



## **COUNCIL MEETING, SEPTEMBER 4, 2001**

### **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 9:25 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 (6:50 p.m.), 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:**

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

Environmental Services Engineer D. Cook

Director of Development Services & Acting CAO T. Fitzpatrick

Fire Chief P. Olah

Director of Operational Services G. Marcello (6:50 p.m.)

Community Services Director I. Smith (7:45 p.m.)

Acting City Treasurer B. Silvestri

Assistant Clerk D. Vettori

**01-25** Moved by Alakas and Mastroianni 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) personal matters about an identifiable individual, including municipal employees.

**CARRIED**

**01-25** Moved by Mastroianni and Alakas that the Committee-of-the-Whole arise from its closed meeting at 7:10 p.m.

**CARRIED**

**DELEGATION:**

**01-06** Serge Blais, President and Joe Bertoni, Past President, Welland Minor Hockey Association addressed Council requesting Council to declare the "Year of the Tiger, the Welland Minor Hockey Tiger" in connection with the 50<sup>th</sup> Anniversary of the Welland Minor Hockey Association.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

**92-168** Matter of outstanding financial issues - South Niagara Rowing Club.

**94-172** Dir. of Development Services T. Fitzpatrick - Proposed Subdivider's Agreement with Langendoen Homes Ltd. - Willow Landing Subdivision (File No. 26T-94011) - east side of Lancaster Drive, south of Jefferson Court East.

**94-172** A By-law to authorize the signing of a Subdivider's Agreement with Langendoen Homes Ltd. with respect to the Development of Willow Landing Subdivision.

**94-172** A By-law to accept the transfer of certain 0.3 metre reserves and lands for public purposes from Langendoen Homes Ltd. to the Corporation of the City of Welland in the Willow Landing Subdivision (File 26T-94011)

**94-172** A By-law to accept the transfer of an easement(s) for storm sewers from Langendoen Homes Ltd. to the Corporation of the City of Welland in the Willow Landing Subdivision.

**99-110** Dir. of Development Services T. Fitzpatrick - Canal Trail Final Routing - Smith St./Chippawa.

**99-110** A By-law to authorize the installation of pedestrian activated signals at certain roadway crossings of the Welland Canal Multi-Use Trail (West Side Trail), in conjunction with the Regional Municipality of Niagara.

**99-140** Request for a planning study of North Welland in order to extend the northerly boundary of the City's urban area.

**2000-83** Lot grading & drainage for subdivisions.

**2000-108** Cost estimate for removal of current ditches & reconstruction of Thorold Rd. from Rice Road to South Pelham.

**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 4<sup>th</sup> day of September, 2001.

**01-3** Bob Robert, Executive Dir., Ontario Provincial Committee - requesting permission sell lottery tickets.

**01-6** Joe Bertoni, Welland Minor Hockey Association - request for declaration - "Year of Welland Minor Hockey" in connection with 50<sup>th</sup> Anniversary.

- 01-7** Acting City Treas. B. Silvestri - Accounts Payable Report Aug. 9-23, 2001.
- 01-9** Mr. & Mrs. Brown - request for street light installation at Biggar and Moyer Roads intersection.
- 01-13** Dir. of Operational Services G. Marcello - Sale of two - 1973 used 35' GM Transit Buses.
- 01-20** Ted Serafini, Chair, Tourism of Welland Niagara - requesting permission for the following : Special Occasion Permit September 29 & 30, 2001; a fireworks display; and temporary street closures during the "***Niagara Food Festival***".
- 01-138** Joan Schaubel, Organizer, Terry Fox Run for Cancer Research - requesting permission to hold the Terry Fox Run on Merritt Island and to waive the required \$15.00 fee.
- 01-21** Dir. of Operational Services G. Marcello - Reconsideration of Council Amendments to Schedule 'X' and 'C' - Establishment to school zone - Ecole Nouvel Horizon - 621 Quaker Road.
- 01-22** A By-law to amend Schedules "C" and "X" of By-law 89-2000, being a By-law regulating traffic and parking on City streets.
- 01-22** A By-law to authorize the installation of a pedestrian activated signal on King Street between Regent Street and State Street, in conjunction with the Regional Municipality of Niagara.
- 01-22** A By-law to authorize the replacement of the traffic signal at the intersection of King Street and Ontario Road, in conjunction with the Regional Municipality of Niagara.
- 01-32** Welland Arenas - Demand Study for the Present and Future Use of Ice Time.
- 01-38** Dir. of Operational Services G. Marcello - Award of Tender - Northbank Interceptor Storm Sewer Separation 2001.
- 01-38** A By-law to authorize the entering into a contract with Vic Vatr Contracting Limited for the Northbank Interceptor Storm Sewer Separation 2001 at Westdale Drive and Westmount Crescent.
- 01-104** Dir. of Operational Services G. Marcello - Roadway Resurfacing Program 2001 - Award of Tender.
- 01-104** A By-law to authorize entering into a contract with Hard-Rock Paving Company Limited for the Roadways Resurfacing Program 2001.
- 01-106** A By-law to authorize the entering into a Government Authorized Requester Agreement with Her Majesty the Queen in Right of the Province of Ontario, as represented by the Minister of Transportation, to permit access to driver and vehicle records.
- 01-110** Dir. of Development Services T. Fitzpatrick - Request to Waive Building Permit Fees for the Proposed Children's Safety Village, Niagara College Location.
- 01-129** Dir. of Operational Services G. Marcello - Purchase of Various Fleet Equipment.
- 01-129** A By-law to authorize the acceptance of tender by Archer Truck Centre (Welland) Ltd. for the purchase of one 2002 Cab Chassis.
- 01-130** City Clerk C. Stirtzinger - Teletheatre Betting Operation - Casa Steak and Seafood Restaurant/Lounge.
- 01-137** Andrew L. Burt, Gen. Mgr./Sec.-Treas, Niagara Peninsula Conservation Authority - Municipal Groundwater Studies Program.
- 01-141** Carolyn J. Kett, Town Clerk, Town of Fort Erie regarding elimination of Physiotherapy and other services from OHIP Coverage.
- 01-142** A By-law to authorize the granting of a Limited Easement to Brett Peacock and Shelly Peacock for the purposes of entering upon city-owned green belt area the rear of 104 Whiteoak Crescent to install a private swimming pool.

**01-1** Moved by Dzugan and Mastroianni that the Minutes of the Regular Council Meeting of August 14, 2001 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**92-168** Moved by Eybel and Alakas that the matter of outstanding financial issues with the South Niagara Rowing Club be again referred to staff for study and review.

**CARRIED**

**94-172** Moved by Dmytrow-Bilboe and Belcastro

1. That the City of Welland enter into a Subdivider's Agreement with Langendoen Homes Ltd. with respect to the development of a sixteen (16) lot residential subdivision (Willow Landing) containing 12 semi-detached residential dwelling units and 54 street townhouse units located on the east side of Lancaster Drive, south of Jefferson Court East (File 26T-94011);
2. That the Mayor and Clerk be pre-authorized to execute all necessary documents associated with the Subdivision;
3. 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; and
4. That Staff be authorized to prepare the necessary By-laws.

**CARRIED**

**99-99** Moved by Mastroianni and Spadafora that Council authorize staff to open the tenders for the electrical work on Merritt Island and report to Council.

**CARRIED**

**99-110** Moved by O'Dell and Beaudoin that Report DSD 2001-80 regarding the Canal Trail Final Routing - Smith Street/Chippawa Street be referred to the September 11th, 2001 General Committee Meeting.

**CARRIED**

**99-140** Moved by Eybel and Alakas that the request from Richard F. Brady of Brady and Associates requesting the initiation of a planning study of North Welland in order to extend the northerly boundary of the City of Welland's urban area, be again referred to Development Services staff for study and review.

**CARRIED**

**2000-83** Moved by Eybel and Alakas 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**

**2000-108** Moved by Eybel and Alakas that staff be again requested to provide a cost estimate for the removal of the current ditches and reconstruction of Thorold Road from Rice Road to South Pelham Road.

**CARRIED**

**01-3** Moved by Spadafora and Eybel that permission is hereby granted to the Air Cadet League of Canada, 79th Squadron to sell lottery tickets in the City of Welland under authority of Lottery License P011201, subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

**01-6** Moved by Alakas and Eybel that the presentation by Serge Blais, President, Welland Minor Hockey Association regarding the 50th Anniversary activities, be received for information; and That the Mayor declare the upcoming 2001/2002 hockey season as the **"Year of the Tiger, the Welland Minor Hockey Tiger"**.

**CARRIED  
UNANIMOUSLY**

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

1	09-Aug-01	\$	48,053.02
2	10-Aug-01		3,010,736.13
3	13-Aug-01		1,119,738.85
4	14-Aug-01		306,480.40
5	16-Aug-01		69,004.65
6	17-Aug-01		69,119.51
7	21-Aug-01		314,287.72
8	22-Aug-01		136,125.12
9	23-Aug-01		<u>37,639.41</u>
<b>Total</b>		<b>\$</b>	<b>5,111,184.81</b>

**CARRIED**

**01-9** Moved by Spadafora and Eybel that the letter from Mr. and Mrs. Brown requesting street light installation at the intersection of Biggar and Moyer Roads, be received and referred to Operational Services staff for study and review.

**CARRIED**

**01-13** Moved by Spadafora and O'Dell

1. That Council accept the bid offer from the City of Woodstock-Transit Services for the two (2) Welland Transit Buses (Units #121 and #124) at a combined bid of \$21,500.00 plus applicable taxes; and
2. That Treasury Staff be instructed to direct the bid amount of \$21,500.00 into a reserve fund.

**CARRIED**

**01-20**

**01-21**

**01-138** Moved by Spadafora and Eybel that Welland City Council has no objection to the issuance of a Special Occasion Permit to Tourism of Welland Niagara for the **"Niagara Food Festival"** to be held at Merritt Island on Saturday, September 29 and Sunday, September 30, 2001 and designates this event as a Community Festival subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits; and

That subject to the supervision of the event by a properly licensed person, permission is hereby granted to Tourism of Welland Niagara to hold a fireworks display on Saturday, September 29, 2001 as part of the **"Niagara Food Festival"**; and

That staff ensure all fireworks used are not manufactured using child labour; and

...Continued...

**01-20****01-21****01-138...Cont'd.**

That the request for temporary street closures during the ***"Niagara Food Festival"*** be received and referred to Operational Services staff for study and review; and further

That the City Solicitor be instructed to incorporate the above approvals into the Agreement with Tourism of Welland Niagara for the ***"Niagara Food Festival"***.

**CARRIED****01-21**

Moved by Dmytrow-Bilboe and Eybel that Welland City Council approve the application for The Terry Fox Run to be held on September 16, 2001 subject to the applicant's completion of all conditions of the Policy of Street Use for Community Activities.

**CARRIED****01-22**

Moved by Spadafora and Eybel that Council consider rescinding Item 1 of Resolution 01-22 passed on August 14, 2001, relative to the creation a 'School Zone' on Quaker Road, and replacing same with the following:

1. That the City Solicitor be requested to prepare a by-law to amend schedule 'X' of By-law 89-2000 Speed Limits 40Km/hr in school zones by adding:

<b>COLUMN 1 HIGHWAY</b>	<b>COLUMN 2 FROM</b>	<b>COLUMN 3 TO</b>	<b>COLUMN 4 DAYS</b>	<b>COLUMN 5 TIMES</b>
Quaker Road	Kaywood Crt.	60m east of Montgomery Rd.	Monday to Friday	8:00 a.m. to 5:00 p.m.

**CARRIED****01-32**

Moved by Eybel and Alakas that the matter of a ***"Demand Study for the Present and Future Use of Ice Time at the Welland Arenas"***, be referred to staff for further review and report to the Arena Committee and to Council within one month.

**CARRIED****01-38**

Moved by Spadafora and Dzugan that Council accepts the tender of Vic Vatr Contracting Limited for the Northbank Interceptor Storm Sewer Separation 2001 at Westdale Drive and Westmount Crescent;

That the estimated construction cost based on the low tender, in the amount of \$214,425.80 plus G.S.T., be funded from the allocated \$300,000.00 in the 2001 Storm Sewer Capital Budget;

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 a tender price of \$214,425.80 plus G.S.T.

**CARRIED****01-104**

Moved by O'Dell and Dmytrow-Bilboe that the Roadway Resurfacing Program 2001 be referred to the September 11, 2001 General Committee Meeting.

**CARRIED**

**01-110** Moved by Spadafora and Eybel that the request from the Niagara Region Children's Safety Village for relief from the building permit fee paid on August 13, 2001 be received and filed.

**CARRIED**

**01-129** Moved by Eybel and Beaudoin that Report ENG 2001-47 regarding various Fleet Equipment be received for information.

**CARRIED**

**01-130** Moved by Grenier and Alakas that Report CLK 2001-17, Teletheatre Betting Operation - Casa Steak and Seafood Restaurant/Lounge, be referred to the September 18<sup>th</sup> Council Meeting.

**CARRIED**

**01-137** Moved by Spadafora and Eybel that Council support the request from the Niagara Peninsula Conservation Authority regarding the development of an initiative by the Ministry of the Environment for a Municipal Groundwater Studies Program; and  
That the Clerk advise the proper authorities accordingly.

**CARRIED**

**01-141** Moved by Spadafora and Eybel that Welland City Council support and endorse the resolution from the Town of Fort Erie to petition the Minister of Health to re-examine and identify the reasons for the elimination of physiotherapy services, diagnostic hearing tests and dermatology services from OHIP coverage; and  
That the City Clerk advise the proper authorities accordingly.

**CARRIED**

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

**01-10**

**01-12** Moved by Irvine and Alakas that the following Councillors be appointed to serve as Chairs of the Standing Committees as indicated below:

- **Community Services Chair:**

September 1, 2001 to August 31, 2002 - Councillor John Irvine

- **Corporate Services Chair:**

September 1, 2001 to August 30, 2002 - Councillor Dan Fortier

- **Operational Services Chair:**

September 1, 2001 to August 31, 2002 - Councillor Dan Beaudoin; and

That the following Councillors be appointed to serve as Vice Mayor for the periods indicated below:

- December 1, 2001 to February 28<sup>th</sup>, 2002 - Councillor Mark Dzugan

- March 1, 2002 to May 31, 2002 - Councillor Toni Eybel

- June 1, 2002 to August 31, 2002 - Councillor John Mastroianni

- September 1, 2002 to November 30, 2002 - Councillor Mike Belcastro; and

That the City Solicitor be directed to prepare the necessary By-law.

**CARRIED**

**01-139** Moved by Dzugan and Eybel

1. That the City of Welland provide Ontario Building Code Inspection Services to the City of Port Colborne on September 21, and September 24-28, 2001 at a fee of \$50.00/hour and a Letter-of-Understanding be signed by the Director of Development Services on behalf of the City of Welland to confirm the agreement.
2. That the City Solicitor prepare an agreement to be used in future similar circumstances where the City chooses to contract its services to another municipality or agency.

**CARRIED****BY-LAW ARISING FROM COMMITTEE-OF-THE-WHOLE****BY-LAW PRESENTED FOR FIRST READING:**

1. Moved by Fortier and O'Dell that leave now be given to introduce the following proposed By-law entitled:

**01-143**

BYL 2001-115

A By-law to amend By-law 7718, being a By-law establishing a Local Architectural Conservation Advisory Committee and providing for the appointment of members thereto.

And that the same be now read a first time.

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

2. Moved by Fortier and O'Dell 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 Beaudoin and Eybel that leave now be given to introduce the following proposed By-laws entitled:

**01-22**

BYL 2001-114

A By-law to amend Schedules "C" and "X" of By-law 89-2000, being a By-law regulating Traffic and Parking on City Streets.

...Continued...

**BY-LAWS PRESENTED FOR FIRST READING...Cont'd.****01-106**

BYL 2001-116

A By-law to authorize the entering into a Government Authorized Requester Agreement with her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation, to permit access to driver and vehicle records.

**01-129**

BYL 2001-117

A By-law to authorize the acceptance of tender by Archer Truck Centre (Welland) Ltd. for the purchase of one 2002 Cab Chassis.

**99-110**

BYL 2001-118

A By-law to authorize the installation of pedestrian activated signals at certain roadway crossings of the Welland Canal Multi-Use Trail (West Side Trail), in conjunction with the Regional Municipality of Niagara.

**01-22**

BYL 2001-119

A By-law to authorize the installation of a pedestrian activated signal on King Street between Regent Street and State Street, in conjunction with the Regional Municipality of Niagara.

**01-22**

BYL 2001-120

A By-law to authorize the replacement of the Traffic Signal at the Intersection of King Street and Ontario Road, in conjunction with the Regional Municipality of Niagara.

**94-172**

BYL 2001-122

A By-law to authorize the signing of a Subdivider's Agreement with Langendoen Homes Ltd. with respect to the Development of Willow Landing Subdivision.

**94-172**

BYL 2001-123

A By-law being a By-law to accept the transfer of certain 0.3 metre reserves and lands for public purposes from Langendoen Homes Ltd. to the Corporation of the City of Welland in the Willow Landing Subdivision (File 26T-94011)

**94-172**

BYL 2001-124

A By-law to accept the transfer of an easement(s) for storm sewers from Langendoen Homes Ltd. to the Corporation of the City of Welland in the Willow Landing Subdivision.

**01-142**

BYL 2001-125

A By-law to authorize the Granting of a Limited Easement to Brett Peacock and Shelly Peacock for the purposes of entering upon city-owned green belt area at the rear of 104 Whiteoak Crescent to install private swimming pool.

...Continued...

**BY-LAWS PRESENTED FOR FIRST READING...Cont'd.****01-38**

BYL 2001-126

A By-law to authorize the entering into a contract with Vic Vatrt Contracting Limited for the Northbank Interceptor Storm Sewer Separation 2001 at Westdale Drive and Westmount Crescent.

**01-1**

BYL 2001-127

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 4th day of September, 2001.

And that the same be now read a first time.

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

4. Moved by Beaudoin 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**

**01-25** Moved by Alakas and Mastroianni that Council meet in Committee-of-the-Whole, closed to the public at 9:25 p.m. to consider:

a) the security of the property of the municipality.

**CARRIED**

**01-25** Moved by Alakas and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 9:40 p.m. without report.

**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, September 12, 2001 for inclusion on the next Regular Council Meeting Agenda .

Council adjourned at 9:40 p.m.

These Minutes approved and adopted by Motion of Council this 18<sup>th</sup> day of September, 2001.

---

**MAYOR**


---

**CLERK**

