



COUNCIL MEETING, JUNE 17, 2003

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 6:35 p.m. and in open session at 7:05 p.m. on and again in Committee-of-the-Whole at 11:05 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 (6:40 p.m.), D. Beaudoin, N. Dmytrow Bilboe (6:45 p.m.), M. Dzugan, T. Eybel, D. Fortier, D. Grenier (6:45 p.m.), J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora (6:40 p.m.) .

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 (7:05 p.m.)

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

Manager Human Resources R. Beaumont

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

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

Community Fire Safety Officer/Deputy Fire Chief K. Roach (until 6:55 p.m.)

03-25 Moved by Mastroianni and Irvine that Council meet in Committee-of-the-Whole, closed to the public at 6:35 p.m. to consider:

- a) the security of the property of the municipality;
- b) personal matters about an identifiable individual, including municipal employees; and
- c) labour relations or employee negotiations.

CARRIED

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

03-25 Moved by Irvine and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 6:55 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Irvine disclosed an interest in Ref. No. 03-110 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed in real estate.

Councillor Spadafora disclosed an interest in Ref. No. 01-46 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property adjacent to the subject property.

STATUTORY PUBLIC HEARING PURSUANT TO THE PLANNING ACT

Councillor Spadafora presided as Chair of the Public Hearing.

03-107ZThe City of Welland is proposing a housekeeping amendment to Zoning By-law 2667 and **03-108Z**and 1538 as they affect all lands within the City. These Amendments propose new and revised definitions including deck, gross floor area, lot, daylighting or sight triangle, mini-storage. Some changes to the general provisions are proposed including home occupations, propane and above ground tanks and entrance widths. The parking section is proposed to be amended by incorporating requirements for mini storage units, car washes and other uses as well as Amendments to working in the parking section. As well, some additional uses will be incorporated into various Zones.

Councillor Spadafora outlined the procedures of the Public Hearings as required by the Planning Act. D. Thorpe confirmed that the statutory requirements for public hearing 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:

- no one spoke to the application.

In opposition to the application:

Gerard Bisson	19 Empire S., Apt. 2	L3B 2L3
Dennis Lanthier	100 Thorold Rd.	L3C 7A6
Gerry Bujold	37 Gladys Ave.	L3B 1G1
William Boyle	17 Cartier Crt.	L3B 1A3
Mark Pilote	119 Nelles Crt.	L3B 6C3
Jim Bottenfield	760 Lincoln St.	L3B 4R7
Russ Hall	78 Wiltshire Dr.	L3C 3K9
Scott Culler	20 Afton Ave.	L3B 1V5
Judy Rouillard	31 Kennedy St.	L3B 3R7
Frank DeLuca	4341 Killen Place, Niagara Falls	L2E 6P3
Bruce Coring	110 Gatsby	L3C 1A9
Chantal Morin	1139 Ontario Rd.	L3B 5E5
Bill Miller	37 Nottingham Crt.	L3C 5X4
Randy Sockovie	147 Chapell Hill Cres.	L3C 6G8

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

PUBLIC HEARING PURSUANT TO SECTION 357 OF THE MUNICIPAL ACT – TAX WRITE-OFFS

Ru Tauro, 166 Greenpointe Drive, Welland, L3C 6Y8, in objection to Application 02-33) – Roll No. 040-006-05800-0000 for the Oak Center Alternative.

PRESENTATIONS:

- 03-27** Presentation of certificates by the Mayor and Councillor Spadafora on behalf of Council to the following 2003 Rose Festival Court:
- Rose Queen and Miss Congeniality – Holly Seniuk
 - 1st Princess – Cassidy Rhamey
 - 2nd Princess – Lindsey Lachance
 - Rosebud King – Adam Norman Cupola
 - Rosebud Queen – Madison Taylor Lessard-Watts

DELEGATIONS:

- 03-110** Peter and Lisa Kouretsos owners of Golden Grill Restaurant, 1009 Ontario Road addressed Council regarding the salvage yard located on Southworth Street adjacent to his property.

THE FOLLOWING CORRESPONDENCE WAS READ:

- 03-100** A By-law to authorize the entering into a contract with Vic Vatrt Contracting Limited for the Summit Avenue Area Watermain Replacement, Phase 1 (Barron Street - Price Avenue - Armour Drive - Summit Avenue – Summit Circle).
- 03-20**
- 03-21** Letter from Patsy Ramundo, President requesting permission to hold a religious procession - *“48th Annual Feast of the Assumption”* on Saturday, August 9, 2003 and Sunday, August 10, 2003.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

- 03-109** Report from Mgr., Development Planning / Real Estate D. Thorpe – Repeal of By-law 8982 respecting the car washing regulation of Licensing By-law 4530.
- 03-110** Report from Mgr., Development Planning / Real Estate D. Thorpe – City policy for the sale of city-owned lands including the stopping up and closing of highways.
- 03-109** A By-law to repeal By-law 8982, being a By-law amending Licensing By-law 4530 by issuing car washing regulations, and repealing By-laws 6733, 5845, 5493 and 4690.
- 03-110** A By-law to establish and adopt a city policy governing the sale of city-owned land including stopping up and closing of highways.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 93-133** Chief Building Official M. Mantesso – Request to amend the Fence By-law for 709
99-22 Niagara Street.
- 93-133**
- 99-22** A By-law to amend City of Welland Fence By-law 10545.
- 99-107** City Manager T. Fitzpatrick – Federal Infrastructure Funding.
- 01-42** A By-law to accept the transfer of an Easement(s) for storm sewers from Gillmora Corporation Limited to the Corporation of the City of Welland in the Draper's Creek Estates Subdivision.
- 01-42** A By-law to accept the transfer of certain 0.3 metre reserves and lands for open space purposes from Gillmora Corporation Limited to the Corporation of the City of Welland in the Draper's Creek Estates Subdivision (File 26T-14-20002).
- 01-46** City Manager T. Fitzpatrick – Engineering Services Agreement with AWS Engineers and Planners Corp. concerning Enterprise Subdivision and authorization to proceed with tendering for the Servicing of Enterprise Subdivision.
- 01-46** A By-law to authorize the servicing of the Enterprise Industrial Subdivision.
- 01-46** A By-law to authorize the entering into an Engineering Services Agreement with AWS Engineers and Planners Corp. for the servicing of the Enterprise Industrial Subdivision.

- 01-53** City Manager T. Fitzpatrick - 2003 Superbuild Millennium Partnership.
- 02-167** Report on Tax Reduction Policy.
- 02-170** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Level of Service for Waste Collection in 2004.
- 03-3** City Clerk C.A. Stirtzinger - Lottery Licenses.
- 03-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Loan applications to the Ontario Municipal Economic Infrastructure Financing Authority (OMEIFA).
- 03-4** City Manager T. Fitzpatrick – Progressive Conservative Campaign Document “The Road Ahead”.
- 03-66** City Manager T. Fitzpatrick – Progressive Conservative Campaign Document “The Road Ahead”.
- 03-4** A By-law to authorize all projects set out in the approved 2003 Capital Budget.
- 03-4** A By-law to authorize the application for loans from the Ontario Municipal Economic Infrastructure Financing Authority (OMEIFA) through the Regional Municipality of Niagara to finance capital infrastructure projects in the City of Welland.
- 03-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – May 28, 2003 to June 10, 2003.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Brock University Student Pass.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Welland to St. Catharines Connection Service.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Streetseen Media Advertising Request.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Request for authorization to call tenders for the purchase of two conventional and one specialized bus as per the 2003 capital allocation.
- 03-21** Jack M. Benes, Mike Burwell Memorial Triathlon - requesting permission to hold the **“Mike Burwell Triathlon”** on Sunday, July 13, 2003.
- 03-21** Brian R. York, Organizer, Welland Dragon Boat Festival – requesting closure of Colborne Street North during the **“Welland Dragon Boat Festival”** to be held July 4, 5 and 6, 2003.
- 03-31** Mary-Lou Ambrose-Little, Marketing & Revenue Development Coordinator, City of Welland Parks & Recreation Department on behalf of Welland Recreation Projects Association – requesting permission to hold a fireworks display for Canada Day Celebrations, on Tuesday, July 1, 2003 at Memorial Park and on Sunday, July 27, 2003 at St. George Park for the annual Family Day.
- 03-45** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Bonding of Employees.
- 03-46** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Disposal of surplus vehicles and equipment.
- 03-49** Tourism of Welland Niagara requesting permission to hold a fireworks display during the Niagara Food Festival.
- 03-63** A By-law to designate officers for the purpose of endorsing cheques.
- 03-73** A By-law to amend By-law 2003-70, being a Contract By-law for 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 by authorizing and directing hereby the funding sources for the entire project.
- 03-81** A By-law to amend By-law 2003-72, being a Contract By-law for the Northbank Interceptor Storm Sewer Separation 2003 (Willson Road between Fitch Street and Prince Charles Drive) by authorizing and directing hereby the funding sources for the entire project.
- 03-87** Matter regarding regulations for fireworks displays.
- 03-95** A By-law to authorize the acceptance of tender and entering into a contract with Conway's Mechanical Contracting Inc. for the supply and installation of a Makeup Air Handling Unit Maintenance Ventilation.
- 03-100** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Award of tender – Summit Avenue Area Watermain Replacement – Phase 1 Barron Street Price Avenue Armour Drive – Summit Avenue – Summit Circle.

03-102 A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of vacant land fronting on the north side of Martin Street, being Lots 42 and 43, Plan M-2, designated as Parts 3 and 6, Plan 59R-9442 to Habitat for Humanity Niagara.

03-107Z Mgr., Development Planning / Real Estate D. Thorpe – Proposed general amendment to **03-108Z** Zoning By

03-1 Moved by Alakas and Irvine that the Minutes of the Regular Council Meeting of June 3, 2003 be and the same are hereby approved and adopted as circulated.

CARRIED

93-133

02-89Z Moved by Mastroianni and Irvine that Council amend the City of Welland Fence By-law 10545 to permit a Sound Barrier Fence to be constructed in conjunction with the Imperial Oil Site Plan for 709 Niagara Street as specified in the Environmental Noise Analysis adopted as part of the Official Plan and Rezoning Public processes.

CARRIED

99-107 Moved by Spadafora and Dmytrow-Bilboe that the Council of the City of Welland adopt the following resolution::

WHEREAS the February federal budget contribution to rebuilding our crumbling infrastructure fell well short of expectations and needs;

AND WHEREAS independent estimates put the municipal infrastructure deficit in Canada at \$57 billion;

AND WHEREAS the estimated infrastructure deficit in Welland is approximately \$60 million;

AND WHEREAS the Budget commitment of \$250 million over the net two years will help meet a fraction (less than 0.5 per cent) of needs;

AND WHEREAS federal Finance minister John Manley has stated that last Budget's infrastructure commitment was only a down payment;

AND WHEREAS the Federation of Canadian Municipalities (FCM) had recommended funding of \$800 million per year, rising to \$2 billion annually within five years;

BE IT RESOLVED that the City of Welland urge our Member of Parliament, Mr. Tony Tirabassi, to support the Federation of Canadian Municipalities' call for a long-term, financially sustainable infrastructure program;

AND BE IT FURTHER RESOLVED that Mr. Tony Tirabassi be requested to meet with the City of Welland to discuss this matter;

AND BE IT FURTHER RESOLVED that the City of Welland communicate the adoption of this resolution to our Member of Parliament, to FCM and to Mayor Glen Murray, Mayor of Winnipeg.

CARRIED

01-4 Moved by Irvine and Spadafora that Section 357 of the Municipal Act, 2001, Council

02-4 approve the write off of taxes in the amount of \$75,726.36 contained in report

03-4 FIN-03-16 dated July 17, 2003, as amended, listing the reasons for reduction or cancellation and assessment values.

CARRIED

01-46 Moved by Dmytrow-Bilboe and Mastroianni

1. That the City of Welland enter into an engineering services agreement with AWS Engineers and Planners Corp. for the provision of engineering services relative to the servicing of Enterprise

Industrial Subdivision, at an estimated cost of \$76,000, including GST.

2. That Council authorize the calling of tenders for the servicing of Enterprise Industrial Subdivision, the project in the total estimated cost of \$1.4 million be funded in accordance with the 2003 approved Capital Budget as follows:
 - a. \$665,000 from the Economic Development reserve fund.
 - b. \$335,000 from the General Surplus reserve fund.
 - c. \$400,000 from the Regional Niagara over billing of sewage treatment costs.

CARRIED

01-53 Moved by Spadafora and Dmytrow-Bilboe that staff be authorized to submit projects as set out in Report CM-2003-10 to Regional Niagara for consideration for the 2003 SuperBuild Millennium Partnership Fund.

CARRIED

02-167 Moved by Spadafora and Dmytrow-Bilboe that the letter from the Regional Clerk regarding Report CSD 133-2002 Heritage Properties Tax Reduction or Refund Program - Bill 127 approved by the Ad Hoc Committee on Property Assessment and Taxation Reform at its meeting of October 17, 2002 be again referred to the General Manager, Financial and Corporate Services/Treasurer for study and report on a tax deduction policy.

CARRIED

02-170 Moved by O'Dell and Spadafora that the City of Welland not include any of its present Enhanced Levels of Service for the Region's new waste collection contract for the period of April 1, 2004 to March 31, 2009.

CARRIED

(Councillors Mastroianni, Grenier, Irvine and Beaudoin asked to be recorded as opposed to this Resolution).

03-3 Moved by Spadafora and Dmytrow-Bilboe that a Lottery License be granted to the following:
Wellspring Niagara - Nevada
Niagara Regional Children's Safety Village - Nevada.

CARRIED

- 03-4** Moved by Spadafora and Dmytrow-Bilboe
1. That the City Clerk be authorized to apply through the Regional Municipality of Niagara for loans from the Ontario Municipal Economic Infrastructure Financing Authority (OMEIFA) to finance capital infrastructure projects in the City of Welland.
 2. That the City Solicitor be directed to prepare the necessary By-law.

CARRIED

03-4 Moved by Spadafora and Dmytrow-Bilboe that the Council of the City of Welland adopt **03-66** the following resolution:
WHEREAS the Provincial Government has introduced its election platform, which contains a proposal that will require municipalities to hold a referendum on future tax increases;
AND WHEREAS up to 50 per cent of a typical Ontario municipality's budget relates to costs beyond municipal control, including services mandated or controlled by the provincial government as a result of downloading; the cost of provincially-mandated changes to service delivery standards (e.g., provincial

regulatory changes relating to drinking water standards); and general changes in local demographic/economic conditions;

AND WHEREAS municipalities have limited revenue sources, namely fines, fees, permits and property taxes, while the Provincial Government has significant tax sources, such as PST, income tax, fuel tax, liquor and cigarette taxes, corporate taxes, and a number of fines, fees and permits;

AND WHEREAS the complexity of the current property tax system and the continuation of mandatory capping already puts residential taxpayers at risk in years when commercial assessment may be declining, and tax ratios are capped;

...continued...

03-4

03-66...CONT'D.

AND WHEREAS the promise of allowing municipalities access to a selected number of new revenue sources is significantly undermined if a referendum is a prerequisite to implementation;

AND WHEREAS municipal assessment growth is not a sustainable source of new revenue to offset potential tax increases as many municipalities are currently not growing, expect to see growth decline or are facing negative assessment growth;

AND WHEREAS unlike the provincial and federal governments (and many U.S. municipalities), Ontario municipalities are prohibited from running operating deficits or financing current expenditures from borrowing, making the unfettered ability to set the property tax at a rate sufficient to cover all costs budgeted for the year a fundamental requirement;

AND WHEREAS municipalities are already being restricted in fees and permit increases through such legislation as the Municipal Act, Development Charge Act and the pending BRAGG legislation;

AND WHEREAS the cost to hold a referendum will be an additional downloaded burden on the local property taxpayer by the Provincial government;

AND WHEREAS the majority of municipalities across Ontario are accountable and responsible, and have for many years held tax increases to a minimum, if not zero;

AND WHEREAS municipalities have always justified any tax increases to their public in open public sessions of budget discussions;

AND WHEREAS this policy could enforce municipalities to accumulate more debt;

AND WHEREAS municipalities are required to hold elections every three years, giving the public ample opportunity to express their dissatisfaction with any tax increases;

AND WHEREAS the municipal level of government is the most transparent level of government in Canada in that all decisions, with only specific exceptions, are made in public;

AND WHEREAS municipalities negotiated in good faith with the Provincial Government a new Municipal Act which only fully came into force January 1, 2003;

AND WHEREAS as part of the negotiations for the new Municipal Act, the Provincial Government agreed to a Memorandum of Understanding (MOU) with AMO, wherein new or proposed legislation that would affect municipalities would be discussed before being announced;

AND WHEREAS the Provincial Government did not raise the issue of the proposed referendum during the negotiations on the new Municipal Act, nor was it raised at the most recent MOU meeting;

AND WHEREAS the Provincial Government has not consulted its municipal partner in any way regarding this proposed legislation;

AND WHEREAS the cost of a referendum in Welland would be approximately \$150,000 or a 0.65% tax increase;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Welland requests the Provincial Government to withdraw the proposed tax referendum legislation from its election platform immediately; and

That a copy of this resolution be forwarded by the Clerk to Premier Eves, Minister of Finance Janet Ecker, the Association of Municipalities of Ontario, the Ontario Liberal Party Finance Critic, the Ontario New Democratic Party Finance Critic, Regional Niagara MPPs, and Regional Niagara municipalities.

CARRIED

03-7

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

1	28-May-03	1,034,793.76
2	29-May-03	18,672.04
3	30-May-03	135,710.48
4	02-Jun-03	18,698.18
5	04-Jun-03	68,560.12
6	05-Jun-03	1,500.00
7	09-Jun-03	399,783.12
8	10-Jun-03	<u>310,349.45</u>
	Total	\$ 2,181,000.24

CARRIED**03-13** Moved by Spadafora and Dmytrow-Bilboe

1. That Council support the recommendation from the Joint Transit Review/Advisory Committee to endorse the Brock University Pass that would permit universal ridership for Brock students within the tri-municipalities of Welland, St. Catharines and Niagara Falls; and
2. That the City Solicitor be requested to prepare the necessary By-law to enter into an agreement with the Brock University Students' Union for student transportation commencing September 1, 2003 to April 30th, 2006; and
3. That the annual revenue recovery for the 2003-2004 school year be set at no less than \$65,000.00 with a provisional clause to review operational costs to determine recovery payments thereafter.

CARRIED**03-13** Moved by Spadafora and Dmytrow-Bilboe

1. That Council approve the recommendation from the Joint Transit Review/Advisory Committees to continue to operate the Welland to St. Catharines Connection (former Brock Hub) service from June 2nd to August 29th, 2003 at a projected maximum cost of \$7,750.00; and
2. That the service be monitored for the duration of the summer to determine the demands for and benefits of this inter-municipal service over this period.

CARRIED**03-13** Moved by Irvine and Alakas

1. That Council approve the request from StreetSeen Media to maintain the guaranteed monthly payment at \$3,003.00 plus G.S.T., with no further payment increases for the duration of the agreement ending May 2004 for the provision of exterior bus advertising; and
2. That Council reduce StreetSeen Media's letter of credit requirement from 12 months at \$22,898.00 to 6 months at \$11,450; and
3. That the City Solicitor be requested to amend the current agreement.

CARRIED

03-13 Moved by Spadafora and Dmytrow-Bilboe that Council authorize the General Manager of Engineering, Public Works and Transportation Services to call tenders for the purchase of two (2) conventional buses and one (1) specialized bus in compliance with the approved 2003 Capital Budget.

CARRIED

03-20 Moved by Spadafora and Dmytrow-Bilboe that Welland City Council approves the
03-21 application for the "**48th Annual Feast of the Assumption**" on Saturday, August 9, 2003 and Sunday, August 10, 2003 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities; and

That Welland City Council has no objection to the issuance of a Special Occasion Permit to the **"48th Annual Feast of the Assumption"** for events scheduled at the Welland Market Square on August 9th and August 10th, 2003 subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits; and designates the event as municipally significant.

CARRIED

03-21 Moved by Spadafora and Dmytrow-Bilboe that Welland City Council approves the application for the **"Mike Burwell Triathlon"** to be held on Sunday, July 13, 2003 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

03-21 Moved by O'Dell and Mastroianni that upon approval of the Welland Recreational Canal Corporation, Welland City Council has no objection for the temporary closure of the Canal Service Road north of Townline tunnel during the **"Welland Dragon Boat Festival"** to be held on July 4, 5 and 6, 2003, subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

03-31 Moved by Spadafora and Dmytrow-Bilboe that subject to the supervision of the events by a properly licensed person, permission is hereby granted to the Welland Recreation Projects Association to hold a fireworks display on Tuesday, July 1, 2003 as part of the Canada Day Celebrations, and on Sunday, July 27, 2003 as part of the annual Family Day; and That staff be directed to ensure that all fireworks used in the City sponsored display are not manufactured using child labour.

CARRIED

03-45 Moved by Spadafora and Dmytrow-Bilboe that Public Entity Casualty Policy Number CP 97364, issued by the Guarantee Company of North America and Lombard General Insurance Company of Canada, with an expiry date of December 31, 2003 be received, noted and filed in the City Clerk's Office as proof of Bonding of Employees as required pursuant to Section 287 of the Municipal Act.

CARRIED

03-46 Moved by Spadafora and Dmytrow-Bilboe

1. That Council authorize staff to dispose of the following surplus vehicles and equipment declared redundant through the Capital Replacement Programs via a commercial auction enterprise for maximum compensation as can be arranged: Unit 320-0: 1992 Aerostar; Unit 259-0: 1987 Sweeper Mechanical, Unit 255-01-1-2: 1989 Truck Dump/Snow Plow/Sander; Unit 238-0-1-2: 1989 Truck Dump/Snow Plow/Sander; Unit 233: 1989 Truck Dump/Snow Plow/Sander; Unit 209: 1985 Cargo Van; Unit 109 - 1979 John Deere Backhoe/Loader; and
2. That the proceeds from the sale of the equipment be deposited in the Fleet Replacement Reserve Fund.

CARRIED

03-49 Moved by Spadafora and Dmytrow-Bilboe that the letter from Tourism of Welland Niagara requesting permission to hold a fireworks display during the Niagara Food Festival be again referred to staff for study and report.

CARRIED

03-87 Moved by Spadafora and Dmytrow-Bilboe that the matter regarding fireworks displays be again referred to staff for study and review.

CARRIED

03-100 Moved by Spadafora and Dmytrow-Bilboe that Council accepts the tender of Vic Vattr Contracting Limited for the Summit Avenue Area Watermain Replacement – Phase 1, Barron Street – Price Avenue – Armour Drive – Summit Avenue – Summit Circle, as presented in report ENG-2003-36; 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 \$296,387.84, plus applicable G.S.T.; and

...continued...

03-100...CONT'D.

That the estimated project cost, based on the low tender, in the amount of \$363,000.00 be funded from the approved 2003 Waterworks Capital Budget revised as May 1, 2003, by means of Capital Contribution from Operating Budget and Capital Surplus; and further

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

CARRIED

03-107Z Moved by O'Dell and Grenier that the general housekeeping amendments to Zoning

03-108Z By-laws 2667 and 1538 contained in Report PDS-2003-38 be referred to the July 15 Council Meeting.

CARRIED

03-111 Moved by Mastroianni and Alakas that the presentation by Peter and Lisa Kouretsos owners of Golden Grill, 1009 Ontario Road, Welland, regarding the salvage yard adjacent to his property which is located on Southworth Street and adjacent to his property be received for information.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

97-58 Moved by Irvine and Fortier that Adele Tanguay, Executive Assistant to the Mayor and

03-10 City Manager be appointed as a City staff liaison to the Festival of Arts; and

That Councillor John Mastroianni be appointed to the Festival of Arts.

CARRIED

99-99 Moved by Dzugan and Beaudoin that Council approves the recommendation of the

03-10 Welland Recreation Canal Corporation to appoint Mark Carl to replace Andre Roy.

CARRIED

01-108 Moved by Irvine and O'Dell

1. That the City of Welland accept the proposal from Multi-Use Centre Group with Open Door Concepts Inc. respecting 17-19 East Main Street, and that the transaction close no later than June 30, 2004.
2. That the purchase price shall be established at \$30,502.00.
3. That there be no additional municipal funding to this project other than that offered under the existing downtown incentive programs.

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

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

93-133**99-22**

BYL 2003 - 95

A By-law to amend City of Welland Fence By-law 10545.

01-42

BYL 2003 - 96

A By-law to accept the transfer of an Easement(s) for storm sewers from Gillmora Corporation Limited to the Corporation of the City of Welland in the Draper's Creek Estates Subdivision.

01-42

BYL 2003 - 97

A By-law to accept the transfer of certain 0.3 metre reserves and lands for open space purposes from Gillmora Corporation Limited to the Corporation of the City of Welland in the Draper's Creek Estates Subdivision (File 26T-14-20002).

01-46

BYL 2003 - 98

A By-law to authorize the servicing of Enterprise Industrial Subdivision.

01-46

BYL 2003 - 99

A By-law to authorize the entering into an Engineering Services Agreement with AWS Engineers and Planners Corp. for the servicing of Enterprise Industrial Subdivision.

03-4

BYL 2003 - 100

A By-law to authorize all projects set out in the approved 2003 Capital Budget.

03-4

BYL 2003 - 101

A By-law to authorize the application for loans from the Ontario Municipal Economic Infrastructure Financing Authority (OMEIFA) through the Regional Municipality of Niagara to finance Capital Infrastructure Projects in the City of Welland.

03-63

BYL 2003 - 102

A By-law to designate officers for the purpose of endorsing cheques.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:**03-73**

BYL 2003 - 103

A By-law to amend By-law 2003-70, being a Contract By-law for 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 by authorizing and directing hereby the funding sources for the entire project.

03-81

BYL 2003 - 104

A By-law to amend By-law 2003-72, being a Contract By-law for the Northbank Interceptor Storm Sewer Separation 2003 (Willson Road between Fitch Street and Prince Charles Drive) by authorizing and directing hereby the funding sources for the entire project.

03-95

BYL 2003 - 105

A By-law to authorize the acceptance of tender and entering into a contract with Conway's Mechanical Contracting Inc. for the supply and installation of a Makeup Air Handling Unit Maintenance Ventilation.

03-102

BYL 2003 - 106

A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of vacant land fronting on the north side of Martin Street, being Lots 42 and 43, Plan M-2, designated as Parts 3 and 6, Plan 59R-9442 to Habitat for Humanity Niagara.

03-100

BYL 2003 - 107

A By-law to authorize the entering into a contract with Vic Vatrtr contracting Limited for the Summit Avenue Area Watermain Replacement, Phase 1 (Barron Street - Price Avenue - Armour Drive - Summit Avenue - Summit Circle).

03-1

BYL 2003 - 108

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 17th day of June, 2003.

And that the same be now read a first time.

CARRIED

(Councillor Eybel asked to be recorded as opposed to By-law 2003-100)

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Mastroianni 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

(Councillor Eybel asked to be recorded as opposed to By-law 2003-100)

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, July 9, 2003 for inclusion on the next Regular Council Meeting Agenda.

Council adjourned at 11:05 p.m.

These Minutes approved and adopted by Motion of Council this 15th day of July, 2003.

MAYOR

CLERK