



COUNCIL MEETING, MAY 15, 2001

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

Council met in Committee-of-the-Whole at 6:55 p.m. and in open session at 7:45 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, M. Belcastro, N. Dmytrow-Bilboe, M. Dzugan, T. Eybel, D. Fortier, D. Grenier (7:45 p.m.), J. Irvine, J. Mastroianni, S. O'Dell, and J. Spadafora.

Members of the Staff and Others Present:

Chief Administrative Officer V. Kersch
City Clerk C.A. Stirtzinger
Director of Development Services T. Fitzpatrick
Fire Chief P. Olah
Director of Operational Services G. Marcello (7:45 p.m.)
Community Services Director I. Smith
Acting City Treasurer B. Silvestri
Assistant Clerk D. Vettori

01-25 Moved by Mastroianni and Beaudoin that Council meet in Committee-of-the-Whole, closed to the public at 6:55 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

01-25 Moved by Mastroianni and Beaudoin that the Committee-of-the-Whole arise from its closed meeting at 7:35 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Eybel disclosed an interest in Ref. No. 01-20 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as her daughter is a member of Welland Volunteer Fire Company #1.

PRESENTATIONS:

Presentation of plaques by Mayor Forster to the following players and coaches of the All-Star Sports Midget AAA Tigers on winning the 2000/2001 Ontario Minor Hockey Association Championship:

Coaches: Todd Clayton, Mike Hominuk, Lance Marion, Frank Ventresca, and Rick Bertrand.

Players: Andrew Bucsis, Andrew Clarkson, Jeff Dionne, Willy Forrest, David Forte, Edward Fox, Adam Hunsburger, Matt Lannan, Adam Lynds, Brent Martens, John Martens, John Martin, Stuart Muir, Corey Pitman, John Tucker, Barry Lynds, David Urquhart, Greg Zack, Michael Molnar.

DELEGATIONS:

01-6 Suzanne Mason, Director of Management and Prevention, Head Injury Association made a presentation and requested Council to declare the month of June as ***“Brain Injury Awareness Month”***.

01-28 Mark Holmes, Welland resident and Nancy Croce, General Manager of Tourism of Welland Niagara (T.O.W.N.) updated Council on the initiative of Partners in Pride.

01-53 Stephen Butz, C.E.O., Family YMCA, updated Council on the progress of the proposed new YMCA project.

98-46 David J. Payne, P. Eng., Assistant Director and Jeanine Ralph, Manager of Policy and Planning, Solid Waste Management Division; and Katherine Habermehl, Manager, Collection & Division, Regional Niagara, addressed Council regarding the Economic Assessment of Interim Disposal Capacity and the proposed schedule for the Humberstone Landfill.

01-99 Doug Thomas, Solicitor on behalf of Dorothy & Dennis Hall, owners of “The Bridge Pub and Eatery”, 241 West Main Street addressed Council regarding a patio encroachment.

THE FOLLOWING CORRESPONDENCE WAS READ:

01-67 Report from the Director of Operational Services G. Marcello regarding tender award for the supply of RS1.

01-20 Letter from Frank Noyes, President, Welland Rose Festival Inc., requesting Special Occasion
01-27 Permits for various events during the 40th Annual Welland Rose Festival.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

93-100 Tannis Koskela, on behalf of the Welland Festival of Arts - use of Welland Historical Museum for the "**Annual Kids Arts Day**" event.

94-102

97-35 Dir. of Operational Services G. Marcello - Amendment to Waterworks By-law 10894., Schedule "B", Water Consumption Fees for Hydrant Use Permit.

98-46 David J. Payne, P. Eng., Assistant Dir., Solid Waste Mgt. Division, Regional Mun. of Niagara and Solid Waste Mgt. staff - PowerPoint presentation on the Economic Assessment of Interim

98-62 Dir. of Development Services T. Fitzpatrick - Laying and establishing certain 0.3 metre blocks/reserves as part of Daimler Parkway.

98-62A By-law to layout, establish and assume as a public highway and to dedicate and name Blocks 154 and 156, Plan 59M-269, and Part of Block 160, Plan 59M-269 being Part 1 on Plan 59R-11358, and Part of Block 159, Plan 59M-269, being Part 2 on Plan 59R-11358, in the City of Welland, as part of Daimler Parkway (St. Andrews Terrace Subdivision).

2000-31

01-31 Dir. of Community Services I. Smith - Chippawa Park Play Equipment.

2000-69 Draft Plan of Subdivision - Clare Avenue Estates - proposed transfer of land to the City for storm water control purposes.

2000-69 A By-law to accept conveyance of Part 3 on Plan 59R-____ and to accept easements over Parts 2 and 5 on Plan 59R____, for storm water management purposes, being lands located on the west side of Clare Avenue, north of Thorold Road (Clare Avenue Estates Subdivision).

01-1 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 15th day of May, 2001.

01-3 Percy D. McNabbe, Agricultural Dir., District #14, Ontario Association of Agricultural Societies - requesting permission sell raffle tickets in the City of Welland

01-4 Budget Variance Analysis as of March 30, 2001.

01-6 Suzanne Mason, Dir. of Mgt. and Prevention - video presentation and request for declaration - "Brain Injury Awareness Month" for the month of June.

01-7 Acting City Treas. B. Silvestri - Accounts Payable Report - Summary - April 25 - May 8, 2001.

01-9 Patricia F. Wheaton - request for installation of street light at the intersection of Moyer Road and Carl Road.

01-20 Robert Roy, Captain, Welland Volunteer Fire Co. # 4 - requesting Special Occasion Permit for barbecue and outdoor dance.

01-20 Kevin R. Nash, Chrmn., Welland Volunteer Fire Co. #1 - requesting Special Occasion Permit for the Niagara District Firefighters Convention.

01-20 J.C. Mariage - requesting Special Occasion Permit for the "**St. Jean Baptiste Festival**".

01-21 Allen Worozbyt - requesting permission to hold "**The Great Lake to Lake Classic**" a mountain bike event.

01-21 Cheryl Stefan - requesting permission to hold the Zellers Annual Moonwalk.

01-21 Angela Carter, District Co-ordin., Easter Seal Society - "**Portage for Easter Seal Kids**" fundraising event.

01-22 Margaret Vos - requesting "No Parking" on the south side of St. George Park in front of the play centre.

01-28 Angela Carter - presentation re Partners in Pride, update on the progress of the initiative.

01-29

01-89 Council Chamber Relocation

01-53 Stephen Butz, C.E.O., Family YMCA - update on the progress of the proposed new YMCA project.

01-62 A By-law to authorize the acceptance of tenders with Welland Paving Company for the supply of hot mix asphalt materials, and GH Company for premium cold mix asphalt material and if required, Hard Rock Paving for the supply of course blend cold mix.

- 01-65** Dir. of Operational Services G. Marcello - Street Sweeping Contract Projected Over-expenditure.
- 01-67** A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Limited Emulsion Division for the supply and application of road surface treatment materials.
- 01-73** A By-law to authorize the entering into a contract with Volsci Construction Co. Inc. for the replacement of watermain on Lincoln Street from Empress Avenue to Memorial Park Drive.
- 01-76** A By-law to authorize the entering into a contract with DeRose Bros. General Contracting Ltd. for the Sanitary Service Lateral Replacement Program 2001.
- 01-90** A By-law to authorize the acceptance of tender and entering into a contract with Niagara Commercial Contracting for weed cutting within the City of Welland.
- 01-95** Removal and replacement of entrance stairs at City Hall by A. Poulin Construction Ltd.
- 01-96** Proposed General Policy for By-law Enforcement.
- 01-97** Special Agreement - condition related to decision of Committee of Adjustment - Joseph Tirone - 600 & 606 First Avenue.
- 01-97** A By-law to authorize the entering into an Agreement with Joseph Tirone regarding regulation of a gas well on lands known municipally as 606 First Avenue, Welland (Part 1, Plan 59R-11337).
- 01-98** Vince Turner, owner of Blue Door Cafe & Grill, 238 East Main St. - permission for outdoor patio.
- 01-99** Dorothy & Dennis Hall (1068906 Ontario Ltd.), owners of premises known as "The Bridge Pub and Eatery" - patio encroachment.
- 01-99** Douglas R. Thomas, Solicitor on behalf of Dorothy and Dennis Hall - regarding encroachment agreement / non-conforming use for 25 West Main Street, known as "The Bridge Pub and Eatery".
- 01-100** Ghislain Bourget - requesting construction of curbs on Empress Avenue - from Lincoln Street to Harrison Street.
- 01-101** Region Niagara - proposal to repaint Division St. from King St. to Hellems Ave.
- 01-103** Dir. of Community Services I. Smith - Adopt a Road/Park Program.

01-1 Moved by Eybel and Dzugan that the Minutes of the Regular Council Meeting of May 1, 2001 be and the same are hereby approved and adopted as circulated.

CARRIED

93-100 Moved by Grenier and Irvine that Welland City Council has no objection to the request from the Welland Historical Museum on behalf of the Welland Festival of Arts regarding the use of the grounds surrounding the Museum building for "Kids Arts Day" on June 9, 2001.

CARRIED

94-102

97-35 Moved by O'Dell and Fortier that the matter of the amendment to Waterworks By-law 10894, Schedule "B" for Hydrant Use Permits be referred to the June 5th Regular Council Meeting.

LOST

94-102

97-35 Moved by Mastroianni and Dzugan that Council amend Waterworks By-law #10894, Schedule "B" for Hydrant Use Permits to reflect the current meter rate, based on actual consumption, to a fixed consumption rate of \$319.00 per year per Hydrant Use Permit.

CARRIED**98-46**

Moved by Grenier and Irvine that the presentation by David J. Payne, Assistant Director and Jeanine Ralph, Manager of Policy and Planning, Solid Waste Management Division; and Katharine Habermebl, Manager, Collection & Diversion, Regional Niagara, regarding the Economic Assessment of Interim Disposal Capacity and the proposed schedule for the Humberstone Landfill, be received for information.

CARRIED**98-62**

Moved by Irvine and Belcastro

1. That Blocks 154 and 156, Registered Plan 59M-269 be dedicated as a public highway and named Daimler Parkway;
2. That part of Block 160, Registered Plan 59M-269 shown as Part 1 on Plan 59R-11358 be dedicated as a public highway and named Daimler Parkway; and
3. That part of Block 159, Registered Plan 59M-269 designated as Part 2 on Plan 59R-11358 be dedicated as a public highway and named Daimler Parkway.

CARRIED**2000-22**

Moved by Alakas and Dmytrow-Bilboe that the Regional Municipality of Niagara be urged to proceed with the installation of traffic signals at the intersection of Woodlawn Road and South Pelham Road as a part of the said intersection improvements scheduled for the year 2001 **"due to the existing hazardous traffic condition"**; and

That the Region report on the status of this project to Welland City Council for the June 5th, 2001 Council Meeting.

CARRIED**2000-31**

01-31 Moved by Irvine and Mastroianni that Report CSD-01-14 regarding Chippawa Park Play Equipment, be received for information.

CARRIED**2000-69**

Moved by Mastroianni and Dzugan

1. That Council agrees to accept land shown as Part 3 on the sketch attached to Report DSD-2001-34 for storm water management purposes at no cost to the City of Welland;
2. That Mr. Policella will be responsible for all construction costs/works associated with the storm water management facility;
3. That Council agrees to accept the necessary easements over Parts 2 and 5 on the sketch attached to Report DSD-2001-34 for storm water management purposes at no cost to the City of Welland; and
4. That Staff be authorized to prepare the necessary By-laws.

CARRIED

01-3 Moved by Grenier and Irvine that permission is hereby granted to the Ontario Association of Agricultural Societies to sell lottery tickets in the City of Welland under authority of Lottery License #M238062, subject to the receipt of a \$25.00 administration fee for processing of this request.

CARRIED

01-4 Moved by Grenier and Irvine that the March 2001 Budget Variance Analysis Report be received for information.

CARRIED

01-6 Moved by Mastroianni and Alakas that the video presentation by Suzanne Mason, Director of Management and Prevention, Head Injury Association, be received for information; and That the Mayor declare the month of June as "Brain Injury Awareness Month" in the City of Welland.

CARRIED

01-7 Moved by Grenier and Irvine that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	25-Apr-01	\$ 304,015.54
2	26-Apr-01	64,996.21
3	27-Apr-01	100.00
4	30-Apr-01	142,189.51
5	01-May-01	132,580.62
6	02-May-01	8,878.05
7	03-May-01	410,701.98
8	04-May-01	1,655.08
9	07-May-01	25,161.58
10	08-May-01	<u>47,271.68</u>

Total **\$1,137,550.25**

CARRIED

01-9 Moved by Grenier and Irvine that the letter from Patricia F. Wheaton requesting the installation of a street light at the intersection of Moyer Road and Carl Road, be received and referred to Operational Services staff for study and review.

CARRIED

01-20 Moved by Grenier and Irvine that Welland City Council has no objection to the issuance of a Special Occasion Permit to Club Social to hold the "**St. Jean Baptiste Festival**" on June 23 and 24, 2001 at Club Social and designates the event as a community festival.

CARRIED

01-20 Moved by Grenier and Irvine that Welland City Council has no objection to the issuance of a Special Occasion Permit to Welland Volunteer Fire Co. #1 for the Niagara District Firefighters Convention to be held at the fairgrounds, Niagara Street on June 8 and 9, 2001.

CARRIED

01-20 Moved by Grenier and Irvine that Welland City Council has no objection to the issuance of a Special Occasion Permit to the Welland Volunteer Fire Co.#4 for the annual barbecue and outdoor dance to be held at Fire Hall #4, Schisler Road, on June 2, 2001.

CARRIED

01-20

01-27 Moved by Grenier and Irvine that Welland City Council has no objection to the issuance of Special Occasion Permits to the Welland Rose Festival Inc. for events to be held during the month of June, as outlined in the Rose Festival President's letter dated May 12, 2001 and designates the events as community festivals.

CARRIED

01-21 Moved by Grenier and Irvine that Welland City Council approve the application of Zellers 332 to hold the "**Annual Moonwalk**" on behalf of Cystic Fibrosis, on Sunday, May 27, 2001 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

01-21 Moved by Grenier and Irvine that Welland City Council approve the application of the St. Catharines Cycling Club to hold "**The Great Lake to Lake Classic**", a mountain bike event on Saturday, May 19, 2001 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

01-21 Moved by Grenier and Irvine that the letter from Angela Carter, District Co-ordinator, Easter Seal Society, requesting permission to hold the "**Portage for Easter Seal Kids**" fundraising event on Friday, June 22, 2001 be received and referred to Operational Services staff for study and review.

CARRIED

01-22 Moved by O'Dell and Eybel that the letter from Margaret Vos, 408 St. George Park requesting "No Parking" on the south side of St. George Park in front of the play centre, be approved; and That the City Solicitor be instructed to prepare the necessary By-law.

CARRIED

01-28 Moved by Grenier and Irvine that the presentation by Mark Holmes, Welland resident and Nancy Croce, General Manager of Tourism of Welland Niagara (T.O.W.N.) regarding the initiative of Partners in Pride, be received for information.

CARRIED

01-29

01-89 Moved by Grenier and Irvine that effective September 1, 2001 that City Council and General Committee Meetings be held at 160 Dain Avenue.

CARRIED

01-53 Moved by Grenier and Irvine that the presentation by YMCA Chief Executive Officer Stephen Butz regarding the progress of the proposed new YMCA project, be received for information.

CARRIED

01-65 Moved by Eybel and Belcastro that Report ENG-2001-20 regarding Street Sweeping Contract Projected Overexpenditure, be received for information.

CARRIED

01-67 Moved by Grenier and Irvine that Council accept the tenders of Norjohn Limited Emulsion Division for the supply of RS1 or HF150S Asphalt Emulsion at the quoted price of \$19,750.00, as this was the lowest of the two (2) quotations submitted.

CARRIED

01-95 Moved by Grenier and Irvine that Council approve the quote from A. Poulin Construction Ltd., Welland in the amount of \$7,500.00 for the removal and replacement of the entrance stairs to the present City Hall. Work will begin immediately. Funding for the project shall be from the Community Services Budget - Building Provision fund.

CARRIED

01-96 Moved by Grenier and Irvine that the General Policy for By-law Enforcement be referred to a General Committee meeting in June.

CARRIED

01-97 Moved by Grenier and Irvine

1. That Council authorize the execution of an Agreement between Joseph Tirone and the City of Welland concerning the regulation of a gas well on lands known municipally as 606 First Avenue (Part 1, Plan 59R-11337); and
2. That Staff be authorized to prepare the necessary By-law.

CARRIED

01-98 Moved by Grenier and Irvine that Council advise the Owner and the Niagara Region that it has no objection to the establishment of an outdoor patio for The Blue Door Café and Grill at 238 East Main Street provided the Owner obtain the appropriate legal approvals from the Niagara Region.

CARRIED

01-99 Moved by Dmytrow-Bilboe and Irvine that the presentation by Mr. D. Thomas, Solicitor, on behalf of Dorothy and Dennis Hall (1068906 Ontario Ltd.), owners of the premises known as "The Bridge Pub and Eatery", 25 West Main Street, regarding the existing patio encroachment, be received for information.

CARRIED

01-99 Moved by Dmytrow-Bilboe and Irvine that the request from Mr. D. Thomas, Solicitor for Dorothy & Dennis Hall, respecting the Bridge Pub & Eatery, 25 West Main Street, be referred to staff for study and review; and

That in the interim, Mr. Thomas be advised that the City of Welland is prepared to enter into an encroachment agreement/pleasure lease respecting the deck which is encroaching onto City owned lands subject to the negotiation of an annual lease rate and other normal requirements concerning insurance and indemnification.

CARRIED

01-100 Moved by Grenier and Irvine that the letter from Mr. Ghislain Bourget requesting the construction of curbs on Empress Avenue from Lincoln Street to Harrison Street, be received and referred to Operational Services staff for study and review and report to General Committee on June 12, 2001.

CARRIED

01-101 Moved by Grenier and Irvine that the Region of Niagara be advised that the City of Welland has no adverse comments to the Region's proposal to repaint Division Street from King Street to Helles Avenue as a two-lane roadway.

CARRIED

01-103 Moved by Grenier and Irvine that a Committee be established to design and implement a City of Welland Adopt a Road/ Park program. The Committee will be made up of the one Member of Council, Director of Community Services, Health and Safety Officer, Parks Foreman, Roads Foreman and a representative of Local 523, CAW.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

01-12 Moved by Mastroianni and Beaudoin that Councillor Mark Dzugan be appointed as Acting Vice Mayor from May 24 - 28, 2001.

CARRIED

01-102 Moved by Eybel and Dmytrow-Bilboe that Council approve and adopt the "**City of Welland Overtime Policy**" as follows:

1. All staff should recognize that overtime must be limited to the provision of essential services.
2. Staff should be encouraged to take any overtime earned as lieu time within the limitations of any collective agreements, employment policies, and/or employment standard legislation and procedures. Lieu time should be taken at mutually agreeable times which will not negatively affect departmental operations.
3. Approval of overtime will rest with the individual department heads or their designated supervisors, and regular quarterly reporting of all overtime with explanatory notes by each department will be required.
4. As a general principle, overtime required for any special services provided should be on a cost recovery basis.
5. Overtime related to the inspection of Public Works construction projects undertaken by the City of Welland will be paid by the successful contractor for each project.
6. Overtime related to the inspection of waterworks by the City of Welland's inspector for the development of privately owned lands (i.e. new subdivisions) shall be paid by the developer, or, if for any reason the City's waterworks inspector is not available, said overtime inspection shall be performed by the inspector provided by the consulting engineer retained and paid for by the developer, and the said consulting engineer shall certify any work done outside of normal working hours.
7. Overtime related to sewer rodding calls would be restricted to one staff member on an "ON CALL" basis to deal with temporary clearing of any blockage with permanent clearing, etc., to be done during regular working hours; and further

That this Policy be incorporated into the City of Welland Municipal Policy Handbook.

CARRIED

BY-LAWS ARISING FROM COMMITTEE-OF-THE-WHOLE

BY-LAW PRESENTED FOR FIRST READING:

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

01-12

BYL 2001-60

A By-law to appoint Dan Fortier as Vice-Mayor for the six (6) month term of office commencing June 1st, 2001 and ending November 30th, 2001.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Mastroianni and Beaudoin that the By-law listed in the foregoing motion for first reading, 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

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

01-97

BYL 2001-61

A By-law to authorize the entering into an Agreement with Joseph Tirone regarding regulation of a gas well on lands known municipally as 606 First Avenue, Welland (Part 1, Plan 59R-11337).

01-62

BYL 2001-62

A By-law to authorize the acceptance of tenders with Welland Paving Company for the supply of hot mix asphalt materials, and GH Company for premium cold mix asphalt material and if required, Hard Rock Paving for the supply of course blend cold mix.

...Continued...

BY-LAWS PRESENTED FOR FIRST READING...Cont'd.**01-67**

BYL 2001-63

A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Limited Emulsion Division for the supply and application of road surface treatment materials.

01-73

BYL 2001-64

A By-law to authorize the entering into a contract with Volsci Construction Co. Inc. for the replacement of watermain on Lincoln Street from Empress Avenue to Memorial Park Drive.

01-76

BYL 2001-65

A By-law to authorize the entering into a contract with DeRose Bros. General Contracting Ltd. for the Sanitary Service Lateral Replacement Program 2001.

01-90

BYL 2001-66

A By-law to authorize the acceptance of tender and entering into a contract with Niagara Commercial Contracting for weed cutting within the City of Welland.

2000-69

BYL 2001-67

A By-law to accept conveyance of Part 3 on Plan 59R-_____ and to accept easements over Parts 2 and 5 on Plan 59R-_____, for storm water management purposes, being lands located on the east side of South Pelham Road, north of Thorold Road.

98-62

BYL 2001-68

A By-law to layout, establish and assume as a public highway and to dedicate and name Blocks 154 and 156, Plan 59M-269, and Part of Block 160, Plan 59M-269 being Part 1 on Plan 59R-11358, and Part of Block 159, Plan 59M-269, being Part 2 on Plan 59R-11358, in the City of Welland, as part of Daimler Parkway (St. Andrews Terrace Subdivision).

01-1

BYL 2001-58

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 15th day of May, 2001.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Belcastro and Eybel 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

NOTICE OF MOTION

In accordance with By-law 9972 as amended by By-law 2001-2 passed on January 16th, 2001, Councillor(s) must submit their Notice of Motion(s) in writing no later than Wednesday, May 30, 2001 for inclusion on the next Regular Council Meeting Agenda .

Council adjourned at 10:55 p.m.

These Minutes approved and adopted by Motion of Council this 5th day of June, 2001.

MAYOR

CLERK