



## **COUNCIL MEETING, AUGUST 12, 2003**

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

Council met in Committee-of-the-Whole at 5:30 p.m. and in open session at 7:10 p.m. and again in Committee-of-the-Whole at 10:05 p.m. on the above date.

Her Worship Mayor Cindy Forster in the Chair.

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

**Members Present:** Councillors R. Alakas, M. Belcastro, N. Dmytrow Bilboe, M. Dzugan, T. Eybel, D. Fortier, D. Grenier (7:00 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 (7:00 p.m.)

City Manager T. Fitzpatrick

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

Manager Human Resources R. Beaumont (until 6:00 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:10 p.m.)

Manager, Development Planning/Real Estate D. Thorpe

Manager, Budgets & Financial Reporting/Deputy Treasurer S. Nagel (7:10 p.m.)

Employment Services Co-ordinator/Human Resources R. Mantesso (until 6:00 p.m.)

Acting Executive Assistant to the Mayor and City Manager L. Ip (7:10 p.m.)

Chief Building Official M. Mantesso

Manager, Leisure Services R. Morwald (7:10 p.m.)

Drs. Fernandez, Wei, Ram and Abraham were present during Committee-of-the-Whole

discussions on a security of property matter.

**03-25** Moved by Alakas and Irvine that Council meet in Committee-of-the-Whole, closed to the public at 5:30 p.m. to consider:

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

**CARRIED**

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

*(Councillor Dmytrow-Bilboe was not present during Committee-of-the-Whole discussions on a security of property matter).*

**03-25** Moved by Alakas and Irvine that the Committee-of-the-Whole arise from its closed meeting at 7:00 p.m.

**CARRIED**

### **DISCLOSURE OF INTEREST:**

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 Enterprise Industrial Subdivision.

Councillor Spadafora disclosed an interest in Ref. No. 98-82/03-112 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his company may quote on the Civic Square project.

Councillor Spadafora disclosed an interest in By-laws 2003-173 and 2003-176 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property adjacent to the Enterprise Industrial Subdivision.

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

Councillor Spadafora presided as Chair of the Public Hearings.

**03-119** An application has been made by SILVERSTAR DEVELOPMENTS INC. for approval of a Draft Plan of Subdivision for lands south of Stoneybrook Crescent. The subject lands are designated as URBAN AREA by the Regional Policy Plan. There is no city of Welland Official Plan coverage. The lands are zoned R2-Single-Detached Dwelling – Second Density Zoned by By-law 2667.

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:**

- Hugh Thompson, agent on behalf of applicant.

**In opposition to the application:**

- Stephen Hartman, 67 Heritage Lane, L3C 6Z4
- Margaret Kleinsmith, 51 Heritage Lane, L3C 6Z4

**03-121** An application has been made by UPPER CANADA CONSULTANTS on behalf of LEA SILVESTRI INVESTMENTS INC. for approval of a Draft Plan of Subdivision for lands north of Autumn Crescent, west of Thorold Road. The subject lands are designated as URBAN AREA by the Regional Policy Plan, as RESIDENTIAL (LOW, MEDIUM AND HIGH DENSITY) by the City of Welland Official Plan and are zoned RA – Rural Agricultural Zone by By-law 2667. the lands are also the subject of an Application for Zoning Amendment – File 2003-06.

**03-121Z** An Application has been made by UPPER CANADA CONSULTANTS on behalf of LEA SILVESTRI INVESTMENTS INC. to rezone Part of Lot 1, Concession 12, former Township of Pelham now in the City of Welland (Part 2, 59R-10143) for lands on the north of Autumn Crescent, west of Thorold /road from the existing RA – Rural Agricultural Zone By-law 2667 to R3 and RM4 Zones By-law 2667. The purpose of the Amendment is to permit the development of a 29 lot Residential Subdivision to contain 28 single-detached lots and one (1) lot for an apartment building. The Official Plan designation is RESIDENTIAL (LOW, MEDIUM AND HIGH DENSITY). The subject lands are also the subject of an Application for Draft Plan of Subdivision – File 26T-14-03002.

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 applications:

**In support of the applications:**

- Hugh Thompson, agent of behalf of applicant.

**In opposition to the applications:**

- No one spoke to the applications.

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

**DELEGATIONS:**

- 03-115** Mrs. Ninetta Gallant and Nicole Mercier addressed Council regarding the proposed naming of un-named road east of Moyer Road and south of East Main Street to Malcolm Road.
- 02-85** Ms. Janice Norman addressed Council regarding a Municipal Accessibility Survey.
- 97-101** Jim Handley, The Bar and Restaurant Coalition of Niagara addressed Council regarding the Regional Smoking By-law 22-2002.

**THE FOLLOWING CORRESPONDENCE WAS READ:**

- 03-4** Report from Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Final tax billing due dates for the Commercial, Industrial and Multi-Residential Tax Classes.
- 03-87** A By-law prohibiting and regulating the sale of fireworks and the setting off of fireworks and to repeal By-laws 5385 and 7543.
- 03-24** A By-law to authorize the appointment of a Deputy Treasurer of the Corporation of the City of Welland.
- 03-131** Councillor Belcastro presented a petition signed by residents in the vicinity of 58 Sixth Street with respect to the state of repair of said building.

**THE FOLLOWING CORRESPONDENCE WAS DELETED:**

- 99-125** A By-law to authorize the re-conveyance of 160 Avenue to Stelpipe Ltd.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 93-103** Review of Sign By-law.
- 96-48** Mgr., Development Planning / Real Estate D. Thorpe – Request for Proposals – Development Charges Study.
- 98-59** Mgr., Leisure Services R. Morwald – Lease Agreement with the Welland Lawn Bowling Association.
- 98-82**
- 03-112** Implementing Fair Wages for the Civic Square Project.
- 99-125** A By-law to authorize the re-conveyance of 160 Dain Avenue to Stelpipe Ltd.
- 99-110** D. Bruce Timms, Regional Councillor, Chair, Greater Niagara Circle Route Committee – Proposed East Side Trail Opening.

- 01-46** Mgr., Development Planning / Real Estate D. Thorpe – Proposed Registration of Enterprise Industrial Subdivision (File 26T-14-20005) – North side of Ridge Road, east of Highway 140.
- 01-46** A By-law to authorize the entering into an Agreement with the Ministry of Transportation with respect to the City's financial obligations for highway works in conjunction with the Enterprise Subdivision.
- 01-46** A By-law to authorize the transfer of certain 0.3 metre reserves to the Ministry of Transportation in the Enterprise Subdivision (File 26T-14-20005).
- 01-46** A By-law to authorize the registration of a Plan of Subdivision with respect to the Development of Enterprise Subdivision.
- 2000-83** Review of the City's Lot Grading & Drainage for Subdivisions Policy SER-007-004 to provide for improved enforcement procedures.
- 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.
- 03-3** City Clerk C.A. Stirtzinger – Lottery License.
- 03-4** Gen. Mgr., Financial and Corp. Serv. / Treasurer B. Silvestri – Debenture Request 2003 (Summer).
- 03-4** A By-law to provide for the final 2003 Tax Levy, to provide for the payment of taxes against Multi-Residential, Commercial, Industrial and Large Industrial Classes, and to provide for Penalty and Interest.
- 03-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Accounts Payable – July 8, 2003 to July 30, 2003.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Request for authorization for the procurement of three mini buses as per the 2003 Capital Budget.
- 03-13** Ginger Kerho, Campaign Chair, Niagara South Hip Hip Hooray Campaign – requesting to book times at Merrit Island for the next 5 to 10 years, the use of transit services and the use of the showmobile for Sunday, May 30<sup>th</sup>, 2004.
- 03-21** Bryan Elliot, Director, Special Events, Tourism of Niagara -request for an amendment to **03-49** the Road Use application to include closure of Chippawa Road for the Niagara Food Festival fireworks display and to waive the hydrant fee on Merritt Island during the Festival on Saturday, September 27, 2003.
- 03-22** Susan Guarasci, 9 Wellandvale Drive, Welland –requesting “no parking” signs on Redwood Court at Wellandvale Drive.
- 03-46** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Request for authorization to procure a John Deere 72” Seven (7) Iron V-Flex Commercial Side Discharge Mower Deck, complete with required kits.
- 03-46** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Supply & delivery of two (2) 2004 Cargo Style Vans.
- 03-87** Chief Building Official M. Mantesso – Proposed New Fireworks By-law.
- 03-113** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Quotation for Water and Sewer Operating Materials.
- 03-115** Mgr., Development Planning / Real Estate D. Thorpe – Proposed Naming of Un-Named Road East of Moyer Road and south of East Main to Malcolm Road.
- 03-115** A By-law to name part of Lots 11 and 12, Concession 4, being a road allowance lying east of Moyer Road linking to East Main Street, as Malcolm Road.
- 03-119** Mgr., Development Planning / Real Estate D. Thorpe – Application for Draft Plan of Subdivision Approval – Silverstar Developments Inc. – Stoneybrook Extension Subdivision (File 26T-14-03001).
- 03-121Z** Application for Draft Plan of Subdivision Approval and Rezoning Amendment – Lea Silvestri Investments Inc. – Whispering Pines Subdivision (File 26T-14-03002 and 2003-06).
- 03-122** Mgr., Development Planning / Real Estate D. Thorpe – Semi- annual Subdivision Status Report – June 30, 2003.

**03-125** Petition signed by Joan Scott and others to construct a roadway with concrete curbs and gutters, asphalt pavement and driveway entrances, and sodded boulevards on Empress Avenue from Lincoln Street to Harrison Avenue.

**03-128** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Stop 19 (Rose Avenue) Area – Watermain Replacement.

**03-1** Moved by Dzugan and Mastroianni that the Minutes of the Regular Council Meeting of July 15<sup>th</sup>, 2003 and Special Council Meeting of July 22<sup>nd</sup>, 2003 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**93-103** Moved by Mastroianni and Belcastro that Council be again directed to 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**

**96-48** Moved by Mastroianni and Belcastro that Staff be authorized to proceed with the distribution of a Request for Proposals (RFP) for the preparation and completion of a Development Charges Study and subsequent By-law for the City of Welland.

**CARRIED**

**97-101** Moved by Spadafora and Grenier that the presentation by Jim Handley regarding the Regional Smoking By-law 22-1002 be received for information and referred to Staff for report to Council at the next meeting.

**CARRIED**

**98-59** Moved by Mastroianni and Belcastro

A) That Council extends the lease agreement with the Welland Lawn Bowling Association to December 31, 2003.

B) That staff enter into lease negotiations with the Welland Lawn Bowling Association and report recommendations to Council prior to the start of the 2004 lawn bowling season.

**CARRIED**

**98-82**

**03-112** Moved by Mastroianni and Belcastro that the wage rates established for the Niagara Region under the Fair Wages Act and Hours of Labour Act be established in tender documents as minimum wages.

**CARRIED**

**99-95**

**04-4** Moved by O'Dell and Dmytrow-Bilboe 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.

**CARRIED****99-110**

Moved by Mastroianni and O'Dell that the request from the Greater Niagara Circle Route Committee regarding the East Side Trail and appropriate signage for the exclusion of the use of motorized vehicles through the City of Welland portion be referred to staff for study and report.

**CARRIED**

**2000-83** Moved by Mastroianni 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****01-46**

Moved by Grenier and O'Dell that the parcel of land at the north east corner of Ridge Road and Highway 140 be included for costs of subdivision development associated with Enterprise Industrial Subdivision.

**LOST****01-46**

Moved by Mastroianni and Dmytrow-Bilboe

1. That the Mayor and Clerk be authorized to execute all necessary documents associated with the Enterprise Industrial Subdivision (File 26T-14-20005) located on the north side of Ridge Road, east of Highway 140;
2. 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;
3. That in order to clear a Condition of Draft Approval, Council authorizes the Transfer of Blocks 11 and 14, Plan 59M-\_\_\_\_\_ being 0.3 metre reserves to the Ontario Ministry of Transportation;
4. That in order to clear a Condition of Draft Approval and to commence work on the Highway 140 right-of-way, Council authorize the entering in an Agreement with the Ontario Ministry of Transportation whereby the City agrees to assume financial responsibility for all associated highway intersection improvements; and
5. That Staff be authorized to prepare the necessary By-laws.

**CARRIED****02-22**

Moved by Irvine and Eybel 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****02-85**

Moved by Spadafora and Grenier that the presentation by Ms. Janice Norman regarding the Municipal Accessibility Survey be received for information and that this material be forwarded to the Accessibility Advisory Committee for its information.

**CARRIED**

**03-3** Moved by Mastroianni and Belcastro that a Lottery License be granted to the following:  
Women's Place of South Niagara Inc. - Single Bingo.

**CARRIED**

**03-4** Moved by Dmytrow-Bilboe and Fortier that the final tax installment in the Commercial, Industrial and Multi-Residential classes "Capped Classes" become due and payable on Wednesday, October 1, 2003 and that the City Solicitor be directed to prepare the necessary By-law.

**CARRIED**

**03-4** Moved by Mastroianni and Belcastro

1. That the City of Welland request the Region of Niagara to issue debentures in the amount of \$725,000 in accordance with the terms of the various authorizing by-laws outlined in Schedule 'A' to Report FIN-03-18 dated August 12, 2003; and
2. That the City Clerk and Treasurer be and they are hereby directed to make available to the said Regional Municipality of Niagara certified copies of all By-laws and Orders of the Ontario Municipal Board applicable and all other information required in this connection, to ensure the issue of the said debentures in the amount of \$725,000 for the projects described on the said Schedule 'A'.

**CARRIED**

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

1	8-Jul-03	8,043.71
2	9-Jul-03	1,142,157.59
3	10-Jul-03	120,743.34
4	14-Jul-03	181,642.82
5	15-Jul-03	3,001,049.76
6	17-Jul-03	377,989.70
7	19-Jul-03	193,318.73
8	21-Jul-03	28,306.18
9	22-Jul-03	1,006,257.58
10	23-Jul-03	140.00
11	25-Jul-03	596,818.09
12	25-Jul-03	277,903.08
13	29-Jul-03	55,714.63
14	30-Jul-03	<u>476,216.38</u>
	<b>Total</b>	<b>\$7,466,301.59</b>

**CARRIED**

**03-13** Moved by Mastroianni and Belcastro

1. That Council approve the total purchase of \$260,723.93 for Two (2) 27' - 2003 Conventional Accessible Buses from Crestline Coach Limited, at the tendered price of \$173,551.16, or \$86,775.58 each, and One (1) 27' - 2003 Specialized Bus from Crestline Coach Limited, at the tendered price of \$87,172.77 these being the lowest of five (5) tender submissions received meeting the tender specifications.

2. That the City Solicitor be requested to prepare the necessary By-law to enter into a contract with Crestline Coach Limited for the manufacture/supply and delivery of the three buses for the total tendered amount of \$260,723.93, including applicable taxes.

**CARRIED**

**03-13**

**03-21** Moved by Mastroianni and Belcastro that the request of the Niagara South Hip Hip Hooray Campaign to book times at Merritt Island for the next 5 to 10 years be referred to the Welland Recreational Canal Corporation for consideration; and

That the requests to the City for transit services and the use of the showmobile be referred to staff for study and report.

**CARRIED**

**03-21**

**03-49** Moved by Mastroianni and Belcastro that the request from the Tourism of Niagara regarding an amendment to the Road Use application previously approved to include closure of Chippawa Road for the Niagara Food Festival fireworks display and to waive the hydrant fee on Merritt Island during the Festival on Saturday, September 27, 2003 be referred to staff for study and report.

**CARRIED**

**03-22**

Moved by Mastroianni and Belcastro that the letter dated July 18, 2003 from Susan Guarasci requesting "no parking" signs on Redwood Court at Wellandvale Drive be referred to staff for study and report.

**CARRIED**

**03-46**

Moved by Mastroianni and Belcastro that Council authorize staff to purchase a John Deere 72" Seven (7) Iron V-Flex Commercial Side Discharge Mower Deck, complete with required kits at a total cost of \$8,947.00, including taxes.

**CARRIED**

**03-46**

Moved by Mastroianni and Belcastro

1. That Council waive the requirement for the "minimum three (3) bids" for the supply and delivery of two (2) 2004 Cargo Style Vans due to the fact that only two (2) tender submissions were received from Ed Learn Ford Sales Ltd. and Gillespie Pontiac Buick Cadillac Ltd. out of 12 tender requests;
2. That Council authorize staff to open the tenders received for the supply of the two (2) cargo vans.

**CARRIED**

**03-87**

Moved by Fortier and Dmytrow-Bilboe

1. That Council pass a new Fireworks By-law which requires that a Permit be obtained from the City at a cost of \$250.00 prior to having a Display Fireworks show;

2. That the By-law have provisions to regulate every Display Fireworks show with respect to minimum distance from the public, individual notification to nearby landowners, insurance policies, inspection, and other requirements intended to provide for a safe show;
3. That the By-law have provisions restricting the sale of fireworks to minors and the use of fireworks by minors; and
4. That the By-law prohibit dangerous fireworks including pyrotechnic special affects and prohibit fireworks manufactured using child labour.

**CARRIED**

**03-113** Moved by Mastroianni and Belcastro that Council accept the quotation of Vancor Supply, Gladding Sales Agency Ltd., Evans Supply Ltd., Emco and Hygrade Precast Concrete in the amounts of \$8,671.80, \$20,395.62, \$41,927.32, and \$1,949.84 respectively for a total expenditure of \$72,944.58 for the Supply of Water and Sewer Materials as these were the lowest of the six (6) quotations submitted.

**CARRIED**

**03-115** Moved by Mastroianni and Belcastro that the presentations by Ninetta Gallant and Nicole Mercier regarding the proposed naming of un-named road east of Moyer Road and south of East Main Street to Malcolm Road be received for information.

**CARRIED**

**03-115** Moved by Spadafora and Grenier

1. That in accordance with Section 47 of the Municipal Act Council name the road allowance lying east of Moyer Road linking to East Main Street (Part of Lots 11 and 12, Concession 4, former Township of Crowland, now in the City of Welland, being all of the PIN 64249-0005(LT)) as "Schisler Crescent"; and
2. That Staff be authorized to prepare the necessary By-law.

**CARRIED**

**03-119** Moved by Mastroianni and Irvine that Report PDS-2003-49 concerning an Application for Draft Plan for the Stoneybrook Extension Subdivision be received for information.

**CARRIED**

**03-121**

**03-121Z** Moved by Mastroianni and Irvine that Report PDS-2003-50 concerning Applications for Rezoning and Draft Plan of Subdivision for the Whispering Pines Plan of Subdivision be received for information.

**CARRIED**

**03-122** Moved by Mastroianni and Belcastro that the Semi-Annual Subdivision Status Report as of June 30, 2003 be received for information.

**CARRIED**

**03-125** Moved by Dzugan and Fortier that the petition under Section 11 of the Local Improvement Act for the construction of a roadway with concrete curbs and gutters, asphalt pavement and driveway entrances, and sodded boulevards on Empress Avenue from Lincoln Street to Harrison Avenue, be received and referred to Operational Services staff for study and report.

**CARRIED**

**03-128** Moved by Mastroianni and Belcastro that the General Manager, Engineering, Public Works and Transportation Services be authorized to proceed with the retaining of R.V. Anderson Associates Ltd., of Welland, to provide engineering services for the Stop 19 (Rose Avenue) Area Watermain Replacement Project – which includes Rose, Donald, Lacy, Sharpe, and Part of Hatter Avenues, as presented in report ENG-2003-48;

That the estimated engineering service fees of \$32,450.00, and applicable of G.S.T. be funded by means of Capital Contribution from Operating Budget, as included in the revised 2003 Capital Budgets;

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

**CARRIED**

**03-130** Moved by Mastroianni and Belcastro that Welland City Council urge the Council of the Regional Municipality of Niagara to reconsider its recent decision to increase the stipend paid to Regional Councillors.

**CARRIED**

**03-131** Moved by Belcastro and Mastroianni that the petition on behalf of residents in the vicinity of 58 Sixth Street with respect to the state of repair of said building be referred to staff for review.

**CARRIED**

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

**97-77**

**03-31** Moved by Mastroianni and O'Dell that Council receive Report ENG-2003-25 re: Update on Welland Stadium Lease.

**CARRIED**

**99-43** Moved by Dmytrow-Bilboe and O'Dell that the City of Welland advise Welland Hydro-Electric System Corp. that it is not interested in purchasing Lot 669, Plan 17 (municipally known as 601 David Street).

**CARRIED**

**03-23** Moved by Dmytrow-Bilboe and Eybel

1. That Council approves the renewal rates for employee benefits provided via Clarica

effective as of August 1st, 2003.

2. That Council approves the renewal rates for employee benefits provided via Green Shield as of August 1st, 2003.
3. That Council approves the term of the renewal rates for both Clarica and Green Shield as being from August 1st, 2003 to December 31st, 2004.

**CARRIED**

**03-97** Moved by Alakas and Dmytrow-Bilboe that the City of Welland advise Regional Niagara that it is not interested in purchasing the parcel of land located at the south east corner of Woodlawn Road and South Pelham Road, more specifically described as Part of Township Lot 246, former Township of Thorold, now City of Welland being Part 3, Reference Plan 59R-11831.

**CARRIED**

**03-123** Moved by Dmytrow-Bilboe and Dzugan

1. That Council acquire, for road daylighting purposes, part of Lot 18 Gore, Concession 7, former Township of Crowland, now in the City of Welland (Part 1, Plan 59R-952) from the Canada Lands Company at a value of \$400.00 plus G.S.T., if required; and
2. That Staff be authorized to prepare the necessary By-law to authorize the execution of an Offer of Purchase and Sale and the acceptance of the lands.

**CARRIED**

**03-127** Moved by Irvine and Dmytrow-Bilboe

1. That part of closed Nelson Avenue, Plan 652 being Parts 2, 3 and 4 on a draft Reference Plan prepared by P.D. Reitsma Surveying Ltd. (File 03-44) be offered for sale to the Owners of 168 Thorold Road subject to an Easement in favour of Bell Canada over Part 2 and an Easement in favour of the City of Welland over Part 4 for storm sewer purposes for the amount of \$4,500.00 plus one-half the cost of the Reference Plan with the lands merging in Title with 168 Thorold Road;
2. That part of closed Nelson Avenue, Plan 652 being Parts 5 and 6 on a draft Reference Plan prepared by P.D. Reitsma Surveying Ltd. (File 03-44) be offered for sale to the Owner of 166 Thorold Road subject to an Easement in favour of the City of Welland over Part 5 for storm sewer purposes for the amount of \$10,000.00 plus one-half the cost of the Reference Plan with the lands merging in Title with 166 Thorold Road;
3. That the net proceeds from the sale of the lands be deposited in the Civic Square Reserve Fund; and
4. That Staff be authorized to prepare the necessary Offers of Purchase and Sale.

**CARRIED**

**03-126** Moved by Dmytrow-Bilboe and Mastroianni the City of Welland advise the District School Board of Niagara that it is not interested in acquiring J.C. Bald Public School located at 269 Thorold Road, Welland.

**CARRIED**

## **BY-LAWS**

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

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

**01-46**

BYL 2003 – 122

A By-law to authorize the entering into an Agreement with the Ministry of Transportation with respect to the City's financial obligations for highway works in conjunction with the Enterprise Subdivision.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:****01-46**

BYL 2003 -123

A By-law to authorize the transfer of certain 0.3 metre reserves to the Ministry of Transportation in the Enterprise Subdivision (File 26T-14-20005).

**01-46**

BYL 2003 - 124

A By-law to authorize the registration of a Plan of Subdivision with respect to the Development of Enterprise Subdivision.

**03-4**

BYL 2003 – 125

A By-law to provide for the final 2003 Tax Levy, to provide for the payment of taxes against Multi-Residential, Commercial, Industrial and Large Industrial Classes, and to provide for Penalty and Interest.

**03-115**

BYL 2003 – 126

A By-law to name part of Lots 11 and 12, Concession 4, being a road allowance lying east of Moyer Road linking to East Main Street, as Schisler Crescent.

**03-87**

BYL 2003 – 127

A By-law for prohibiting and regulating the sale of fireworks and the setting off of fireworks and to repeal By-laws 5385 and 7543.

**03-24**

BYL 2003 – 128

A By-law to authorize the appointment of a Deputy Treasurer of the Corporation of the City of Welland.

**03-1**

BYL 2003 – 129

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the 22<sup>nd</sup> day of July, 2003 and the 12<sup>th</sup> day of August, 2003.

And that the same be now read a first time.

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

2. Moved by Irvine and Dzugan 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, as amended, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

**CARRIED**

**03-25** Moved by Alakas and Mastroianni that Council meet in Committee-of-the-Whole, closed to the public at 10:05 p.m. to consider:

a) the security of the property of the municipality.

**CARRIED**

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

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

**01-118** Moved by Alakas and Mastroianni that Resolution 01-118 passed on April 1st, 2003 regarding the entering into an Agreement of Purchase and Sale with Vincent Policella Masonry Contractor Limited for Part of Block "D", Plan M-69 located at south side of Larchwood Circle to a width of 18' ± for the amount of \$5000 be reconsidered.

**CARRIED**

**01-118** Moved by Alakas and Spadafora that Staff be directed to prepare a report for the next Council Meeting with respect to the sale of Block D Larchwood Circle.

**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, August 27, 2003 for inclusion on the next Regular Council Meeting Agenda.

Council adjourned at 10:15 p.m.

These Minutes approved and adopted by Motion of Council this 2<sup>nd</sup> day of September, 2003.

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**MAYOR**

**CLERK**