



COUNCIL MEETING, OCTOBER 21, 2003

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 6:30 p.m. and in open session at 7:45 p.m. and again in Committee-of-the-Whole at 10:30 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 R. Alakas, D. Beaudoin (6:40 p.m.), M. Belcastro, N. Dmytrow Bilboe, M. Dzugan, T. Eybel, D. Fortier (6:40 p.m.), D. Grenier (6:50 p.m.), J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora (6:50 p.m.)

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah (7:45 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:45 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:45 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:45 p.m.)

Manager, Development Planning/Real Estate D. Thorpe

Acting Executive Assistant to the Mayor and City Manager L. Ip (7:45 p.m.)

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

- a) the security of the property of the municipality; and
- b) labour relations or employee negotiations.

CARRIED

03-25 Moved by Alakas and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 7:40 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Belcastro disclosed an interest in Ref. No. 03-139Z and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Doral Holdings.

DELEGATIONS:

03-28 Peter Papp, Project Manager, Opportunities Niagara addressed Council regarding the plan for poverty reduction throughout the Niagara area.

03-114 Frank DeLuca, addressed Council regarding the disposition of the closed Trufal Avenue laneway.

THE FOLLOWING CORRESPONDENCE WAS READ:

03-3 Letter from Jean Chartrand, Principal, Jean Vanier School requesting permission to hold a raffle.

03-114 Letter from Frank DeLuca, requesting permission to address Council regarding the disposition of the closed Trufal Avenue laneway if the Council recommendation is not favourable.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

93-134 Clemence Vizsolyi - Barking dogs.

95-103 Mgr., Development Planning / Real Estate D. Thorpe – Towpath Village Extension Subdivision – Ashton Homes (Western) Limited – Request for exemption from Part Lot Control -

Lot 32, Plan 59M-286.

- 95-103** A By-law to exempt certain lands from Part-Lot Control located on the west side of Hansler Road in the Towpath Village Extension Subdivision, City of Welland.
- 96-109** Arnold Steed – Proposed expansion of the Rose City Senior's Centre and formation of the Senior Centre Foundation.
- 01-154** Letter from Jackie Heikoop, Canada Family Action Coalition requesting to declare the week of October 19-26, 2003 as **“White Ribbon Against Pornography”** and to support its resolution to raise the age of consent from 14 years to 18 years of age.
- 02-4** Clerk's Department 2002 Statistical Summary.
- 03-3** Petra Scott, Heart and Stroke Foundation of Ontario – requesting permission to sell raffle tickets in the City of Welland.
- 03-4** Mgr., Human Resources R. Beaumont – Proposed amendment to the use of the Benefit Reserve Fund.
- 03-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – October 1, 2003 to October 14, 2003.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Transit Service Extension to Brock University.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Welland Transit – 30th Anniversary Promotion.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Welland Harvest Kitchen – Bus Transportation.
- 03-13** A By-law to authorize the entering into a Collective Agreement with the Amalgamated Transit Union, Local 1633, effective January 1, 2003 to December 31, 2005.
- 03-21** Robert Cummings, President, Royal Canadian Legion Branch 4, requesting permission to hold an **“Annual Remembrance DayParade and Service”** on Sunday, November 9, 2003.
- 03-22** Parking on Redwood Court.
- 03-22** Parking Review - Autumn Crescent.
- 03-22** Rick and Arlene Clack, 35 McAlpine Avenue South, Welland – Exemption to By-law 89-2000 to allow parking during winter months.
- 03-23** Proposed Employee Suggestion Policy.
- 03-92** Mgr., Development Planning / Real Estate D. Thorpe – Stop up and close part of Wellbrook Boulevard being Parts 2 and 3 on a draft reference plan prepared by William A. Mascoe Surveying Ltd.
- 03-92** A By-law to authorize the stopping-up, closing and conveying of that portion of Wellbrook Boulevard designated as Parts 2 and 3, Plan 59R- _____.
- 03-139Z** Mary Raso, Regency Gift Shop, Seaway Mall - Objecting to the proposed shopping centre – First Pro, Hwy. 406 and Woodlawn Road, Welland.
- 03-139Z** Lyle Lichty, Family Sports, Seaway Mall - Objecting to the proposed shopping centre – First Pro, Hwy. 406 and Woodlawn Road, Welland.
- 03-141** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Water service for 200 Moyer Road.
- 03-144** Public Nuisance Dust Control By-law.
- 03-144** **(FIRST AND SECOND READING): By-law 2003-164** A By-law to prohibit a public nuisance created by the use of unpaved lanes and parking areas by transport vehicles operated within commercial and industrial properties which are adjacent to residential property.
- 03-147Z** Proposed Amendment to Zoning By-law 2667 – 842701 Ontario Inc. – 547 Thorold Road (File 2003-10).
- 03-147Z** A By-law to amend City of Welland Zoning By-law 2667 (842701 Ontario Inc. – File 2003-10) 547 Thorold Road.
- 03-148Z** Proposed Amendment to Zoning By-law 2667 – Nico Peter Maarten Peetsma, Jacoba Johanna Peetsma, Nicole Hennymarie Peetsma - Epker and Jeannette Adrienne Peetsma – 149 Elmview Street (File 2003-09).

03-148Z A By-law to amend City of Welland Zoning By-law 2667 (Nico Peter Maarten Peetsma, Nocole Hennymarie Peetsma-Epker, Jacoba Johanna Peetsma and Jeannette Adrienne Peetsma – File 2003-09) 149 Elmview Street.

03-149 Mgr., Development Planning / Real Estate D. Thorpe – Establishment of a Highway – Parts 3,4,5, and 6, Plan 59R-9834 - Lands at the southeast corner of Major Street and Wellington Street/Atlas Avenue.

03-149A By-law to lay out, establish, assume and name as a Public Highway for road widening purposes Parts 3,4,5,6, Plan 59R-9834 as part of Atlas Avenue.

03-150 Ken Beck Lee, Principal, New East Consulting Services Ltd. – interested in establishing a relationship with the City of Taicang.

03-1 Moved by Dzugan and Mastroianni that the Minutes of the Regular Council Meeting of October 7, 2003 and the Special Council Meeting of October 14, 2003 be and the same are hereby approved and adopted as circulated.

CARRIED

93-134 Moved by Dzugan and Fortier that the presentation to General Committee on October 14, 2003 by Clemence Vizsolyi regarding barking dogs be received for information.

CARRIED

95-103 Moved by Dzugan and Fortier

1. That the City of Welland adopt a By-law to exempt Lot 32, Plan 59M-286 in the Towpath Village Extension Subdivision from Part Lot Control in order to create five (5) street townhouse properties; and
2. That the Part Lot Control Exemption By-law be repealed and discharged from Title once all parts on the requisite Reference Plan have been conveyed.

CARRIED

96-109 Moved by Dzugan and Fortier that the presentation to General Committee on October 14, 2003 by Arnold Steed regarding the proposed expansion of the Rose City Senior's Centre and the formation of the Senior Centre Foundation be received for information.

CARRIED

01-154 Moved by Dzugan and Fortier that Council reaffirms its resolution previously passed on October 15, 2002 to raise the age of consent for sexual activity from 14 years to 18 years of age; and That the City Clerk advise the proper authorities accordingly.

CARRIED

02-4 Moved by Dzugan and Fortier that the 2002 Statistical Summary of the City Clerk's Department be received for information.

CARRIED

03-3 Moved by Dzugan and Fortier that permission is hereby granted to the Heart and Stroke Foundation of Ontario to sell raffle tickets in the City of Welland under authority of Provincial Lottery Licence P031521, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

03-3 Moved by Dzugan and Fortier that a Lottery License be granted to the following:
Ecole Secondaire Catholique Jean Vanier – Raffle.

CARRIED

03-4 Moved by Dzugan and Fortier

1. That Council approve a revised list of uses for funds in the Benefit Reserve Fund;
2. That the revised list of uses for funds in the Benefit Reserve Fund, include the following:
 - (i) to offset premium increases;
 - (ii) to fund any/all self-insured (Employer paid) benefits;
 - (iii) to pay direct (to any qualifying employee) for any costs incurred for amended benefits while awaiting plan amendments; and
3. That City of Welland By-law 2003-37, a by-law to establish reserve funds and to establish procedures for the use of reserve funds be amended accordingly.

CARRIED

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

1	01-Oct-03	\$	1,122.31
2	02-Oct-03		116,440.81
3	03-Oct-03		2,588.00
4	08-Oct-03		7,900,882.59
5	09-Oct-03		300,064.55
6	10-Oct-03		<u>428,101.81</u>
	Total	\$	8,749,200.07

CARRIED

03-13 Moved by Dzugan and Fortier that Council authorizes the addition of two evening runs to the original service presently provided to Brock University, as per the written request and payment arrangements proposed by the Brock University Students Union (BUSU).

CARRIED

03-13 Moved by Dzugan and Fortier that Council support the request from Reverend Robert Bond, Welland Harvest Kitchen Steering Committee for Transit bus passes from November 17th to March 31st, 2004.

CARRIED

03-13 Moved by Fortier and Beaudoin that Council support the recommendation from the Joint Transit Review/Advisory Committees to proceed with a **Customer Appreciation Day Promotion** on November 19th, 2003 by offering reduced bus fares of .30 cents for that day only on all Transit services in recognition of Welland Transit's 30 years of serving the community; and
That the revenue realized for that day be donated to the Food Bank.

CARRIED

03-21 Moved by Dzugan and Fortier that Welland City Council approves the application from the Royal Canadian Legion Branch 4 for the **"Annual Remembrance Day Parade and Service"** to be held on Sunday, November 9, 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 Fortier

1. That Report TRAF-2003-21, regarding Parking Review-Autumn Crescent be received; and
2. That the City Solicitor be requested to prepare a By-law to amend Schedule 'C' of By-law 89-2000 by:

i) DELETING the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Period Times/Day
Autumn Crescent	North, South, East & West Sides	Oakcrest Avenue	Oakcrest Avenue	At No Time

ii) ADDING the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Period Times/Day
Autumn Crescent	North, South, West Sides (Even numbered Side)	Oakcrest Avenue	Oakcrest Avenue	At No Time

CARRIED

03-22 Moved by Dzugan and Fortier that Report TRAF-2003-20 regarding parking on Redwood Court at Wellandvale Drive be received.

CARRIED

03-22 Moved by Fortier and Beaudoin that the letter from Rick and Arlene Clack at 35 McAlpine Avenue South, requesting an exemption to By-law 89-2000 to allow parking in front of 35 McAlpine Avenue South during the months of November to April be received and referred to staff for study and report.

CARRIED

03-23 Moved by O'Dell and Eybel that the proposed Employee Suggestion Policy be referred to the November 18, 2003 Regular Council Meeting.

CARRIED

03-28 Moved by Fortier and Alakas that the presentation by Peter Papp, Opportunities Niagara regarding poverty reduction throughout the Niagara area be received for information.

CARRIED

03-92 Moved by Dzugan and Fortier

1. That Council Stop Up and Close part of Wellbrook Boulevard being Parts 2 and 3 on the draft Reference Plan prepared by William A. Mascoe Surveying Ltd. and dated January 16, 2003; and
2. That Staff be authorized to prepare the necessary By-law.

CARRIED

03-139Z Moved by Dzugan and Fortier that the letter from Mary Raso, Regency Gift Shop, Seaway Mall objecting to the proposed Shopping Centre – First Pro Hwy. 406 and Woodlawn Road, Welland be received for information.

CARRIED

03-139Z Moved by Dzugan and Fortier that the letter from Lyle Lichty, Family Sports, Seaway Mall, objecting to the proposed Shopping Centre – First Pro Hwy. 406 and Woodlawn Road, Welland be received for information.

CARRIED

03-141 Moved by Fortier and Eybel that Council receive REPORT ENG-2003-61 concerning a water service for 200 Moyer Road, and directs staff to request the Region to deal with this matter expeditiously.

CARRIED

03-144 Moved by Irvine and Dmytrow-Bilboe

1. That Council pass a by-law that a Public Nuisance is created and caused by the existence and use of unpaved lanes and parking areas of commercial and industrial properties by Transport Vehicles, whenever all of the following conditions exist together:
 - (i) the operation of a commercial or industrial business adjacent to one or more occupied residential properties;
 - (ii) to or from which business, goods, materials, or products are delivered by Transport Vehicles;
 - (iii) which Transport Vehicles access such business over a private lane or parking area or portion thereof which is unpaved; and
 - (iv) thereby creating a hazardous condition of air borne particulate and dust.
2. That the proposed by-law receive first and second reading only, at this time.
3. That Public Notice be given of the proposed by-law and a Public Meeting shall subsequently be held to discuss the proposed by-law.
4. The City Solicitor and/or City Manager shall contact and negotiate with existing violator(s), and provided such violator(s) enter(s) into a remediation agreement, they will be exempt from the proposed by-law.
5. This matter shall be returned thereafter to Council for third reading of the by-law.

CARRIED

03-147Z Moved by Dzugan and Fortier that Zoning By-law 2667, as amended, be further amended for part of 547 Thorold Road (Part of Lot 254, former Township of Thorold, now in the City of Welland) from the

C4 (with exemptions) and R1 to a Site Specific C4 Zone to incorporate the use of a clinic and to permit the expansion of the existing parking area approximately 7.5 metres into the R1 Zone.

CARRIED

03-148Z Moved by Dzugan and Fortier that Zoning By-law 2667, as amended, be further amended for 149 Elmview Street (Lot 19 and Part of Lot 20, Plan 603) from the RM2 Zone to a Site Specific RM2 Zone to recognize an existing triplex with a minimum frontage of 15.4 metres; a minimum lot area of 550 square metres; a front yard setback (existing) of 4.6 metres; side yard setbacks of minimum 2.4 metres one side and 0.9 metres other side; a minimum west yard setback of 0.6 metres for an existing accessory building; and to require a minimum of three (3) parking spaces instead of the required five (5).

CARRIED

03-149 Moved by Dzugan and Fortier that Council pass a By-law to Lay-Out, Establish and Name as a Public Highway for road widening purposes Part of Lot 21, Concession 4 and part of the road allowance between Lots 20 and 21, Concession 4, former Township of Crowland, now in the City of Welland, being Parts 3, 4, 5 and 6, Plan 59R-9834 as part of Atlas Avenue.

CARRIED

03-150 Moved by Dzugan and Fortier that the letter from Ken Beck Lee, New East Consulting Services Ltd. regarding the possibility of the City of Welland and the City of Taicang becoming twin cities be referred to staff for study and report.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

94-35 Moved by Dzugan and Dmytrow-Bilboe the existing Lease to Purchase Agreement with Centre de sante communautaire Hamilton-Wentworth/Niagara approved by Welland Council in September 2000 be extended for a further year with all terms and conditions remaining in tact.

CARRIED

03-114 Moved by O'Dell and Fortier

1. That the northerly 31.547± metres of closed Trufal Avenue being part of Parts 2 and 3, Plan 59R-12186 be offered to the Owner of 134 Broadway at a value of \$3.00 per square foot plus a proportionate cost of the Appraisal and the full cost of any additional Reference Plan subject to an Easement, in favour of the City of Welland, over part of Part 2, Plan 59R-12186 and subject to the lands merging in Title with 134 Broadway;
2. That should the Offer for the lands in #1 above not be accepted, the lands shall be offered to the Owners of 170 Broadway;
3. That the remainder of closed Trufal Avenue being part of Parts 2 and 3, Plan 59R-12186 be offered to the Owners of 170 Broadway at a value of \$3.00 per square foot plus a proportionate cost of the Appraisal, subject to an Easement over Part 2 in favour of the City. As well, the Owners shall provide the City with an Easement over Part 1 for the existing underground services; and
4. That the net proceeds from the sale of the subject lands be credited 10% to the M.I.G. Fund and 90% to the Civic Square Reserve Fund.

NOT PUT

03-114 Moved by Spadafora and Fortier that the matter of an offer to sell a portion north of Trufal Avenue as per Staff Report PDS-2003-79 be referred to the November 18, 2003 Regular Council Meeting.

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

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

03-144

BYL 2003 – 164

A By-law to prohibit a public nuisance created by the use of unpaved lanes and parking areas by transport vehicles operated within commercial and industrial properties which are adjacent to residential property.

And that the same be now read a first time.

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

2. Moved by Irvine and Dzugan that the following proposed By-law, having been read a first time and considered:

03-144

BYL 2003 – 164

A By-law to prohibit a public nuisance created by the use of unpaved lanes and parking areas by transport vehicles operated within commercial and industrial properties which are adjacent to residential property.

And that the same be now read a second time.

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

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

95-103

BYL 2003 - 165

A By-law to exempt certain lands from Part-Lot Control located on the west side of Hansler Road in the Towpath Village Extension

Subdivision, City of Welland.

03-13

BYL 2003 - 166

A By-law to authorize the entering into a Collective Agreement with the Amalgamated Transit Union, Local 1633, effective January 1, 2003 to December 31, 2005.

...continued...

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

03-92

BYL 2003 - 167

By-law to authorize the stopping-up, closing and conveying of that portion of Wellbrook Boulevard designated as Parts 2 and 3, Plan 59R- _____.

03-147Z

BYL 2003 - 168

A By-law to amend City of Welland Zoning By-law 2667 (842701 Ontario Inc. File 2003-10) 547 Thorold Road.

03-148Z

BYL 2003 - 169

A By-law to amend City of Welland Zoning By-law 2667 (Nico Peter Maarten Peetsma, Nocole Hennymarie Peetsma-Epker, Jacoba Johanna Peetsma and Jeannette Adrienne Peetsma File 2003-09) 149 Elmview Street.

03-149

BYL 2003 - 170

A By-law to lay out, establish, assume and name as a Public Highway for road widening purposes Parts 3,4,5,6, Plan 59R-9834 as part of Atlas Avenue.

03-1

BYL 2003 - 171

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 14th day and 21st day of October, 2003.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Mastroianni and Irvine 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

03-25 Moved by Spadafora and Dzugan that Council meet in Committee-of-the-Whole, closed to the public at 10:30 p.m. to consider:

a) labour relations or employee negotiations.

CARRIED

03-25 Moved by Spadafora and Dzugan that the Committee-of-the-Whole arise from its closed meeting at 10:48 p.m.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

03-24 Moved by Mastroianni and Dmytrow-Bilboe that Don Thorpe be appointed Acting General Manager of Planning and Development Services.

CARRIED

03-24 Moved by O'Dell and Spadafora that Richard Morwald be appointed Acting General Manager of Parks and Recreation.

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

Council adjourned at 10:53 p.m.

These Minutes approved and adopted by Motion of Council this 2nd day of December, 2003.

MAYOR

CLERK