



**COUNCIL MEETING, MAY 20, 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 7:30 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 D. Beaudoin, M. Belcastro, N. Dmytrow Bilboe,  
M. Dzugan, T. Eybel, D. Fortier, D. Grenier (6:30 p.m.), J. Irvine,  
J. Mastroianni, S. O'Dell and J. Spadafora .

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

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah

General Manager Engineering, Public Works & Transportation Services D. Shantz

Manager, Development Planning/Real Estate D. Thorpe (7:30 p.m.)

Administrative Assistant/ Deputy Clerk B. Gallaccio (7:30 p.m.)

Manager Leisure Services R. Morwald (until 7:20 p.m.)

**03-25** Moved by Mastroianni and Belcastro 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 Belcastro and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 7:25 p.m.

**CARRIED**

### **PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT**

Councillor Spadafora presided as Chair of the Public Hearings.

**03-98Z** An application has been made by HYNDE, PAUL ASSOCIATES LIMITED on behalf of 1276343 ONTARIO LIMITED to rezone Lots 18-29 and Lots 54-83, all inclusive, Plan 59M-269 for lands on the north side of Aaron Trail and all lands adjacent to Galloway Trail save and except the south side of the south 'leg' of Galloway Trail from the existing R3-X8 Zone By-law 2667 to a RM3-X11 Zone By-law 2667. The purpose of the Amendment is to provide for the flexible development of the subject lots by allowing a mixture of single-detached, semi-detached and street townhouses to be constructed on reconfigured lots, by way of Part Lot Control. The existing RM3-X11 Zone has provisions to acknowledge private roads, to provide for a maximum lot coverage for interior townhouse lots of 55% and for the whole of a townhouse block to be 45% and to permit a privacy screen/wall with a foundation to protrude a maximum of 2.0 metres into the required 7.5 metre rear yard. The Official Plan designation is RESIDENTIAL (R).

Councillor Spadafora outlined the procedures of the Public Hearing as required by the Planning Act. D. Thorpe confirmed that the statutory requirements for public hearings had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

The following people spoke to the application:

**In support of the application:**

- Stephen Kaiser, agent on behalf of applicant.

**In opposition to the application:**

- No one spoke to the application.

There being no other submissions the hearing was concluded. The Mayor then resumed the Chair.

**DELEGATIONS:**

- 03-27** Tara DiEgidio, Rose Festival Chairperson addressed Council on the events scheduled for the ***42<sup>nd</sup> Annual Rose Festival*** and how the Rose Festival has worked together with TOWN.
- 03-96** Jim Gillap and Angela Carter, Partners in Community Pride addressed Council on events planned for ***Community Day***.
- 03-06** Ann Marie Pieterse, Promotions and Fundraising Consultant and Jean Vandenberg, Chair, Board of Directors, Headway Homes (Niagara) Inc. addressed Council requesting the Mayor declare the month of June as ***"Brain Injury Awareness Month"***.
- 02-22** Dr. Ralph L. Saari addressed Council regarding a parking issue.
- 99-99** Sylvain Richer, Richard Morin and Marten Zwier addressed Council concerning the water safety by-law for the Welland Recreational Canal.

**THE FOLLOWING CORRESPONDENCE WAS READ:**

- 03-15** Report from Chief, Fire & Emergency Services P. Olah regarding the purchase of an American Rosenbauer Centurion Pumper.
- 03-21** Letter from R. Karr, Principal, Eastdale Secondary School requesting permission to hold a ***"Stride for Pride Walk-a-thon"*** on May 27, 2003.

**THE FOLLOWING CORRESPONDENCE WAS DELETED:**

- 03-28** Letter from Peter Paras requesting to address Council regarding water bill for 312  
**03-103** Thorold Road.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 99-92** City Manager, F. Fitzpatrick – Renaming the 140 Industrial Park located on the corner of Highway #140 and Buchner Road to Harry S. Diffin Industrial Park.
- 99-99** City Manager, F. Fitzpatrick – Proposed Canal Water Safety By-law.
- 99-99** Being the Canal Water Safety By-law, A By-law to regulate and protect the public's use of the Welland Recreational Canal Waterway.
- 2000-83** Review of the City's Lot Grading & Drainage for Subdivisions Policy SER-007-004 to provide for improved enforcement procedures.
- 01-120** Town of Pelham - requesting the appointment of an engineer to maintain the section of Big Creek Drain located in the City of Welland.
- 02-22** Dr. Ralph L. Saari to discuss a parking issue.
- 02-22** Matter regarding calming traffic on East Main and Division Street.

**02-22** Matter of reducing the speed limit from the present 50 kilometers in the Downtown BIA area to 40 kilometers for the safety of pedestrians and motorists in the BIA area, said reduction speed to be implemented as soon as possible.

**02-130**

**02-130Z** Mgr., Development Planning / Real Estate D. Thorpe - Proposed Plan of Subdivision and Zoning By-law amendment – Tetherwood Developments Inc. – north side of Ontario Road, east of Southworth Street (File 26T-14-02001 and 2003-06).

**02-130Z**A By-law to amend City of Welland Zoning By-law 2667 (Tetherwood Developments Inc. - File 2002-06) North side of Ontario Road, East of Southworth Street.

**03-4** A By-law to establish Tax Ratios and Tax Rates and to Levy Taxes for the Year 2003.

**03-6** Ann Marie Pieterse, Promotions and Fundraising Consultant and Jean Vandenbelt, Chair, Board of Directors, Headway Homes (Niagara) Inc. – requesting Council proclaim month of June as **“Brain Injury Awareness Month”**.

**03-7** Gen. Mgr., Financial and Corp. Serv. / Treasurer B. Silvestri – Accounts Payable – April 30, 2003 to May 13, 2003.

**03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Transit Review Study Consultant Selection.

**03-13** A By-law to retain Entra Consultants to undertake a Transit Review Study of Welland Transit.

**03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Welland Transit Terminal – Confectionery Store.

**03-15** Chief, Fire and Emergency Services P. Olah – amending Agreement for Dispatching Services, City of St. Catharines.

**03-15** A By-law to authorize the entering into an Agreement with the City of St. Catharines for Fire Dispatch Services.

**03-20**

**03-27** Tara DiEgidio, Rose Festival Chair – requesting that the events to be held in the month of June be designated as Community Festivals.

**03-21** Robert Cummings, President, Branch 4, Royal Canadian Legion – requesting permission to hold the **“Annual Decoration Day Parade and Service”** on Sunday, June 1<sup>st</sup>, 2003.

**03-21** Patrick Thibault, Parent Council Member, Ecole Saint-Francois – requesting permission to hold a walk-a-thon on Thursday, June 5<sup>th</sup>, 2003 (rain date June 6<sup>th</sup>, 2003).

**03-21** Tim Lefebvre, President, St. Catharines Cycling Club, organizer of the Great Lake to Lake Cycling Event – requesting permission to hold the **“Great Lake to Lake Mountain Bike Race”** on June 15<sup>th</sup>, 2003.

**03-21** Deanna Bryant, Area Coordinator – Corporate Programs, Heart and Stroke Foundation of Ontario – requesting permission to hold its annual **“Big Bike for Stroke”** on Wednesday, May 28<sup>th</sup>, 2003.

**03-21** R. Karr, Principal, Eastdale Secondary School – requesting permission to hold the **“Stride for Pride Walk-a-Thon”** on Tuesday, May 27, 2003 (rain date on Thursday, May 29, 2003)

**03-22** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Amendments to Schedule “P”, Stop Signs at Intersections and Schedule “C” – Parking Prohibitions, By-law 89-2000.

**03-26** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – award of tender, Sidewalk Repair and Replacement Program 2003.

**03-26** A By-law to accept the tender and to enter in contract with A. Poulin Curb Construction Ltd. for the Sidewalk Repair and Replacement Program 2003.

**03-27** Tara DiEgidio, Rose Festival Chairperson – update on the events scheduled for the **42<sup>nd</sup> Annual Rose Festival** and how the Rose Festival has worked together with TOWN.

**03-28**

**03-103** Peter Paras, 1071042 Ontario Ltd. regarding water bill for 312 Thorold Road.

**03-45** A By-law to adopt a Policy for Minimum Maintenance Standards for Municipal Highways.

**03-46** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – request for authorization for the procurement of a disc type brush chipper within the 2003 Fleet Replacement Program.

**03-46** A By-law to accept the tender from Clark Kavanaugh for the purchase of a Disc Type Brush Chipper for the 2003 Fleet Replacement Program.

**03-46** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – request for authorization to re-tender for the procurement of two (2) cargo style vans, as previously outlined and approved by Council in Report ENG-2003-21, May 6, 2003.

**03-58** Matter regarding the Clinical Teaching Program.

**03-75** Frank Rupcic, Welland Dragon Boat Festival – requesting permission to hold the Welland Dragon Boat Festival on July 4, 5 and 6, 2003.

Brian R. York, Welland Dragon Boat Festival – requesting that the Welland Dragon Boat Festival to be held July 4, 5 and 6, 2003 be designated as a community festival.

**03-84** Thomas R. Hollick, Regional Clerk, Regional Municipality of Niagara – Report PHD 22-2003 (CSD 45-2003), West Nile Virus Protocol for the Control of Mosquito Larvae and support for resolution.

**03-84** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Authorization to larvicide for West Nile Virus.

**03-94** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – award of tender, Roadway Resurfacing Program 2003.

**03-94** A By-law to accept the tender and to enter into a contract with Hard-Rock Paving Company Limited for the Roadways Resurfacing Program 2003.

**03-96** Jim Gillap and Angela Carter, Partners in Community Pride – update on events planned for **Community Day**.

**03-98Z** Mgr., Development Planning / Real Estate D. Thorpe – Proposed Amendment to Zoning By-law 2667 – 1276343 Ontario Limited – north side of Aaron Trail and all lands adjacent to Galloway Trail save and except the east side adjacent to the Welland Canal and the south side of the south 'leg' of Galloway Trail – St. Andrew's Subdivision (File 2003-04).

**03-98Z** A By-law to amend City of Welland Zoning By-law 2667 (1276343 Ontario Limited – File 2003-04) Aaron Trail and Galloway Trail.

**03-99** Joe Mocsan, LACAC Chair – the Thomson-Mateka House at 196 Niagara Street be designated as being architectural and historical significance.

**03-101** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – request for authorization for the procurement of a used Xerox Model 432 Photocopier machine.

**03-1** Moved by Dzugan and Mastroianni that the Minutes of the Regular Council Meeting of May 6<sup>th</sup>, 2003 and Special Council Meeting of May 13<sup>th</sup>, 2003 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**93-103** Moved by Dzugan and Mastroianni that Council review its sign by-law for the purposes of eliminating the posting of advertisements on utility poles and public places (unless designated) and providing for the location of designated signage facilities for public expression in areas such as:

City Transit Terminal

City walkway(s) near Niagara College and Seaway Mall

Canal Trails.

**CARRIED**

**99-92** Moved by Belcastro and Spadafora that Council approves the renaming of the 140 Industrial Park located on the corner of Highway #140 and Buchner Road to "Harry W. Diffin Industrial Park".

**CARRIED**

**99-99** Moved by Dzugan and Belcastro that Council adopt a by-law concerning water safety on the Welland Recreational Canal.

**CARRIED**

*(Councillors Grenier and O'Dell asked to be recorded as opposed to this resolution)*

**2000-83** Moved by Dzugan and Belcastro that staff be again directed to review the City's Lot Grading & Drainage for Subdivisions Policy SER-007-0004 to provide for improvement enforcement procedures; and That Council again direct staff to review the need to deal with lot grading and drainage issues with new and existing subdivisions.

**CARRIED**

**01-120** Moved by Dzugan and Mastroianni that the letter from the Town of Pelham requesting the appointment of an engineer to maintain the section of Big Creek Drain located in the City of Welland, be again referred to the Operational Services staff for study and review.

**CARRIED**

**02-22** Moved by Dzugan and Mastroianni that staff be again directed to prepare a report on the implementation of reducing the speed limit from the present 50 kilometers in the Downtown BIA area to 40 kilometers for the safety of pedestrians and motorists in the BIA area, said reduction speed to be implemented as soon as possible.

**CARRIED**

**02-22** Moved by Dzugan and Mastroianni that staff again be requested to prepare a report with respect to calming traffic on East Main and Division Streets.

**CARRIED**

**02-22** Moved by Mastroianni and Dmytrow-Bilboe that the presentation by Dr. Ralph Saari regarding downtown parking issues be received for information.

**CARRIED**

**02-130**

**02-130Z** Moved by Dzugan and Mastroianni

1. That City of Welland Zoning By-law 2667, as amended, be further amended for lands on the north side of Ontario Road, east of Southworth Street (Lot 7, Plan 976, Part of Lots 21 and 22, Concession 6, former Township of Crowland, now in the City of Welland being Parts 1-10 inclusive, Plan 59R-7057) from RM2 and O1 to R3 and O1;
2. That the City of Welland hereby grants Draft Approval to the Tetherwood Subdivision (File 26T-14-02001) developed by Tetherwood Developments Inc., being Lot 7, Plan 976 and part of Lots 21 and 22, Concession 6, former Township of Crowland, now in the City of Welland, based upon a plan prepared by Callon Dietz Incorporated Ontario Land Surveyors, dated March 12, 2003 consisting of ninety (90) single-detached residential lots, one (1) Block for walkway purposes and one (1) Block for open space purposes as red-lined by Council;
  - a. That the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on

Title;

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**02-130**

**02-130Z...CONT'D.**

- b. That no grading or construction work shall commence on the site until such time as the Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title;
- c. That all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances;
- d. That Blocks 91 and 92 be transferred to the City of Welland free of all encumbrances for walkway and open space purposes in accordance with the City's requirements;
- e. That the Owner shall be responsible for the entire cost of the construction of an extension of Empress Avenue (Block A, Plan 637) including any necessary servicing, to the satisfaction of the City of Welland;
- f. That the City of Welland dedicate Block A, Plan 637 as a Public Highway;
- g. 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;
- h. 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;
- i. That the detailed design drawings for the watermain system, the sanitary sewer system and the stormwater system required to service this proposal be submitted to the Regional Public Works Department for its review and approval (additional design details may be required for any piped services and other underground utilities to be installed in the vicinity of the Regional sewer forcemain);
- j. That the Ministry of Environment Certificates of Approval for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development be obtained prior to Final Approval for registration. NOTE: Where a quality/quantity facility or a new outlet of a receiving stream is being proposed, the design of the stormwater management system would be submitted directly to the Ministry of Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;
- k. That Easements for the sanitary sewer forcemain on all of Block 93 and a 5 metre by 5 metre triangle at the southwest corner of Lot 44 be provided to the Regional Municipality of Niagara;
- l. That in the Subdivision Agreement with the City of Welland the Owner agree to protect and ensure access to the Regional sanitary sewer forcemain through the following measures:
  - i. Verify the locations of the Easement and the forcemain prior to any construction in the vicinity of the Easement;
  - ii. Provide design drawings for Street "B" showing the locations of all pipes and utilities within the Easement to the Regional Public Works Department for its review, and
  - iii. Not plant large trees nor allow any development within the Easement.
- m. That prior to approval of the Final Plan, the Owner submit to the Regional Planning Department a Phase I and a Phase II Environmental Site Assessment (ESA) prepared by a qualified Consultant in accordance with the Guidelines for Use at Contaminated Sites in Ontario, Ministry of Environment as revised. The Phase II ESA should focus on the former railway bed. Copies of the Phase I and Phase II ESA are to be submitted to the City of Welland and to the Ministry of Environment for their information. If the Phase II ESA does not reveal any contaminated soil along the railway bed, a Record of Site Condition (RSC) should be filed to that effect. If the Phase

If an ESA discovers contamination in excess of Ministry of Environment Guidelines, a Phase III ESA (remediation recommendations) shall be prepared, the contamination shall be remediated to meet Ministry standards for residential use and an RSC shall be submitted to the Ministry of

...continued...

**02-130**

**02-130Z...CONT'D.**

- Environment for acknowledgement. Both the City of Welland and the Regional Planning Department shall be in possession of a Ministry of Environment acknowledged RSC indicating that the site is suitable for residential use prior to Final Approval.
- n. That prior to Approval of the Final Plan, the Owner submit to the Regional Planning Department, for review and approval, a detailed stormwater management plan for the Subdivision be prepared in accordance with the Ministry of Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, endorsed by a suitably qualified Professional Engineer. A copy of the stormwater management plan shall also be submitted to the Niagara Peninsula Conservation Authority for its review and response to the Regional Planning Department. Furthermore, the Owner agrees in the Development Agreement to implement the approved stormwater management plan;
  - o. Prior to Final Approval, a copy of the lot grading and drainage plan, showing existing and final grades, must be submitted to Hydro One for review and approval. Drainage must be controlled and directed away from Hydro One property;
  - p. Temporary fencing must be installed along the edge of the right-of-way prior to the start of construction at the Developer's expense;
  - q. Permanent fencing must be installed after construction is completed along Hydro One owned land at the Developer's expense;
  - r. Hydro One property is not to be used without the express written permission of Hydro One Networks Inc. During construction there will be no storage of materials or mounding of earth or other debris on the right-of-way. The proponent will be responsible for restoration of any damage to the right-of-way resulting from construction of the Subdivision;
  - s. The costs of any relocations or revisions to Hydro One facilities that are necessary to accommodate this Subdivision will be borne by the Developer;
  - t. Any Easement rights of Hydro One and its legal predecessors are to be protected and maintained;
  - u. That prior to the granting of Approval for the Final Plan, City of Welland Planning and Development Services will require written notice from the following upon their respective Conditions having been met satisfactorily; Regional Niagara Planning and Development Department for Conditions g, h, m and n; Regional Niagara Public Works Department for Conditions i, j, k and l; Niagara Peninsula Conservation Authority for Condition n; Hydro One for Conditions o, p, q, r, s and t;
  - v. That if Final Approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request an extension to Draft Approval, a written request, with reasons why the extension is required, must be received by the City prior to the lapsing date; and
3. That the Mayor be authorized to sign Draft Approval and Final Approval Plans for the Tetherwood Subdivision once all Conditions have been satisfied.

NOTE: The transmission lines abutting this Subdivision operate at 500,000, 230,000 or 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 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). 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 can raise and lower without warning, depending on the electrical demand placed on the line.

**CARRIED**

**03-6** Moved by Fortier and Grenier that the presentation by Ann Marie Pieterse, Promotions and Fundraising Consultant and Jean Vandenberg, Chair, Board of Directors, Headway Homes (Niagara) Inc. to advise of activities planned for June 2003, be received for information; and That the Mayor declare the month of June as "Brain Injury Awareness Month" in the City of Welland as requested by the Headway Homes (Niagara) Inc.

**CARRIED**

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

1	April 30th, 2003	5,277.56
2	May 1st, 2003	9,253.12
3	May 2nd, 2003	45,004.75
4	May 6th, 2003	51,633.68
5	May 8th, 2003	1,362.50
6	May 9th, 2003	339,046.45
7	May 12th, 2003	196,622.78
8	May 13th, 2003	<u>131,065.74</u>
	<b>Total</b>	<b>\$779,266.58</b>

**CARRIED**

**03-13** Moved by Dzugan and Mastroianni that Council authorizes the engagement of Entra Consultants for a total of \$ 32,040, not including taxes, to perform a Transit Review Study of Welland Transit, as per their submitted proposal of May 1, 2003; That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

**CARRIED**

**03-13** Moved by Dzugan and Mastroianni that Council approves and maintains the monthly rental payment for the confectionery store located at the Welland Transit Terminal in the amount of \$250.00 plus G.S.T. commencing April 1, 2003 to March 31, 2004.

**CARRIED**

**03-15** Moved by Beaudoin and Irvine

1. That Council authorizes the acquisition and delivery of a 2003 demonstrator American Rosenbauer Centurion Pumper from ResQtech Systems Inc. at a cost of \$335,500.00 plus GST.
2. That funding for this purchase be charged to the 2003 Fleet Capital Budget as approved by Council.

**CARRIED**

**03-15** Moved by Dzugan and Mastroianni that Council authorizes the execution of an agreement with the City of St. Catharines for fire dispatch services, for the Welland Fire & Emergency Services Department.

**CARRIED**

**03-20**

**03-27** Moved by Dzugan and Mastroianni that Welland City Council has no objection to the issuance of a Special Occasion Permit to the Welland Rose Festival Inc. for events to be held during the month of June, as outlined in the correspondence received from the Rose Festival Chair dated May 8th, 2003 and designates the events as Community Festivals.

**CARRIED**

**03-20** Moved by Dzugan and Mastroianni that the request by the Welland Dragon Boat Festival  
**03-75** to hold a 3 day event on July 4, 5 and 6, 2003 be referred to the Welland Recreational Canal Corporation for approval, and  
That Welland City Council designates the "**Welland Dragon Boat Festival**" as a Community Festival.

**CARRIED**

**03-21** Moved by Grenier and Beaudoin that Welland City Council approves the application of Eastdale Secondary School to hold a "**Stride for Pride Walk-a-Thon**" on Tuesday, May 27, 2003 (rain date on Thursday, May 29, 2003) subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**03-21** Moved by Dzugan and Mastroianni that Welland City Council approves the application of the Royal Canadian Legion, Branch 4 to hold the "**Annual Decoration Day Parade and Service**" on Sunday, June 1st, 2003 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**03-21** Moved by Dzugan and Mastroianni that Welland City Council approves the application of Ecole Saint-Francois to hold a walk-a-thon on Thursday, June 5th, 2003 (rain date June 6th, 2003) subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**03-21** Moved by Dzugan and Mastroianni that Welland City Council approves the application of Great Lake to Lake Events Inc. to hold the "**Great Lake to Lake Mountain Bike Race**" on June 15th, 2003 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**03-21** Moved by Dzugan and Mastroianni that Welland City Council approves the application of

the Heart and Stroke Foundation of Ontario to hold its annual **“Big Bike for Stroke”** on Wednesday, May 28th, 2003 subject to the applicant’s completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**03-22** Moved by Dzugan and Mastroianni

1. That the City Solicitor be requested to prepare a By-law to amend Schedule ‘P’ – Stop Signs at Intersections – By-law 89-2000 by adding:

<b>COLUMN 1 HIGHWAY</b>	<b>COLUMN 2 AT</b>	<b>COLUMN 3 FACING TRAFFIC</b>
Bridgewater Court	Lancaster Drive	Westbound on Bridgewater Court
Lancaster Drive	Bridgewater Court	Southbound on Lancaster Drive
Lancaster Drive	Willow Landing Court	Northbound on Lancaster Drive

And to amend Schedule ‘C’ – Parking Prohibitions By-law 89-2000 by adding:

<b>COLUMN 1 STREET</b>	<b>COLUMN 2 SIDE</b>	<b>COLUMN 3</b>		<b>COLUMN 4 PERIOD (TIMES/DAY)</b>
		<b>FROM</b>	<b>TO</b>	
Bridgewater Court	North and West	Lancaster Drive	Northerly Projection of Lot 10	At No Time

2. That the General Manager, Engineering, Public Works, Transportation Services be requested to install this signage in accordance with the requirements of the Highway Traffic Act, at such time as Bridgewater Court becomes available for vehicular use.

**CARRIED**

**03-26** Moved by Dzugan and Mastroianni that Council accepts the tender of A. Poulin Curb Construction Ltd. for the Sidewalk Repair and Replacement Program 2003, as presented in report ENG-2003-29;

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 \$189,944.00, plus applicable G.S.T.

That the estimated project cost, based on the low tender, in the amount of \$215,000.00 be funded from the 2003 Roadways and Sidewalks Capital Budgets, and Promenade Richelieu property sales proceeds as per followings:

- \$25,000.00 from Capital Contribution from Operating Budget—Curb and Gutter Repair & Replacement
- \$180,000.00 from Capital Contribution from Operating Budget—Replacement Program
- \$10,000.00 from proceeds from property sale of Promenade Richelieu, (curb cuts, driveway aprons, sidewalks and

boulevards).

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

**CARRIED**

**03-27** Moved by Fortier and Dzugan that the presentation by Tara DiEgidio, Rose Festival Chairperson regarding the events scheduled for the 42nd Annual Rose Festival and how the Rose Festival has worked together with TOWN be received for information.

**CARRIED**

**03-46** Moved by Dzugan and Mastroianni that Council approves the purchase of one (1) Disc Type Brush Chipper from Clark Kavanagh, being the lowest tender submitted meeting tender specifications at the tender price of \$39,478.35.

**CARRIED**

**03-46** Moved by Mastroianni and Dzugan

1. That Council authorizes staff to re-tender for the procurement of two (2) Cargo Style Vans; and
2. That Vehicle Procurement By-law #2003-66 be amended to exclude two (2) Cargo Vans to be received from Slattery Ford.

**CARRIED**

**03-58** Moved by Dzugan and Mastroianni that staff be directed to review this matter regarding the proposed Clinical Teaching Program in the City and prepare a recommendation to Council.

**CARRIED**

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

**CARRIED**

**03-84** Moved by O'Dell and Grenier that Welland City Council receive Report PHD 22-2003 dated March 24, 2003 and CSD 45, 2003, dated March 26, 2003 from the Region of Niagara and supports its resolution regarding protocol for the control of mosquito larvae and further requests the Provincial government to increase Provincial leadership including 100% funding for the West Nile Virus program.

**CARRIED**

**03-94** Moved by Dzugan and Mastroianni that Council accepts the tender of Hard-Rock Paving Company Limited for the Roadway Resurfacing Program 2003, as presented in report ENG-2003-30; 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 \$611,854.00, plus applicable G.S.T.

That the estimated project cost in the amount of \$750,000.00 be funded from the approved 2003 Roadways Capital Budget, by means of long-term financing, either through Regional Niagara Debenture Issues, or application for financing from the Ontario Municipal Economic Infrastructure Financing Authority (OMEIFA).

**CARRIED**

**03-96** Moved by Eybel and Dmytrow-Bilboe that the presentation by Jim Gillap and Angela Carter, Partners in Community Pride regarding updated events planned for Community Day be received for information.

**CARRIED**

**03-98Z** Moved by Mastroianni and Eybel

1. That Zoning By-law 2667, as amended, be further amended for lands on the north side of Aaron Trail and along portions of Galloway Trail (Lots 18-29 and 54-83, inclusive, Plan 59M-269) from the R3-X8 Zone to the RM3-X11 Zone;
2. That prior to any proposed development or servicing of the subject lands, draft Reference Plans be submitted to the City, together with required lot grading and drainage plans, for approval;
3. That the Owner predetermine the development pattern for a Block of land which could incorporate all lands on one side of the street between intersecting streets or between an intersecting street and an existing Block to be used for walkways, prior to applying for a Building Permit, for review and approval. Separate ownership of the proposed lots/Blocks must be finalized before a Building Permit is issued; and
4. Council, upon a satisfactory review and approval of the above-noted information by Staff, may consider the passing of appropriate Exemption to Part Lot Control By-laws by request of the Owner.

**CARRIED**

**03-99** Moved by Mastroianni and Dzugan that Welland City Council approves the processing of the structure and property referred to as "The Thomson-Mateka House", 196 Niagara Street for heritage designation pursuant to the provisions of Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

**CARRIED**

**03-101** Moved by Mastroianni and Dzugan

1. That Council approves the purchase of a one (1) year old used Xerox Model 432 Photocopier Machine in the amount of \$10,925, taxes included, from Advanced Office Solutions Incorporated; and
2. That the cost for the purchase be debited to the Office Equipment & Supplies account in the Public Works Administration current budget.

**CARRIED**

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

**03-10** Moved by Grenier and Mastroianni that Council appoints Mr. John Lee to fill the vacancy  
**03-13** on the Transit Advisory Committee commencing June 2, 2003.

**CARRIED****03-19**

**03-31** Moved by Spadafora and Irvine

1. That Council directs staff to circulate the draft Parks & Recreation Affiliation Policy attached as Schedule "A" to Report P&R-03-13 for comment from the user groups by September; and
2. That Staff prepare a follow up report for the September 16, 2003 Council Meeting.

**CARRIED**

**03-24** Moved by Mastroianni and Dzugan that Council confirms the appointment of Travers Fitzpatrick as City Manager as previously authorized under By-law 2002-55.

**CARRIED**

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

**03-45** Moved by Beaudoin and Belcastro

That, in response to the Insurance Audit Report for the City of Welland prepared by Barbra Anne Vaspori of RiskPro, Council approves the following actions to be taken for the preparation of the Requests for Proposal (RFP) for the 2004 Municipal Insurance Renewal:

- 1) That insurance quotes be obtained directly from the provider (ie. no local broker) and that quotes be on a "net of commission" basis.
- 2) That the following coverage limits and deductible changes be incorporated into the City's RFP:
  - a) Specifications remain at existing \$15 million liability limits, but require optional quote for \$20 million limits for Liability, Errors and Omissions, Non-Owned Automobile and Automobile Liability insurance policies.
  - b) Specifications remain at existing deductible levels, but require optional premium savings to increase all current \$5,000.00 deductible levels to \$10,000.00 with the exception of the Transit Automobile policy.
  - c) Renew existing Volunteer Firefighters' Accident Insurance with current providers effective June 1st, but ask for optional quotes for this coverage with the rest of the program.
  - d) Increase current limit of \$50,000.00 to a \$100,000.00 in the specifications for Councillors' Accident Insurance with an optional quote for higher limits (ie. \$200,000.00).
  - e) Increase current limit of \$100,000.00 to \$300,000.00 under the Garage Automobile policy for customers' vehicles.
  - f) i) Increase the Crime policy limit to \$200,000 on monies with an excess limit of \$100,000 on securities.
- 3) That quotes for Hydro and Library be incorporated in the City's RFP as follows:
  - a) as separate stand alone programs with their existing brokers and broker compensation arrangements (if desired by the Hydro and/or Library); and
  - b) combining the coverage for these entities directly into the City's program with each being shown as Named Insureds under the corresponding policies with their existing deductible levels.
- 4) That the term of insurance contract be for a 3 year period with additional renewal options for a 5 year period with escape clauses built in for the City's benefit should it decide on earlier renewal options.

**CARRIED**

**BY-LAWS**

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

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

**03-15**

BYL 2003 - 76

A By-law to authorize the entering into an Agreement with the City of

St. Catharines for Fire Dispatch Services.

**99-99**

BYL 2003 - 77

Being the Canal Water Safety By-law, A By-law to regulate and protect the public's use of the Welland Recreational Canal Waterway.

...continued...

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

**02-130Z**

BYL 2003 - 78

A By-law to amend City of Welland Zoning By-law 2667 (Tetherwood Developments Inc. - File 2002-06) North side of Ontario Road, East of Southworth Street.

**03-4**

BYL 2003 - 79

A By-law to establish tax ratios and tax rates and to levy taxes for the year 2003.

**03-13**

BYL 2003 - 80

A By-law to retain Entra Consultants to undertake a Transit Review Study of Welland Transit.

**03-26**

BYL 2003 - 81

A By-law to accept the tender and to enter in contract with A. Poulin Curb Construction Ltd. for the Sidewalk Repair and Replacement Program 2003.

**03-45**

BYL 2003 - 82

A By-law to adopt a Policy for Minimum Maintenance Standards for Municipal Highways.

**03-46**

BYL 2003 - 83

A By-law to accept the tender from Clark Kavanaugh for the purchase of a Disc Type Brush Chipper for the 2003 Fleet Replacement Program.

**03-94**

BYL 2003 - 84

A By-law to accept the tender and to enter into a contract with Hard-Rock Paving Company Limited for the Roadways Resurfacing Program 2003.

**03-98Z**

BYL 2003 - 85

A By-law to amend City of Welland Zoning By-law 2667 (1276343 Ontario Limited – File 2003-04) Aaron Trail and Galloway Trail.

**03-1**

BYL 2003 - 86

A By-law to adopt, ratify and confirm proceedings of the of the Corporation of the City of Welland at its meetings held on the 13th and 20th days of May, 2003.

And that the same be now read a first time.

**CARRIED**

*(Councillors Grenier, O'Dell and Eybel asked to be recorded  
as opposed to By-law 2003-77)*

*(Councillor Grenier asked to be recorded as opposed to  
By-law 2003-79)*

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

2. Moved by Dzugan and Belcastro 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**

*(Councillors Grenier, O'Dell and Eybel asked to be recorded  
as opposed to By-law 2003-77)*

*(Councillor Grenier asked to be recorded as opposed to  
By-law 2003-79)*

**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 28, 2003 for inclusion on the next Regular Council Meeting Agenda.

**99-95****04-4**

Councillor O'Dell gave Notice of Motion of the following matter to be presented to Council at either the June 3 or June 17, 2003 Regular Council Meetings in accordance with Article 8 (32A) of By-law 9972 as amended.

***THAT Staff prepare a report with cost estimates to build a gravel parking lot in the former fertilizer plant properties in Dain City to facilitate parking for rowing events; and  
That this be included for Council's consideration in the 2004 Budget.***

Council adjourned at 10:55 p.m.

These Minutes approved and adopted by Motion of Council this 3<sup>rd</sup> day of June, 2003.

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**MAYOR**

**CLERK**