. be deferred until such time as additional information is received from the Niagara Peninsula Conservation Authority.

CARRIED

03-88

Moved by Fortier and Dzugan

1. That Welland City Council supports the creation of a partnership between the Niagara Peninsula Conservation Authority (NPCA) for a restoration program of Drapers Creek that traverses Maple Park; and
2. That the NPCA provide an overall plan to protect and enhance natural ecosystems including aquatic and terrestrial habitats in and near Drapers Creek in Maple Park to support any project(s) being proposed; and
3. That any out of pocket costs of any project(s) be borne by the NPCA with the City of Welland contribution being limited to in-kind donations of staff time, land usage, equipment etc.

CARRIED

03-90

Moved by Dmytrow-Bilboe and Mastroianni that, in accordance with By-law 7495 being a By-law to adopt a Crest for the City of Welland, Welland City Council authorizes the use of its slogan (revised for the purpose of this request) "Where Water and Rails Meet" for the County of Renfrew's campaign to build the new Miramichi Lodge, Long Term Care Facility, in Pembroke, Ontario.

CARRIED

03-93

Moved by O'Dell and Mastroianni

1. That Council agree to recognize an existing 0.3 metre by 2.72 metre Encroachment, shown as Part 1 on a draft Reference Plan and an existing 0.2 metre by 4.84 metre Encroachment, shown as Part 2 on a draft Reference Plan, both Encroachments onto Aqueduct Street road allowance for property known as 620 Niagara Street (part of Lot 240, former Township of Thorold, now in the City of Welland) for the existing commercial building;
2. That the City Solicitor be authorized to prepare the necessary documents and By-law; and
3. That the Applicant pay for the cost of documentation and registration in the amount of \$300.00.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

94-102

97-35

BYL 2003 - 52

A By-law to amend Waterworks By-law 10894, to set a fixed consumption rate for hydrant use permits.

99-99

BYL 2003 - 53

Being the Canal Lands Safety By-law, A By-law to regulate and protect the Public's Use of the Welland Recreational Canal Lands.

...continued...

BY-LAWS PRESENTED FOR FIRST READING:

02-22

03-22

BYL 2003 - 54

A By-law to amend Schedules "A", "C" and "C1" of By-law 89-2000, being a By-law Regulating Traffic and Parking on City Streets.

03-13

BYL 2003 - 55

A By-law to authorize the entering into an Extension Agreement with 1032560 Ontario Inc. operating as 4500 Taxi (1993) for the supply of taxi service.

03-22

BYL 2003 - 56

A By law to authorize the replacement and/or upgrading of traffic signals at the intersections of Ontario Road at Canal Bank Street and Lincoln Street at King Street, in conjunction with the Regional Municipality of Niagara.

03-22

03-77

BYL 2003 - 57

A By-law to retain Totten Sims Hubicki Associates to undertake an Environmental Assessment Study, Functional Design and Tender Documents for intersection improvements and traffic signals at the intersection of Quaker Road at Rice Road.

03-76

BYL 2003 - 58

A By-law to authorize the acceptance of tenders and entering into contracts

with K.D.N. Pavement Markings Limited and Mason Pavement Marking Inc. for the supply and application of road traffic paint and pavement markings.

03-1

BYL 2003 - 59

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 15th day of April, 2003.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Fortier 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

03-25 Moved by Mastroianni and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 10:10 p.m. to consider;

- a) the security of the property of the municipality; and
- b) personal matters about an identifiable individual, including municipal employees.

CARRIED

03-25 Moved by Mastroianni and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 10:30 p.m.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

03-10

03-13 Moved by Beaudoin and Belcastro that Welland City Council accepts the resignation of Joseph Hrechenak from the Transit Advisory Committee as reported by the Committee and further instructs staff to advertise for his replacement.

CARRIED

03-91 Moved by Fortier and Irvine that Council approves the entering into a six month contract with Gregg Rodgers for the purpose of assisting in the development of a Municipal Utility Billing System.

CARRIED**03-92** Moved by Mastroianni and Belcastro

1. That part of Wellbrook Boulevard shown as Parts 2 and 3 on the draft Reference Plan attached to Report PDS-2003-26 be Stopped Up, Closed and declared surplus with Staff directed to prepare the necessary By-laws and documentation;
2. That the 1 foot reserve being Part of Lot 12, Plan NS-20 and shown as Part 1 on the draft Reference Plan attached to Report PDS-2003-26 be declared surplus with Staff directed to prepare the necessary By-laws and documentation;
3. That Council declare surplus and offer for sale part of Lots 256 and 257, former Township of Thorold being Parts 1 through 7 and 11 through 14, all inclusive, shown on the draft Reference Plan attached to Report PDS-2003-26 saving out an Easement for storm sewer purposes over Parts 5, 6, 12 and 13;
4. That Part of Lots 256 and 257, former Township of Thorold being Parts 8, 9 and 10 on the draft Reference Plan attached to Report PDS-2003-26 be Laid Out and Established as a street and that Staff be directed to prepare the necessary By-laws and documentation; and
5. That the westerly 10.0± metre unopened William Road allowance adjacent to the Harvest Estates Draft Plan of Subdivision be stopped up, closed and declared surplus and offered for sale to the Owner of the Harvest Estates for incorporation into the proposed residential development.

CARRIED**BY-LAW ARISING FROM COMMITTEE-OF-THE-WHOLE****BY-LAW PRESENTED FOR FIRST READING:**

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

03-91

BYL 2003 - 51

A By-law to retain a Contract Programmer for a six month term to assist in the development of a Municipal Utility Billing System.

And that the same be now read a first time.

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

4. Moved by Mastroianni and Belcastro that the By-law listed in the foregoing motion for first reading having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED

NOTICE OF MOTION

In accordance with By-law 9972 as amended by By-law 2001-2 passed on January 16, 2001, Councillor(s) must submit their Notice of Motion(s) in writing no later than Wednesday, April 30, 2003 for inclusion on the next Regular Council Meeting Agenda.

Council adjourned at 10:35 p.m.

These Minutes approved and adopted by Motion of Council this 6th day of May, 2003.

MAYOR

CLERK

