



GENERAL COMMITTEE MEETING

Tuesday, June 12, 2001

7:00 P.M.

COUNCIL CHAMBERS - CITY HALL

Meeting Number G.C. 2001 - 08

Members Present: Mayor Cindy Forster

Councillors:

T. Eybel	D. Fortier
D. Beaudoin	D. Grenier
M. Belcastro	J. Irvine
N. Dmytrow-Bilboe	J. Mastroianni
M. Dzugan	S. O'Dell
J. Spadafora	

Members of the Staff and Others Present:

Chief Administrative Officer V. Kerschl
City Clerk C.A. Stirtzinger
City Solicitor G. Banks
Director of Development Services T. Fitzpatrick
Fire Chief P. Olah
Director of Operational Services G. Marcello
Community Services Director I. Smith
Acting City Treasurer B. Silvestri
Environmental Services Engineer D. Cook
Assistant Clerk D. Vettori
Recording Secretary M. Hughes

Others Present: Mr. Vince Muratori, Solicitor for Gilmora Estates
Mr. Phil Fisher, agent for Pat Mammoliti
Mr. Nick Palombo, Delcan representative
Mr. Douglas R. Thomas, Solicitor for owners of Bridge Pub and Eatery

1. (A) Mayor Forster called the Special Council Meeting to order at 7:05 p.m.
- (B) Mayor Forster recessed the General Committee Meeting at 7:10 p.m. to convene a Special Council Meeting for Statutory Public Hearings, chaired by Councillor Mastroianni pursuant to the Planning Act, as well as other business itemised below:
 - a) 01-42/01-42Z - Proposed Plan of Subdivision and Zoning By-law Amendment - Gilmora Estates (26T-14-20002 and 2000-13 - Gilmora Corporation Limited - North Side of Webber Road, East side of Unopened Clare Avenue.
 - b) 01-43/01-43Z - Proposed Plan of Subdivision and Zoning by-law Amendment - Harvest Estates (26T-20003 and 2000-14) - Harvest Investment Corp. - North side of Colbeck Drive, East of Webber Road.
 - c) 01-42/01-43 - Supplemental Report to Reports DSD-2001-42 - Gilmora Corporation Limited, Gilmora Estates Subdivision and DSD-2001-43 - Harvest Investments Corp., Harvest Estates Subdivision.
 - d) 01-42/01-43 - Mr. Victor F. Muratori of Sullivan-Manhoney, Barristers and Solicitors would like to address Council regarding Gilmora Estates Subdivision/Harvest Estates Subdivision.



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- e) Solicitor George G. Banks' paper on Municipal Government and Democracy Under Attack.
- f) A By-law to amend City of Welland Zoning By-law 2667 for Gillmora Estates Subdivision.
- g) A By-law to amend City of Welland Zoning By-law 2667 for Harvest Estates Subdivision.
- h) Welland Recreational Canal Lands Interim Board of Management request for direction re funding of Playground equipment on Canal Lands.

The Special Council Meeting recessed at 9:25 p.m. to deal with the reports for the Public Hearings. Special Council reconvened at 9:30 p.m. to deal with the balance of the agenda.

- (C) The Special Council Meeting adjourned at 9:50 p.m. to re-convene the General Committee Meeting . The Minutes of the Special Council Meeting are recorded separately and filed with the Clerk.

2. DISCLOSURE OF INTEREST: Nil

3. ADOPTION OF MINUTES OF GENERAL COMMITTEE MEETING OF May 22, 2001

Moved by Councillor Eybel that the Minutes of the General Committee Meeting of May 22, 2001 be and the same are hereby approved and adopted as circulated.

4. BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS:

(A) Community Services

01-2 - City of Welland Business Licensing By-law.

In a recent meeting with the Region, Mayor Forster mentioned that the Region was interested in receiving any money obtained by licensing of establishments to fund Public Health. Councillor Fortier suggested that licensed establishments benefit from advertising on the City web site. Mr. Fitzpatrick indicated that the revenue generated by licensing would not be enough to employ enforcement officers. It was suggested to develop criteria for licensing.

Moved by Mayor Forster

That Council direct Staff to prepare a new General Licensing By-law; and
That the By-law establish fees to the classes of businesses and activities listed in this Report and such fees be based solely on the costs of administering and enforcing the By-law.

LOST

Moved by Councillor O'Dell

That the matter of a new General Licensing By-law be referred to September 11th General Committee Meeting.

LOST

This report will be brought to Council on June 19th without recommendation from the General Committee.



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01-96 - Proposed General Policy for By-law Enforcement.

Mr. Fitzpatrick informed Council that at present there is no policy to enforce by-laws, prosecution is used as a last resort and that a list of by-laws could be available this Fall.

Moved by Councillor Fortier

That the City adopt the General Policy for By-law Enforcement as outlined in Report DSD-2001-37 concerning the enforcement of regulatory by-laws charged to the Development Services Department, for incorporating in the City of Welland Municipal Policy Handbook.

CARRIED

2000-101 - Status of Cleanup of CN Rail Lands.

Moved by Councillor Mastroianni

That the matter regarding the cleanup of the CN Rail Lands be referred to the June 26th General Committee Meeting.

CARRIED

01-115 – Proposed Amendment to Zoning By-law 2667 - Conseil Scolaire de District Catholique Centre-Sud - 381 Clare Avenue (File 2001-07)

The Ministry of the Environment approved past expansion of the parking lot and is not opposed to the above proposed extension of a gravel lot being close to Draper's Creek.

Moved by Councillor Spadafora

That Zoning By-law 2667, as amended, be further amended for 381 Clare Avenue (Part of Lot 258, former Township of Thorold, now City of Welland) from the R1 Zone to a Site Specific R1 Zone to permit a parking lot on Part 1 on the sketch attached to Report DSD-2001-51 to be used by and for the benefit of the adjacent property to the west (Faith Tabernacle) and to provide for a north yard setback of 25 metres.

CARRIED

99-133 - Proposed Amendment to Zoning By-law 1538 - Pat Mammoliti - West Side of Unopened Matthews Road, North of Buchner Road (File 2001-08)

Moved by Councillor Spadafora

That the request by Phil Fisher & Associates Ltd. on behalf of Part Mammoliti to Rezone part of Lot 11, Concession 5, former Township of Crowland, now in the City of Welland being Part 21, Plan 59R-7377 located on the west side of unopened Matthews Road, north of Buchner Road from RA to a Site Specific RA Zone to permit a minimum lot area



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of 0.4 hectares where the minimum requirement is 1.2 hectares be referred to the July 17th Council Meeting.

CARRIED

01-99 – Encroachment Agreement - Bridge Pub and Eatery, 25 West Main Street.

Mr. Thomas did not know about having the lattice work around the bottom of the encroaching deck. He stated he would comply but feels the lattice work would be vandalized (maybe that's why it isn't there). Mr. Banks informed Council that a court order could not force the owners to comply since the variance is already 11 years old.

Moved by Councillor Mastroianni

1. That the City of Welland enter into an Encroachment Agreement with the Owners the Bridge Pub and Eatery at 25 West Main Street at an annual rate of \$812.50; and
2. That the monies generated from the Encroachment Agreement be deposited to the Recreational Canal Lands Reserve Fund.

CARRIED

01-99

Moved by Councillor Dzugan

That as part of the Encroachment Agreement provisions that the Owner be required to comply with the Conditions of the Minor Variance contained in Decision A25/90 respecting lattice work around the bottom of the encroaching deck.

LOST

This portion of the staff recommendation will be brought to Council on June 19th without recommendation from the General Committee.

5. **DELEGATION: Nil**

6. **STAFF REPORTS:**

(A) **COMMUNITY SERVICES**



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Community Services Department

01-19 - Pool Operations Openings.
(CSD 01-19)

Moved by Councillor Mastroianni

That the matter of the opening date for the Welland Outdoor Swimming Pools commencing in 2002 be referred to the June 26th General Committee Meeting.

01-32 - Marzim Holdings Ltd. - Arena concession.
(CSD 01-18)

This report was pulled from the Agenda by Chair Mastroianni.

OPERATIONAL SERVICES

Chair Beaudoin suggested that the remaining items be moved in Block unless Committee Members wished to have an item pulled.

Engineering Division

2000-134 - Afton Avenue Combined Sewer Replacement/Separation.
(ENG 2001-23)

Moved by Councillor Beaudoin

That the Director of Operational Services be authorized to proceed with preparation of plans, specifications and the calling of tenders for the construction of storm and sanitary sewers to replace the existing combined sewers on Afton Avenue between Lewis Street and Sutherland Avenue as outlined in Report ENG-2001-23;

That the 2001 Sanitary Sewer Capital Budget be revised as proposed in Report ENG-2001-23;

That the Director of Operational Services be authorized to proceed with the construction of this entire project upon approval of appropriate 2001 Budgets;

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

CARRIED

2001-105 - Lincoln Street Infrastructure Improvement.
(ENG 2001-24)

Moved by Councillor Beaudoin

That the Director of Operational Services be authorized to proceed with the preparation of plans, specifications and the calling of tenders for the following:

- Replacement of watermain and water services;
- Replacement of sanitary service laterals;
- Pavement repair and rehabilitation on Lincoln Street between Bugar Street and Trillium Railway Crossing to the east;

as presented in report ENG-2001-24 and report ENG-2001-22.

That the Director of Operational Services be authorized to proceed with the construction of this project upon approval of all appropriate 2001 budgets;



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

CARRIED

98-46 - Update on Leaf/Yard Waste collection Quotations
(Don Cook to report)

Councillor O'Dell asked Mr. Cook to review the report that he had handed out. Mayor Forster advised that at a recent Regional Public Works the Region had given permission for the City to go ahead with the enhanced collection if that was Council's wish. Mr. Marcello and Mr. Cook will review the current contract to determine the best method of collection. It is apparent that bi-weekly is the most preferred method as once per month has produced problems in other areas related to obnoxious odors and refusal by contractors to pick up the offending waste. This matter will be discussed further at the Budget Meeting of June 13th for report to Council on June 19th, 2001.

Public Works Department

94-102 - Mandatory Water Meter installation refusals.
(ENG2001-26)

Moved by Councillor Beaudoin

That the City Solicitor undertake the enforcement process through the Provincial Offences Act, Section 61, upon refusal of the property owners subsequent to final notice to permit installation of water meters located at 21 Fifth Street, 35 Albert Street, 15-21 First Street, 16-22 First Street, 127 Carlton Avenue, and 624 South Pelham Road as per Waterworks Bylaw #10894 for the installation of mandatory water meter installation.

CARRIED

01-93 - Quotation for water and sewer operating materials.
(ENG 2001-27)

Moved by Councillor Beaudoin

That Council accept the quotation of Emco Supply, Evans Supply, Vancor Supply, Gladding Supply, and Ontario Water Products in the amounts of \$17,448.67, \$11,142.90, \$3,637.85, \$12,233.15, and \$22,349.25 respectively for a total expenditure of \$66,811.82 for the Supply of Water and Sewer Materials as these were the lowest of the seven (7) quotations submitted.

CARRIED

Transit Department

01-13/01-27 - Rose Festival - Bus Shuttle request.
(TRANS 2001-08)

Moved by Councillor Beaudoin

1. That Council approve the request from the Rose Festival Committee for the provision of bus shuttle service for Day on the Island on June 23 and the Rose Parade on June 24, 2001; and



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2. That the financial consideration of \$692.52 be approved on a cost sharing basis for the in-kind service request.

CARRIED

7. **NEW BUSINESS:** Nil
8. The General Committee Meeting adjourned at 11:10 p.m.