



COUNCIL MEETING, MAY 6, 2003

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

Council met in Committee-of-the-Whole at 6:30 p.m. and in open session at 7:05 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, N. Dmytrow Bilboe, M. Dzugan, T. Eybel, D. Fortier, D. Grenier (7:05 p.m.), J. Irvine, S. O'Dell and J. Spadafora (7:05 p.m.) .

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (6:40 p.m.)

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:05 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:05 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:05 p.m.)

Manager, Development Planning/Real Estate D. Thorpe (7:05 p.m.)

Administrative Assistant to the Mayor and the City Manager, L. Ip (7:05 p.m.)

Economic Development Officer D. Degazio (7:05 p.m.)

03-25 Moved by Belcastro and Irvine that Council meet in Committee-of-the-Whole, closed to the public at 6:30 p.m. to consider:

- a) the security of the property of the municipality; and
- b) a labour relations matter.

CARRIED

(Councillor Eybel was not present during Committee-of-the-Whole discussions on a labour relations matter).

03-25 Moved by Irvine and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 6:55 p.m. without report.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Spadafora disclosed an interest in Ref. No. 03-4 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 Square project and his wife is a part owner of a property adjacent to the Enterprise Industrial Subdivision.

PUBLIC HEARING PURSUANT TO THE MUNICIPAL ACT

03-4 To consider amendments to the City of Welland's 2003 Capital, Current and Sewer and Water Budgets.

The following people were present to speak on the proposed amendments:

- Mr. D.G. Smith (Eyes on City Hall).

DELEGATION:

99-43 Robert McAllion, President and Mike Grimaldi, Vice President of the Welland and District Labour Council addressed Council regarding a resolution which would require Hydro Meetings to be open to the public.

THE FOLLOWING CORRESPONDENCE WAS READ:

- 99-43** E-mail from Mike Grimaldi, Vice President of the Welland and District Labour Council requesting permission to address Council regarding a resolution which would require Hydro Meetings to be open to the public.
- 03-21** Letter from William A. Coyle, Criterium Chrmn. on behalf of the St. Catharines Cycling Club requesting permission to hold the ***“Rose Festival Criterium”*** (bicycle race) on June 8, 2003
- 01-42** Report from Mgr., Development Planning/Real Estate D. Thorpe regarding an Amendment to Report Re: 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 by adding item 3 ***“That Welland Council considers the foregoing changes to the conditions of Draft Plan approval to be minor in nature in accordance with Section 51 (47) of the Planning Department Act”***.
- 03-22** Dr. Saari was in attendance requesting permission to address Council on the matter of parking meters. (The request was not granted to address Council this evening).
- 03-4** Letter from Eyes on City Hall requesting to address Council regarding amendments to the Capital, Current and Sewer and Water Budgets.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

- 03-80** A By-law to amend City of Welland Zoning By-law 2667 (Mac-Bri Developments Inc. – File
03-80Z 2002-15) 224 Riverside Drive.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 94-172** Mgr., Development Planning/Real Estate D. Thorpe – Proposed Subdivider’s Agreement with Ravenda Homes Ltd. – Bridgewater Court Subdivision (File 26T-94011 – Formerly Seaway Estates) – North and West side of Lancaster Drive, south of Jefferson Court West.
- 94-172** A By-law to authorize the signing of a subdivider’s agreement with Ravenda Homes Ltd. with respect to the development of Bridgewater Court Subdivision.
- 94-172** A By-law to accept the transfer of certain 0.3 metre reserves from Ravenda Homes Ltd. to the Corporation of the City of Welland in the Bridgewater Court Subdivision (File 26T-94011).
- 94-172** A By-law to accept the transfer of an easement(s) for storm sewers from Ravenda Homes Ltd. to the Corporation of the City of Welland in the Bridgewater Court Subdivision.
- 96-160** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – G.I.S. Deployment Study.
- 96-160** A By-law to authorize the entering into an Agreement with Direct I.T. Canada for a Geographic Information System Deployment Study.
- 97-77** Cheryl Covre, Events Co-ordinator, Niagara Stars – requesting fireworks display, serving of alcohol in the Stadium Parking Lot and release of 500 helium filled balloons during Opening Day and the first televised game day.
- 2000-79** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Engineering Services for the Lincoln Street Combined Sewer Separation Project – Phase 2 & 4 Parts of Oxford – Atlas – Wellington Area Sewer Separation.

- 2000-79** A By-law to authorize the entering into an engineering services agreement with Wiebe Engineering Group Inc. for the Lincoln Street Combined Sewer Separation Project (Phases 2 and 4) Parts of Oxford – Atlas – Wellington Area Sewer Separation).
- 01-35** Robert S. MacIsaac, Mayor, City of Burlington – Reports from the City of Burlington and The Mid Peninsula Corridor Stakeholders Advisory Group regarding The Mid Peninsula Corridor.
- 01-35** Thomas R. Hollick, Regional Clerk, Regional Municipality of Niagara – Resolution of Support for the proposed Mid Peninsula Transportation Corridor.
- 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.
- 02-47** Mgr., Development Planning/Real Estate D. Thorpe – Urban Development Institute Report “Investing for Tomorrow: Moving Forward with Smart Growth in Central Ontario” and Central Ontario Smart Growth Panel Final Report “Shape the Future”.
- 03-4** Gen. Mgr. Financial & Corp. Serv./Treasure B. Silvestri – City of Welland 2003 Capital, Current and Sewer and Water Budgets.
- 03-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – April 9, 2003 to April 29, 2003.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – South Niagara Rowing Club-Bus Shuttle Request.
- 03-13**
- 03-96** Angela Carter, Chair, Partners in Community Pride Committee requesting the following: Waiving of fee for the use of the Showmobile on June 7; City to participate in the day by setting up a display and having representation from City Council at the event; loan barriers for the road closures; complimentary cleaning of Main St. on June 6, 2003; use of a small city bus and driver to use as the shuttle bus to the Welland Historical Museum’s Kid Art Day, and hydro to be on for the day on East Main Street for the 2nd Annual Community Day on June 7, 2003.
- 03-20** Barb Ivicic, Manager, Veseli Hrvati Sr. Tamburitians – requesting permission to obtain a Special Occasion Permit at the Croatian National Home.
- 03-21** Brother Daniel Benoit, Sacred Heart Church – requesting permission to hold a procession to be held on June 28, 2003.
- 03-21** Marlene Goss, Zellers - requesting permission to hold its annual **“Zellers Walk for Cystic Fibrosis”** to be held on May 25, 2003.
- 03-21** James Neilson, Walk Coordinator, Centennial Secondary School requesting permission to hold a **“Centennial Charity Walk”** to be held on May 21, 2003.
- 03-21**
- 03-49** A By-law to authorize temporary road closures for the Niagara Food Festival.
- 03-45** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Adoption of the Minimum Maintenance Road Standards.
- 03-46** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Request for authorization for the procurement of vehicles & equipment as per the 2003 Fleet Replacement Program.
- 03-46** A By-law to authorize the purchase of vehicles and equipment as per the 2003 Fleet Replacement Program.
- 03-69** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Supply and Application of Road Surface Treatment Materials.
- 03-69** A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Limited for the supply and application of Road Surface Treatment Materials.
- 03-70** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Tire Maintenance Service.
- 03-70** A By-law to authorize the acceptance of tender from Niagara Battery & Tire for tire maintenance service for city-owned vehicles.
- 03-71** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Tender – Supply of RS1.
- 03-71** A By-law to authorize the acceptance of tender of Norjohn Ltd. for the supply of various asphalt materials.

03-73 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of tender – Oxford-Atlas – Wellington Area Sewer Separation 2003 – Lincoln Street from Empress Avenue to Memorial Park Drive and Wellington Street from Lincoln Street to Vanier Drive.

03-73 A By-law to authorize the entering into a contract with Centennial Construction and Contracting (Niagara) Inc. to undertake the Oxford – Atlas – Wellington Area Sewer Separation 2003 at Lincoln Street from Empress Avenue to Memorial Park Drive and Wellington Street from Lincoln Street to Vanier Drive.

03-80 Mgr., Development Planning/Real Estate D. Thorpe – 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.

03-80Z A By-law to amend City of Welland Zoning By-law 2667 (Mac-Bri Developments Inc. – File 2002-15) 224 Riverside Drive.

03-81 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of Tender – Northbank Interceptor Storm Sewer Separation 2003 – Willson Road between Fitch Street and Prince Charles Drive.

03-81 A By-law to retain K.T. Howe Engineering Ltd. to provide engineering services for the Northbank Interceptor Storm Sewer Separation 2003 (Willson Road between Fitch Street and Prince Charles Drive).

03-81 A By-law to accept the tender and enter into a contract with Provincial Construction (Niagara Falls) Limited for the Northbank Interceptor Storm Sewer Separation 2003 (Willson Road between Fitch Street and Prince Charles Drive).

03-93 A By-law to permit an Encroachment onto that portion of the Aqueduct Street road allowance described as Part of Township Lot 240, designated as Parts 1 and 2, Plan 59R-12046, for the benefit of the owners from time to time of the property known municipally as 620 Niagara Street

03-97 Wayne A. Gilroy, Coordinator Properties, Regional Municipal of Niagara – Sale of vacant Land Fronting Regional Road 41 (Woodlawn Road) and Regional Road 36 (South Pelham Road).

03-1 Moved by Alakas and Dzugan that the Minutes of the Regular Council Meeting of April 15, 2003 be and the same are hereby approved and adopted as circulated.

CARRIED

94-172 Moved by Dmytrow-Bilboe and Irvine

1. That the City of Welland enter into a Subdivider's Agreement with Ravenda Homes Ltd. with respect to the development of a ten (10) lot semi-detached residential Subdivision (Bridgewater Court Subdivision) located on the north and west side of Lancaster Drive, south of Jefferson Court West;
2. That Staff be authorized to prepare the necessary By-laws; and
3. That the Mayor be authorized to sign the Final Plan of Subdivision to allow the Plan to be registered once all Conditions of Draft Approval have been met and the Plan has been checked for conformity.

CARRIED

96-160 Moved by Dmytrow-Bilboe and Irvine that the City of Welland enter into an agreement with Direct I.T. Canada to study and prepare a report to recommend the most practical options available at this time for the deployment of a Geographic Information System (G.I.S.) for a municipality the size of Welland, all at a total estimated cost of \$13,600 plus tax; and That the funding for the Project be charged to the Municipal Infrastructure Information Technology & Asset Management Strategic Plan project surplus.

CARRIED

97-77 Moved by Fortier and Alakas that Welland City Council authorizes the Niagara Stars of the Canadian Baseball League to:

- 1) display fireworks at the Welland Stadium as post game celebrations on the dates shown subject to meeting City requirements; and
- 2) provide live entertainment prior to each home game including the serving of alcohol in a designated area of the Stadium Parking Lot in accordance with the Liquor Control Board guidelines.

CARRIED

97-77 Moved by Beaudoin and Dmytrow-Bilboe that Welland City Council authorizes the Niagara Stars of the Canadian Baseball League to release 500 helium filled balloons during Opening Day Celebrations on Thursday, May 29, 2003 and during the first televised game on Sunday, June 1, 2003.

CARRIED

99-43 Moved by Spadafora and Grenier that Welland City Council endorses the following resolution from the Welland and District Labour Council as revised by Council:

WHEREAS the majority of this Council ran on a platform that included transparency and public consultation; and

WHEREAS there was a wide perception that the previous administration appeared to make far too many important municipal decisions behind closed doors; and

WHEREAS this Council has been on record as agreeing to open up the Welland Hydro Electric System Corporation Board Meetings to the public; and

WHEREAS to date this has not been done.

NOW THEREFORE BE IT RESOLVED THAT:

That this Council as the representatives of the sole shareholder of Welland Hydro Electric System Corporation, the citizens of Welland, instruct the Board to immediately open to the public all meetings except for the portions that deal with staffing, competitiveness or where it would breach either the Corporations Act or the Municipal Act; and

That the Hydro Board be advised of the Sole Shareholder's decision.

CARRIED

2000-79 Moved by Grenier and Belcastro that the General Manager, Engineering, Public Works and Transportation Services be authorized to proceed with the retaining of Wiebe Engineering Group Inc., of Welland, to provide engineering services for the Lincoln Street Combined Sewer Separation Project – Phase 2 & 4, as detailed in the Design Report, prepared by Wiebe Engineering Group Inc., dated February 16, 2000, being parts of the overall Oxford – Atlas – Wellington Area Sewer Separation initiative, as presented in report ENG-2003-18; and

That the estimated consulting fees of \$100,000.00 be funded by means of Capital Budget allocation of the Revised 2003 Capital Budget for the Oxford-Atlas-Wellington Area Sewer Separation project; and further

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

CARRIED

01-35 Moved by Spadafora and Irvine that the letter from the City of Burlington concerning staff report DI-6/03 and a report to the City of Burlington by the Mid Peninsula Corridor Stakeholders Advisory Group regarding the Ontario Ministry of Transportation (MTO) Mid Peninsula Corridor Project be received for information.

CARRIED

01-35 Moved by Irvine and Belcastro that Welland City Council supports the resolution from the Regional Municipality of Niagara calling upon the Provincial Government to move without delay through the Environmental Assessment, Design, Financing, Property Acquisition and Construction of the Mid Peninsula Transportation Corridor.

CARRIED

(Councillor O'Dell asked to be recorded as opposed to the resolution).

01-42 Moved by Fortier and Irvine

1. That the City of Welland hereby grants a red-lined Amendment to the Draper's Creek Estates Draft Plan of Subdivision (formerly Gillmora Estates) – File 26T-14-20002, being Part of Lot 257, former Township of Thorold, now in the City of Welland prepared by Upper Canada Consultants, revision dated December 24, 2002 showing 82 single-detached lots, Blocks 83 through 88 and Block 93 for future residential development with adjoining lands, one (1) Block for storm water management, one (1) Block for floodplain/environmental protection purposes, two (2) Blocks for walkway purposes, two (2) Blocks for daylighting triangles and thirteen (13) Blocks for 0.3 metre reserves, as red-lined, subject to the following Conditions:
 - a) that the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
 - b) that no grading or construction work shall commence on the site until such time as the Master Development Agreement has been finalized, a Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title;
 - c) that all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances;
 - d) that 0.3 metre reserves be deeded to the City of Welland free and clear of all encumbrances being Blocks 97 through 109 inclusive;
 - e) that the Owner shall transfer Blocks 91 and 92 being 3.0 metre walkways, together with required improvements, to the City of Welland free and clear of all encumbrances;
 - f) that the Owner shall transfer Block 90 to the City of Welland, free and clear of all encumbrances, for storm water and floodplain purposes;
 - g) that the Owner shall transfer Block 89 to the City of Welland, free and clear of all encumbrances for storm water management purposes only after the Owner has constructed the required Storm Water Management Facility and all development within the Harvest Estates and Gillmora Estates Subdivision requiring use of such facility has been built out. The Owner shall provide a one (1) year maintenance period after assumption by the City. Prior to assumption, the Owner shall be responsible for all maintenance;
 - h) that the Owner shall pay Cash-in-Lieu of Parkland Dedication based upon current City Policy;
 - i) that a closed board decorative fence be erected, at the expense of the Owner, along the rear(southerly) lot lines of Lots 79 through 82 inclusive and Blocks 83 and 84 where they abut Webber Road;
 - j) that the Owner be required to construct a concrete sidewalk, to City Standards, along both sides of the Endicott Terrace extension within the Plan, along the east side of Clare Avenue and along the south side of Lynbrook Lane;
 - k) that Block 84 merge in Title with Lot 34, Plan 59M-299 of the adjacent Harvest Estates Plan and Block 84 merge in Title with Block 77, Plan 59M-299 of the adjacent Harvest Estates Plan;
 - l) that the Owner shall construct Clare Avenue from its southerly terminus to a new intersection with Webber Road to a full urban cross section. The ultimate cost to the Owner will be 50% of the final construction costs minus Development Charges contributions from the City with the remainder to be collected, at a future date, from the Owners of lands lying on the west side of Clare Avenue adjacent to the new roadway upon development of those lands;

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- m) the cost of the extension of the Aquador Trunk Storm Sewer south of Endicott Terrace to south of the rear lot lines of Street "B" shall be shared equally by the Owners of the Harvest Estates and Gillmora Estates Subdivisions;
- n) that Block 94 be transferred to the Owner of Lot 46, Plan NS20 in exchange for Part 4 on a draft Reference Plan dated January 16, 2003 prepared by William A. Mascoe Surveying Ltd. being transferred and merged in Title with Block 93;
- o) that Blocks 86, 87 and 88 merge in Title and be developed in conjunction with lands to the east Owned by the City of Welland;
- p) that the City will dedicate those portions of City-owned lands required for road purposes (e.g. Street "B") all at the cost of the Owners of Gillmora Estates;
- q) that any required Environmental Assessment process be initiated for the development of Clare Avenue south of Lynbrook Lane;
- r) that an Environmental Impact Study be prepared for the site which addresses the fish habitat requirements of the Provincial Policy Statement and that the Report be submitted to the Niagara Peninsula Conservation Authority (NPCA) for review and approval; that all lands located within the floodplain and any setback to protect Natural Heritage features and functions, including fish habitat, as recommended in the EIS be included within an Environmental Protection Zone where no structural development is permitted;
- s) that all lands located within the floodplain and any setback to protect Natural Heritage features and functions, including fish habitat, as recommended in the EIS be included within an Environmental Protection Zone where no structural development is permitted;
- t) that detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the site, be submitted to the NPCA for review and approval;
- u) that detailed sedimentation and erosion control plans detailing methods proposed for the control of silt and erosion during the construction phase and restoration proposed for the site after construction be submitted to the NPCA for review and approval;
- v) that a Stormwater Management Plan be prepared by a qualified Professional Engineer in compliance with the Ministry of Environment and Energy's "Stormwater Management Practices Planning and Design Manual", June 1994, and the "Stormwater Quality Guidelines for New Development", May 1991, be submitted to the NPCA for review and approval;
- w) that Permit approval be obtained from the NPCA for any proposed balanced cut and fill measures, and
- x) that the Owner agrees in the executed Subdivision Agreement to:
 - (i) include all lands located within the floodplain and any setback to protect fish habitat as recommended in the EIS be included within an Environmental Protection Zone where no structural development is permitted;
 - (ii) implement the lot grading and drainage plans, sedimentation and erosion control plans, stormwater management plan and environmental impact assessment as noted in Conditions r to v above;
 - (iii) not place or dump material of any kind, whether originating on-site or off-site in the Draper's Creek Floodplain, unless a Work Permit from the NPCA has been issued;
 - (iv) obtain proper Permit approvals for any balanced cut and fill measures as noted on Condition w above;
 - (v) during the construction phase, erect and maintain a sediment control fence 3.0 metres from the floodplain of Draper's Creek; and
 - (vi) re-vegetate or otherwise stabilize all disturbed areas immediately following the completion of construction;
- y) 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;

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- z) that immediately following Notice of Draft Plan Approval, the Owner shall provide the Regional Planning Department with a written undertaking that all Offers and Agreements of Purchase and Sale that may be negotiated prior to registration of the Subdivision shall contain a Clause clearly indicating that a servicing allocation for the Subdivision will not be assigned until the Plan is granted Final Approval for registration;
- aa) that the detailed design drawings for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval. NOTE: For all three systems, it may be necessary to include the required downstream servicing improvements as part of the submission. In addition, the stormwater drainage system should be sized to accommodate a possible future storm sewer on Webber Road;
- bb) that the Ministry of the Environment Certificates of Approval be obtained for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration. NOTE: The design for the stormwater management system 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;
- cc) that the geometric design of the intersection of Street "E" with Regional Road 29 (Webber Road) be submitted to the Regional Public Works Department for its review and approval;
- dd) that the lot grading plan for those lots backing onto Regional Road 29 (Webber Road) be submitted to the Regional Public Works Department for its review;
- ee) that the 0.3 metre reserves shown as Blocks 97 and 100 on the red-lined Draft Plan dated April 15, 2003 and the day-lighting triangles shown as Blocks 95 and 96 be deeded to the Regional Municipality of Niagara free and clear of any mortgages, liens and encumbrances;
- ff) that prior to Approval of the Final Plan, the Owner submit to the Niagara Peninsula Conservation Authority and 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. Furthermore, that the Owner agree in the Subdivision Agreement to implement the approved stormwater management plan;
- gg) that prior to Approval of the Final Plan, the Owner submit to the Regional Planning Department a Phase I Environmental Site Assessment prepared by a qualified Consultant to demonstrate that the property does not contain any hazardous materials. Furthermore, that the Owner agree in the Subdivision Agreement to implement the recommendations of the Environmental Site Assessment including additional studies and mitigation of hazardous material that might be found. Should it be determined that soil analysis and mitigation are required, both the City of Welland and the Regional Planning Department should be in possession of a Ministry of the Environment acknowledged Record of Site Condition (RSC) indicating that the site is suitable for residential use prior to Final Approval;
- hh) that prior to any disturbance of the site or Approval of the Final Plan, the Owner submit to the Regional Planning Department and the Niagara Peninsula Conservation Authority for review and approval an Environmental Impact Study (EIS) prepared by a qualified Consultant. Further, that the Owner agree to implement the recommendations of the Environmental Impact Study through the Subdivision Agreement, a Zoning By-law Amendment and/or other measures that might be recommended;

- ii) that the Owner carry out an Archaeological Assessment of the subject property and mitigate any adverse impacts to any significant archaeological resources found through preservation or resource removal and documentation. Furthermore, that no grading or other soil disturbances take place on the subject property prior to the Regional Planning Department and the Ministry of Tourism, Culture and Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
- jj) that any filling of the outlet channel be approved by the Niagara Peninsula Conservation Authority as part of a balanced cut and fill;

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01-42...CONT'D.

- kk) that a Ministry of the Environment Certificate of Approval be obtained for the new stormwater outlet;
 - ll) that prior to the granting of Approval of the Final Plan, the City of Welland Development Services Department will require **written notice** from the following upon their respective Conditions having been met satisfactorily:
 - Regional Niagara Planning for Conditions y, z, ff - jj;
 - Regional Niagara Public Works for Conditions aa - ee;
 - Niagara Peninsula Conservation Authority for Conditions r - x, ff, hh;
 - Ministry of the Environment for Conditions bb, kk;
 - Ministry of Tourism, Culture and Recreation for Condition ii;
 - mm) that if Final Approval is not given to this Plan within **three (3) years** of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request an extension to Draft Approval, a written request, with reasons why the extension is required, must be received by the City prior to the lapsing date; and
2. That the Mayor be authorized to sign Draft Approval and Final Approval Plans for the Gillmora Estates Subdivision once all Conditions have been satisfied.
 3. That Welland City Council considers the foregoing changes to the conditions of Draft Plan Approval to be minor in nature in accordance with Section (51) 47 of the Planning Act.

CARRIED

02-47 Moved by Dmytrow-Bilboe and Irvine that the Report PDS-2003-31 regarding the Urban Development Institute's Report entitled "Investing for Tomorrow: Moving Forward with Smart Growth in Central Ontario" and the Central Ontario Smart Growth Panel's Final Report entitled "Shape the Future" be received for information.

CARRIED

03-4 Moved by Dmytrow-Bilboe and Irvine that the letter from D.G. Smith on behalf of the Eyes on City Hall Re: The Revised Water Budget (amendments to Sewer and Water Budgets) be received for information.

CARRIED

03-4 Moved by Alakas and Grenier that Report Fin-03-10 re: Revisions to 2003 Capital and Operating Budgets (Sewer and General) be referred to the May 20, 2003 Council Meeting.

LOST

03-4 Moved by Beaudoin and Irvine

1. That Council approves the approximately \$3,700,000 to be received from the Region be used as follows:

- a) Sewer Capital Project
 - Oxford-Atlas-Wellington

\$ 1,300,000

b) Sewer Portion of Capital Project	
Enterprise Industrial Subdivision	400,000
c) Reduction of Sewage Treatment Portion of Tax Levy	<u>2,000,000</u>
	\$ 3,700,000

2. That Council approves the \$2,000,000 "Tax Room" created by 1c) be then used to reduce future debentures which will be required by the Civic Square Project, resulting in a saving to taxpayers of approximately \$176,500 per year for the next 20 years.

CARRIED

YEAS: Councillors Dzugan, Fortier, Beaudoin, Dmytrow-Bilboe, Irvine, Belcastro and Mayor Forster.

NAYS: Councillors O'Dell, Eybel, Alakas, and Grenier.

- 03-4** Moved by Fortier and Beaudoin that Council approves the revised 2003 Capital (Schedule '1'), General Operating (Schedule '2') and Sanitary Sewer (Schedule '3') Budgets attached to report FIN-2003-10 resulting in -4.03% tax rate increase and an average tax levy increase of 2.69%.

CARRIED

YEAS: Councillors Dzugan, Fortier, Beaudoin, Dmytrow-Bilboe, Irvine, Belcastro and Mayor Forster.

NAYS: Councillors O'Dell, Eybel, Alakas, Grenier and Spadafora.

- 03-4** Moved by Fortier and Beaudoin that Council approves in principle the Capital Forecast 2004-2007 (Schedule '4') attached to Report FIN-2003-10.

CARRIED

(Councillors Eybel, O'Dell, Alakas, Grenier and Spadafora asked to be recorded as opposed to this Resolution.)

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

1	09-Apr-03	19,865.02
2	10-Apr-03	97,384.75
3	11-Apr-03	179,502.41
4	15-Apr-03	44,058.00
5	17-Apr-03	248,999.30
6	22-Apr-03	34,464.34
7	24-Apr-03	335,931.90
8	25-Apr-03	198,878.74
9	29-Apr-03	<u>352,627.64</u>
	Total	\$ 1,511,712.10

CARRIED

- 03-13** Moved by O'Dell and Dzugan

1. That Council approves the request from the South Niagara Rowing Club for the provision of bus shuttle service for the Annual High School Invitational Regatta on May 17 and May 18, 2003; and
2. That the financial consideration of \$669.27 be approved on a cost sharing basis for the in-kind service request.

CARRIED**03-13****03-96**

Moved by Dmytrow-Bilboe and Irvine that the following requests by the Partners in Community Pride Committee for the 2nd Annual Community Day (to be held June 7, 2003) for use of the showmobile and for the waiving of its fee; for City Council to participate in Community Day activities; for use of barriers and road closures; for complimentary cleaning of Main Street on June 6; for use of a small city bus and driver to shuttle to the Welland Historical Museums' Kid Art Day; and for hydro to be available on East Main Street be received and referred to staff for study.

CARRIED**03-20**

Moved by Dmytrow-Bilboe and Irvine that Welland City Council has no objection to the issuance of a Special Occasion Permit to the Veseli Hrvati Sr. Tamburitzans for the music festival and picnic event at the Croatian National Home on Sunday, July 13, 2003; and designates the event as a Community Festival.

CARRIED**03-21**

Moved by Dmytrow-Bilboe and Irvine that Welland City Council approves the application to hold a procession on June 28, 2003 for Sacred Heart Church subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED**03-21**

Moved by Dmytrow-Bilboe and Irvine that Welland City Council approves the application for the annual "**Zellers Walk for Cystic Fibrosis**" to be held on Sunday, May 25, 2003 at Chippawa Park subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED**03-21**

Moved by Dmytrow-Bilboe and Irvine that Welland City Council approves the application for the "**Centennial Charity Walk**" to be held on May 21, 2003 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED**03-21**

Moved by Dmytrow-Bilboe and Irvine that Welland City Council approves the application of the St. Catharines Cycling Club to hold the "**Rose Festival Criterium**" (Bicycle race) on June 8, 2003 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED**03-29****03-80****03-80Z**

Moved by O'Dell and Alakas that Report PDS-2003-29 Re: Proposed Plan of Subdivision and Zoning By-law Amendment – Riverside West Subdivision Mac-Bri Developments Inc. West Side of Riverside Drive, South of Lincoln Street be referred to a Special Council Meeting for Tuesday, May 13, 2003 at 6:00 p.m.

CARRIED

03-45 Moved by Dmytrow-Bilboe and Irvine that Council confirms the Minimum Maintenance Standards for Municipal Highways effective January 1, 2003, as described and established in Ontario Regulation 239/02 made under the Ontario Municipal Act," and authorizes a by-law that adopts a Level of Service that meets or exceeds the Minimum Maintenance Standards for Municipal Highways.

CARRIED

03-46 Moved by Beaudoin and Belcastro that Council approves the purchase of:

- a. One (1) Tandem Axle Dump Truck/Snowplow/Sander from Eastgate Truck Centre at a tender price of \$219,174.30;
- b. One (1) Pickup Truck Crew Cab from Slattery Ford at a tender price of \$30,999.40;
- c. Two (2) Cargo Vans from Slattery Ford at a tender price of \$48,569.10;

being the lowest tender submissions meeting tender specifications.

CARRIED

03-69 Moved by Dmytrow-Bilboe and Irvine that Council accepts the tender of Norjohn Limited for the supply and application of Road Surface Treatment Materials for the total price of \$59,450.00, as this being the sole tender submitted meeting tender specifications.

CARRIED

03-70 Moved by Fortier and Spadafora that Council accepts the tender of Niagara Battery & Tire for the Tire Maintenance Service, being the lowest of the two (2) quotations received.

CARRIED

(Councillors Eybel and Dmytrow-Bilboe asked to be recorded as opposed to this resolution).

03-71 Moved by Fortier and Spadafora that Council accepts the tender of Norjohn Ltd. for the supply of RS1 or HF150S Asphalt Emulsions at the quoted price of \$23,250.00, this being the sole tender submitted meeting tender specifications.

CARRIED

03-73 Moved by Fortier and Irvine that Council accepts the tender of Centennial Construction and Contracting (Niagara) Inc. for the separation of sewers on Lincoln Street from Empress Avenue to Memorial Park Drive and Wellington Street from Lincoln Street to Vanier Drive, as part of the project as presented in report ENG-2003-19; and

That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction, at a tender price of \$435,406.00, plus applicable G.S.T.; and

That based on the low tender price, the project cost be revised to \$536,000.00, as the first phase of the \$1,950,000.00 Lincoln, Empress and Wellington part of the Oxford-Atlas-Wellington Area project, as included in the Revised 2003 Capital Budget; and further

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

CARRIED

03-81 Moved by Belcastro and Irvine that Council accepts the tender of Provincial Construction (Niagara Falls) Limited for the Northbank Interceptor Storm Sewer Separation 2003 – Willson Road between Fitch Street and Prince Charles Drive, as presented in report ENG-2003-26; and

That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction, at the tender price of \$503,952.05, plus applicable G.S.T.; and

That Council authorizes staff to retain K.T. Howe Engineering Ltd., the designing consultant of the subject storm sewer separation project, to carry out the construction administration, quality control and inspection services, in the appropriate sum of \$22,000.00, to be funded within the total project allotment;

That the revised project cost, based on the low tender, in the amount of \$575,000.00 be funded from the 2003 Storm Sewer Capital Budget; and further

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

CARRIED

03-97 Moved by Dmytrow-Bilboe and Irvine that the offer from the Regional Municipality of Niagara for vacant land fronting Regional Road 41 (Woodlawn Road) and Regional Road 36 (South Pelham Road) be received and referred to staff for study and review.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

96-160

BYL 2003 - 60

A By-law to authorize the entering into an Agreement with Direct I.T. Canada for a Geographic Information System Deployment Study.

94-172

BYL 2003 - 61

A By-law to authorize the signing of a Subdivider's Agreement with Ravenda Homes Ltd. with respect to the development of Bridgewater Court Subdivision.

94-172

BYL 2003 - 62

A By-law to accept the transfer of certain 0.3 metre reserves from Ravenda Homes Ltd. to the Corporation of the City of Welland in the Bridgewater Court Subdivision (File 26T-94011).

94-172

BYL 2003 - 63

A By-law to accept the transfer of an easement(s) for storm sewers from Ravenda Homes Ltd. to the Corporation of the City of Welland in the Bridgewater Court Subdivision.

2000-79

BYL 2003 - 64

A By-law to authorize the entering into an Engineering Services Agreement with Wiebe Engineering Group Inc. for the Lincoln Street Combined Sewer

Separation Project (Phases 2 and 4) Parts of Oxford - Atlas – Wellington – Area Sewer Separation).

03-21

03-49

BYL 2003 - 65

A By-law to authorize temporary road closures for the Niagara Food Festival.

03-46

BYL 2003 - 66

A By-law to authorize the purchase of vehicles and equipment as per the 2003 Fleet Replacement Program.

...continued...

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

03-69

BYL 2003 - 67

A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Limited for the supply and application of Road Surface Treatment Materials.

03-70

BYL 2003 - 68

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

03-71

BYL 2003 - 69

A By-law to authorize the acceptance of tender of Norjohn Ltd. for the supply of various asphalt materials.

03-73

BYL 2003 - 70

A By-law to authorize the entering into a contract with Centennial Construction and Contracting (Niagara) Inc. to undertake the Oxford – Atlas – Wellington Area Sewer Separation 2003 at Lincoln Street from Empress Avenue to Memorial Park Drive and Wellington Street from Lincoln Street to Vanier Drive.

03-81

BYL 2003 - 71

A By-law to retain K.T. Howe Engineering Ltd. to provide engineering services for the Northbank Interceptor Storm Sewer Separation 2003 (Willson Road between Fitch Street and Prince Charles Drive).

03-81

BYL 2003 - 72

A By-law to accept the tender and enter into a contract with Provincial Construction (Niagara Falls) Limited for the Northbank Interceptor Storm Sewer Separation 2003 (Willson Road between Fitch Street and Prince Charles Drive).

03-93

BYL 2003 - 73

A By-law to permit an Encroachment onto that portion of the Aqueduct Street road allowance described as Part of Township Lot 240, designated as Parts 1 and 2, Plan 59R-12046, for the benefit of the owners from time to time of the property known municipally as 620 Niagara Street.

03-1

BYL 2003 - 74

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 6th day of May, 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 Beaudoin that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, as amended, having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED

NOTICE OF MOTION

In accordance with By-law 9972 as amended by By-law 2001-2 passed on January 16, 2001, Councillor(s) must submit their Notice of Motion(s) in writing no later than Wednesday, May 14, 2003 for inclusion on the next Regular Council Meeting Agenda.

Council adjourned at 11:00 p.m.

These Minutes approved and adopted by Motion of Council this 20th day of May, 2003.

MAYOR

CLERK