



COUNCIL MEETING, NOVEMBER 6, 2001

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 7:05 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 D. Beaudoin, M. Belcastro, N. Dmytrow-Bilboe, M. Dzugan, T. Eybel, D. Fortier (7:10 p.m.), J. Mastroianni, S. O'Dell and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

Director of Development Services & Acting CAO T. Fitzpatrick

Fire Chief P. Olah

Director of Operational Services G. Marcello

Acting City Treasurer B. Silvestri

Assistant Clerk D. Vettori

Engineering Services Co-ordinator L. Ventresca (7:45 p.m.)

Recreation Supervisor R. Morwald (7:45 p.m.)

01-25 Moved by Mastroianni and Beaudoin that Council meet in Committee-of-the-Whole, closed to the public at 7:05 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

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

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

CARRIED

DISCLOSURE OF INTEREST:

Councillor Mastroianni disclosed an interest in Ref. Nos. 96-85/2000-115/01-109/01-157 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is an adjoining property owner to the subject surplus property on Colbeck Drive.

Councillor Dmytrow-Bilboe disclosed an interest in Ref. No. 97-49 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as she is an employee of the Niagara Health System.

Mayor Forster disclosed an interest in Ref. No. 97-49 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as she is an employee of the Ontario Nurses' Association which represents the nurses employed by the Niagara Health System. Mayor Forster vacated the Chair for this issue and Councillor O'Dell assumed the Chair.

Councillor Fortier disclosed an interest in Ref. No. 97-49 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his wife is employed by the Niagara Health System.

DELEGATIONS:

01-28 Mr. Ted Serafini, Chair, Tourism of Welland Niagara presented a framed poster to Mayor Forster in recognition of the 2001 Niagara Food Festival.

01-154 Mr. Wayne Ettinger, President, Trillium Railway Co. Ltd. and Mr. William Law, Canadian Pacific Railway Police Officer addressed Council regarding Crime and Trespass Prevention Design Guidelines on railway property.

01-163 Mr. Jack O'Neill, Chair, Niagara Gatekeepers Program and Phyllis Pelette, Case Worker, Senior Community Centre showed a video and addressed Council regarding the Niagara Gatekeepers Program providing assistance to seniors.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

- 01-28** Letter from Janet C. Booth, C.E.O., Welland Public Library requesting to address Council at the November 20th Council Meeting regarding the Welland Public Library 2000 Annual Report and to update Council on the development of the Local History Digital site of the Welland Canals and being awarded the Angus Mowat Award of Excellence from the Ministry Tourism, Culture and Recreation for this project.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 95-175** Matter of consolidation of local governments in Niagara into one level of municipal government.
- 96-119** Dir. of Development Services T. Fitzpatrick - Niagara Centre Developments Subdivision (File 26T-14-97003) - request for extension to Draft Approval.
- 97-49** Matter of the proposed closure of hospital operating rooms in Fort Erie and Port Colborne.
- 97-123**
- 01-31** Petitions requesting playground construction in the Meadows Subdivision.
- 97-156** Dir. of Operational Services G. Marcello - Sewage Environmental Assessment Study - Phase 3 and 4.
- 99-62**
- 01-22** Dir. of Development Services T. Fitzpatrick - Pleasure Lease with St. Andrew's Presbyterian Church.
- 99-62**
- 01-22** A By-law to authorize the entering into a Pleasure Lease Agreement with St. Andrew's Presbyterian Church for City-owned lands in the vicinity of Frazer Street and Maple Avenue.
- 99-99** A By-law to authorize the entering into a Licensing Agreement with the Welland Recreational Canal Corporation.
- 2000-4** Auditor's Report - 2000 Consolidated Financial Report.
- 01-1** 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 23rd and 30th day of October, 2001 and 6th day of November, 2001.
- 01-7** Acting City Treas. B. Silvestri - Accounts Payable Report - Oct. 10 - 30, 2001.eports.
- 01-3** Order of the Sons of Italy - use of bingo proceeds for building fund.
- 01-3** Gerard Bisson - Knights of Columbus Councils 8296, 2146, 10503 requesting to sell lottery tickets in the City of Welland.
- 01-9** Request for street light installation at Moyer and Carl Roads.
- 01-21** Heather Savage, Community Recreation Co-ordin. - on behalf of the Welland Recreation Project Association - requesting permission to hold the Annual Santa Claus Parade.
- 01-22** Review of all aspects of parking and metering in the City of Welland.
- 01-28** Presentation by Mr. Ted Serafini, Chair, Tourism of Welland Niagara to Mayor Forster.
- 01-28** Janet C. Booth, C.E.O., Welland Public Library - Welland Public Library 2000 Annual Report; and update on the development of the Local History Digital site of the Welland Canals and being Awarded the Angus Mowat Award of Excellence from the Ministry Tourism, Culture and Recreation.
- 01-31** Lighting of the East Main Street Bridge.
- 01-89** Dir. of Community Services I. Smith - Request to open two tenders for the HVAC project.
- 01-120** Request from Town of Pelham to appoint an engineer to maintain part of Big Creek Drain in the City of Welland.

- 01-144** A By-law to authorize the entering into a contract with Veritec Solutions to undertake the watermain leak investigation and water usage profiling of the City of Welland Water Distribution Program.
- 01-154** Mr. Wayne Ettinger, President, Trillium Railway Co. Ltd. and Mr. William Law, Canadian Pacific Railway Police Officer - Crime and Trespass Prevention Design Guidelines on railway property.
- 01-155** Update on Niagara Region Communities action on use of pesticides on private/public property.
- 01-162** City Clerk M.T. Toft and Mayor Mel Lastman, City of Toronto - requesting support of City of Toronto's resolution regarding suspension of PST and/or GST by the Provincial and Federal governments.
- 01-163** Mr. Jack O'Neill, Volunteer & Chair, Niagara Gatekeepers and Phyllis Pelette, Case Worker, Senior Community Centre - Niagara Gatekeepers Program - video presentation - working with isolated and vulnerable seniors in the community.

01-1 Moved by Dzugan and Eybel that the Minutes of the Regular Council Meeting of October 16, 2001 and Special Council Meetings of October 23 and 30, 2001 be and the same are hereby approved and adopted as circulated.

CARRIED

95-175 Moved by Dzugan and Dmytrow-Bilboe that the letter from the St. Catharines Chamber of Commerce regarding the consolidation of the local governments in Niagara into one level of municipal government, be again referred to the Governance Committee for study and review.

CARRIED

96-119 Moved by Dzugan and Dmytrow-Bilboe that Council approve an extension to Draft Approval for the Niagara Centre Developments Subdivision (File 26T-14-97003) for one (1) year to October 9, 2002 as requested by Keith M. Cumming.

CARRIED

97-49 Moved by Eybel and Beaudoin that the matter of the proposed closure of the hospital operating rooms in Fort Erie and Port Colborne, be referred for additional information and report to Council at the December 4th Regular Council Meeting, at which time a representative of the medical community will be present.

CARRIED

97-123

01-31 Moved by Dzugan and Dmytrow-Bilboe that the petition from the area residents of Balsam Street requesting construction of a playground in the Meadows Subdivision, be again referred to Development Services staff for study and review.

CARRIED**97-156**

Moved by Dzugan and Dmytrow-Bilboe that R.V. Anderson Associates (RVA) and XCG be retained to complete Phase 3 and 4 of the Class Environmental Assessment (EA) for the Sewage Environmental Assessment Study project;

That the Acting City Treasurer be authorized to enter into an agreement with Environment Canada for funding assistance to complete the EA project under the Great Lakes Sustainability Fund; and

That the Acting City Treasurer be authorized to transfer an amount of \$70,000 from the 2001 Sanitary Sewer Operating Budget to the 2001 Sanitary Sewer Capital Budget in order to fund the City's share of the EA project.

CARRIED**99-62**

01-22 Moved by Dzugan and Dmytrow-Bilboe that the City of Welland enter into a Pleasure Lease with St. Andrew's Presbyterian Church for period of ten (10) years for a portion of the City-owned lands acquired from Public Works Canada south of St. Andrew's Presbyterian Church for a fee of \$750.00.

CARRIED**2000-4**

Moved by Dzugan and Dmytrow-Bilboe that the Auditor's Report covering the Consolidated Balance Sheet and Statement of Operations for the fiscal year ending December 31, 2000 be received for information.

CARRIED**01-3**

Moved by Dzugan and Dmytrow-Bilboe that the Order of the Sons of Italy, Dante Lodge #19 be granted approval until December 31, 2003 to extend the use of 75% of its gaming proceeds to a maximum of \$45,000.00 derived from all municipally approved bingo lotteries for the purposes of funding and retiring a building project at Casa Dante Lodge, 34 Lincoln Street, to construct a Foyer on the front of the building.

CARRIED**01-3**

Moved by Dzugan and Dmytrow-Bilboe that permission is hereby granted to the Knights of Columbus Councils 8296, 2146, and 10503 to sell lottery tickets in the City of Welland under authority of Lottery License PO11366, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

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

1	10-Oct-01	\$	24,720.26
2	11-Oct-01		47,886.32
3	12-Oct-01		71,495.71
4	15-Oct-01		355,754.51
5	16-Oct-01		84,609.90
6	18-Oct-01		1,044,427.58
7	19-Oct-01		113,581.98
8	22-Oct-01		28,263.05
9	23-Oct-01		2,611.86
10	25-Oct-01		143,719.02
11	29-Oct-01		126,444.37
12	30-Oct-01		<u>451,760.85</u>

Total **\$ 2,495,275.41**

CARRIED

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

CARRIED

01-21 Moved by Dzugan and Dmytrow-Bilboe that Welland City Council approves the application of Welland Recreation Project Association for the Annual Santa Claus Parade to be held on Saturday, December 1, 2001 subject to the applicant's completion of all conditions of the Policy of Street Use for Community Activities.

CARRIED

01-22 Moved by Mastroianni and Eybel that Operational Services staff be directed to prepare a comprehensive report on all aspects of parking in the City of Welland to include details on revenue from meters and fines, expenses i.e. new meters, maintenance, staffing and operations and municipal parking lots, for submission to the November 13th General Committee meeting.

CARRIED

01-31 Moved by Dzugan and Dmytrow-Bilboe that the presentation by Mary Lou Ambrose-Little, Christmas Lights Chair, on the status of the Lighting of the Main Street Bridge project as well as other upcoming events for the Holiday Season, be received for information.

CARRIED

01-89 Moved by Dzugan and Dmytrow-Bilboe that staff be authorized to open the two (2) tenders that were received for the HVAC System for the east end of City Hall and award the job to the lowest tender if the bid is within budget and meets all specifications.

CARRIED

01-120 Moved by Dzugan and Dmytrow-Bilboe that the letter from the Town of Pelham requesting the appointment of an engineer to maintain the section of Big Creek Drain located in the City of Welland, be again referred to Operational Services staff for study and review.

CARRIED

01-154 Moved by Fortier and Eybel that the presentation by Constable William J. Law, Canadian Pacific Railway Police and Wayne Ettinger, President, Trillium Railway Company Limited regarding Crime and Trespass Prevention Design Guidelines for trails on or adjacent to railway rights-of-way, be received for information.

CARRIED

01-155 Moved by Dzugan and Dmytrow-Bilboe that the Report CSD-01-35 concerning Niagara Region Communities Action on Use of Pesticides on Private/ Public Property be received for information.

CARRIED

01-162 Moved by Dzugan and Dmytrow-Bilboe that Welland City Council supports the recommendation from the City of Toronto and petitions the Provincial and Federal governments to suspend collecting PST and/or GST on all clothing items below \$75.00 and school supplies below \$20.00, including Canadian books, this November and next August; and That the City Clerk advise the proper authorities accordingly.

CARRIED

01-163 Moved by Dmytrow-Bilboe and Belcastro that the presentation by Chair Jack O'Neill and Phyliss Pelette, Case Worker, Senior Community Centre regarding the development of the Niagara Gatekeepers Program in the City of Welland designed to provide assistance to seniors, be received for information.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

96-85

2000-115

01-109

01-157 Moved by Dzugan and Spadafora

1. That Report DSD-2001-88 of the Development Services Department dated November 6, 2001 regarding saleable City-owned lands be received;
2. That Council declare surplus, appraise and offer for sale Lot 11, Plan 74 (south side of Colbeck Drive), and that the Official Plan and Zoning By-law as they apply to these lands be amended to permit residential uses;
3. That the City re- appraise and offer for sale those lots described as Parts 20, 21 and 22, 59R-7976 (north side of Promenade Richelieu);

...Continued...

96-85**2000-115****01-109****01-157...Cont'd.**

4. That Council declare surplus, appraise and offer for sale Part Lot 1, Plan 54 (southwest corner of Southworth at Lincoln Streets) as a lot addition to the adjacent property owners to merge in title;
5. That Council authorize Staff to submit to the Committee of Adjustment an application for Minor Variance to establish a building envelope for Lot 172, Plan 30 (NP951) (municipally known as 560 Lincoln Street), and that subsequently the lot be appraised and offered for sale;
6. That Council declare surplus, appraise and offer for sale Part Lot 247 and Lot 260, Plan 13 (NP936) (west side of Deere Street) as lot additions to adjacent property owners to merge in title subject to an easement in favour of the City being created over Lot 260, Plan 13 to ensure future accessibility to underground services prior to its sale; and
7. That Council declare surplus, appraise and offer for sale Part Lot 102, Plan 1649 (NP546) (municipally known as 41 Riverbank Street) as a lot addition to adjacent property owners to merge in title in accordance with the requirements of the Municipal Act.

CARRIED

01-10 Moved by Fortier and Beaudoin that Councillor John Irvine be appointed to the Arena Facility Committee effective November 6, 2001 to November 30, 2003 to fill the vacancy created by the resignation of Councillor Mike Belcastro.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

99-99

BYL 2001-155

A By-law to authorize the entering into a Licensing Agreement with the Welland Recreational Canal Corporation.

01-144

BYL 2001-156

A By-law to authorize the entering into a contract with Veritec Solutions to undertake the watermain leak investigation and water usage profiling of the City of Welland Water Distribution Program.

99-62

BYL 2001-157

A By-law to authorize the entering into a Pleasure Lease Agreement with St. Andrew's Presbyterian Church for City-owned lands in the vicinity of Frazer Street and Maple Avenue.

...Continued...

BY-LAWS PRESENTED FOR FIRST READING...Cont'd.**01-1**

BYL 2001-158

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 23rd day and 30th day of October, 2001 and 6th day of November, 2001.

And that the same be now read a first time.

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

2. Moved by Spadafora and Belcastro 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 Resolution (No. 92-94) passed on October 3, 2000, Councillor(s) must submit their Notice of Motion(s) in writing no later than Wednesday, November 14, 2001 for inclusion on the next Regular Council Meeting Agenda .

01-22

Councillor Eybel gave Notice of Motion of the following issue to be presented to Council at the November 20, 2001 Regular Council Meeting:

That parking in the City of Welland be free for the month of December 2001.

Council adjourned at 8:50 p.m.

These Minutes approved and adopted by Motion of Council this 20th day of November, 2001.

MAYOR

CLERK

