



## COUNCIL MEETING, DECEMBER 18, 2001

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

Council met in Committee-of-the-Whole at 6:00 p.m. and in open session at 7:15 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 (6:10 p.m.), D. Beaudoin, M. Belcastro, N. Dmytrow Bilboe (6:40 p.m.), M. Dzugan, T. Eybel (6:05 p.m.), D. Fortier, J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora (7:15 p.m - 8:00 p.m.)

**Members of the Staff and Others Present:**

City Clerk C.A. Stirtzinger  
City Solicitor G. Banks  
Environmental Services Engineer D. Cook (7:15 p.m.)  
Director of Development Services & Acting CAO T. Fitzpatrick  
Director of Operational Services G. Marcello (6:10 p.m.)  
Acting City Treasurer B. Silvestri  
Assistant Clerk D. Vettori  
Engineering Services Co-ordinator L. Ventresca (7:15 p.m.)  
Recreation Supervisor R. Morwald

**01-25** Moved by Dzugan and Mastroianni that Council meet in Committee-of-the-Whole, closed to the public at 6:00 p.m. to consider;

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

**CARRIED**

***(Councillor Belcastro was not present during Committee-of-the-Whole discussions on security of property matters.)***

**01-25** Moved by Dzugan and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 7:05 p.m.

**CARRIED**

**DISCLOSURE OF INTEREST:**

Councillor Belcastro disclosed an interest in Ref. No. 94-102/01-04 and Ref. No. 99-99 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Doral Holdings.

**PUBLIC MEETING FOR THE PROPOSED CANAL LANDS EAST OF SEAWAY MALL TO BE DECLARED SURPLUS.**

The following people spoke:

**In support:**

Scott Doan, on behalf of Seaway Mall  
Greg D'Amico, Chair of Downtown BIA and member of TOWN  
Margaret Hudak, on behalf of Welland Recreational Canal Lands Corporation

**In opposition:**

Bob McCallion, on behalf of the Welland Labour Council

**DELEGATIONS:**

**97-49** Mr. Frank Rupcic, General Manager, Welland Business and Community Development Corporation updated Council on the Welland Medical Recruitment Committee activities.

**THE FOLLOWING COMMUNICATIONS WAS READ:**

**02-47** Letter from Debbie M. Zimmerman, Regional Chair, The Regional Municipality of Niagara regarding concerns with respect to Proposed Smart Growth Management Councils.

**THE FOLLOWING CORRESPONDENCE WERE RECEIVED:**

**92-168** Matter of outstanding financial issues with the South Niagara Rowing Club.  
**93-133**  
**98-31** A By-law to amend the Swimming Pool Fence By-law 10557.  
**94-102** Dir. of Operational Services G. Marcello - Water Meter Recorders.  
**97-49** Frank Rupcic, General Manager, Welland Business and Community Development Corporation to provide an update on the Welland Medical Recruitment Committee activities.  
**98-46** Cheryl Milette, Town Clerk, Town of Pelham requesting alternative methods for the disposal of Regional waste materials.  
**98-46** Dir. of Operational Services G. Marcello - Request from Regional Niagara Public Works - Waste Management Leaf and Yard Waste collection June to October, 2002.  
**98-156** Dir. of Development Services T. Fitzpatrick - Request by Myriam Quattrini, 894 Buchner Road to use a portion of unopened Matthews Road allowance for access purposes.  
**99-38** A By-law to authorize the entering into a contract with Kerry T. Howe Engineering Limited for the trunk sanitary sewer on Colbeck Drive from Draper's Creek to Webber Road and to prepare preliminary designs for remaining areas defined in the Central West Study - Upper Canada Consultants 1999.  
**99-117** A By-law to amend By-law 11135, being a By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland for the purpose of enforcing  
**02-10** By-law 9840, being the Handicapped By-law, By-law 10011, being the Fire Route By-law, and By-law 89-2000, being the Traffic and Parking on city streets By-law, which includes parking regulations for the Seaway Mall, 800 Niagara Street, and Northtown Plaza, 325 Thorold Road.  
**02-22**  
**99-140** Request for a planning study of North Welland in order to extend the northerly boundary of the City's urban area.  
**2000-4** Acting City Treas. B. Silvestri - Municipal Performance Measurement Program for the year 2000.  
**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.  
**2000-129** Dir. of Development Services T. Fitzpatrick - Granting of Draft Approval - Enterprise Industrial Subdivision, Highway 140 at Ridge Road (File 26T-14-20005).  
**2000-134** A By-law to amend By-law 2001-90, being a By-law to authorize the  
**01-135** replacement/separation of combined sewers on Afton Avenue from Lewis Street to Sutherland Avenue; and to amend By-law 2001-148, being a By-law to authorize the replacement of watermains on Fourth, Fifth and Sixth Street, Patsy Avenue and Rice's Lane, Phase 1.  
**2000-134** A By-law to accept the tender and enter into a contract with Volsci Construction Co. Inc. for replacement of watermains, storm sewers and sanitary sewers on Afton Avenue from Lewis Street to Sutherland Avenue.  
**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 18<sup>th</sup> day of December 2001.  
**01-7** Acting City Treas. B. Silvestri - Accounts Payable Report - November 29 to December 12, 2001.  
**01-9** Mr. & Mrs. Brown - request for street light installation at Biggar and Moyer Roads.

**01-16** A By-law to authorize the entering into a collective agreement with the Canadian Union of Public Employees (CUPE LOCAL 1115), effective January 1<sup>st</sup>, 2001 to December 31<sup>st</sup>, 2003.

**01-24** A By-law to amend By-law 10176, being a By-law to establish a comprehensive policy for all non-union employees of the Corporation of the City of Welland respecting certain terms and conditions of employment.

**01-35** Debbie Zimmerman, Regional Chair, The Regional Municipality of Niagara -

**02-10** Appointment of Councillor the Steering Committee.

**01-166** City Clerk C.A. Stirtzinger - Marriage License Fee - New rate to be implemented January 2, 2002.

**01-172** Dir. of Operational Services G. Marcello - CCTV Camera Inspection of Gravity Sewers.

**01-177** Dir. of Operational Services G. Marcello - Request for School Crossing Guard St. Augustine Catholic School Broadway at St. George Street.

**02-3** Sharon Flashford - The Canadian National Institute for the Blind, Ontario Division requesting to sell lottery tickets in the City of Welland.

**02-4** Acting C.A.O. T. Fitzpatrick - Establishment of a cost savings reserve fund.

**02-35** Dir. of Operational Services G. Marcello - Retention of consultants installation of traffic signals and intersection improvements at Thorold Road and Clare Avenue.

**02-38** Letter from Joe Mocsan, Local Architectural Conservation Advisory Committee (LACAC) Chair - designation of the LoBosco-Foote House, 103 State Street, Welland as being of architectural and historical significance.

**02-42** Director of Community Services I. Smith - New Year's eve/first night celebration - exemption to Noise By-law.

**02-43** Dir. of Development Services T. Fitzpatrick - Acceptance of a dedication of land and to lay out, establish and name part 5, plan 59R-11571 being a 3.0 metre road widening as part of Rusholme Road.

**02-43** A By-law to accept the transfer of certain lands for road widening purposes being part of lot 19, concession 7, former Township of Crowland, more particularly described as part 5, plan 59R-11571 from Jean LaRose to the Corporation of the City of Welland on the West Side of Rusholme Road, South of Udine Avenue (File B012/2001WELL, B013/2001WELL and B014/2001WELL).

**02-43** A By-law to dedicate part of Lot 19, Concession 7, former Township of Crowland now in the City of Welland, being Part 5 on Plan 59R-11571 as a Public Highway and naming the same Rusholme Road (File B012/2001WELL, B013/2001WELL and B014/2001WELL).

**02-44** Dir. of Operational Services G. Marcello - Thorold Road Culvert Replacement at the Former CNR R.O.W.

**02-45** Letter from Joe Mocsan, Local Architectural Conservation Advisory Committee (LACAC) Chair - designation of the Vaughan Seed Company, 111 Victoria Street, Welland as being of architectural and historical significance.

**02-46** Dir. of Development Services T. Fitzpatrick - Obsolete Computer Equipment.

**02-47** Dir. of Development Services T. Fitzpatrick - Smart Growth in Niagara - Technical Advisory Committee Report.

**02-48** Dir. of Operational Services G. Marcello - Ontario Road Storm Sewer - Re-Alignment (FTR Properties).

**02-49** Dir. of Operational Services G. Marcello - Water & Wastewater System Modelling & Monitoring.

**01-1** Moved by Dzugan and Alakas that the Minutes of the Regular Council Meeting of December 4, 2001 be and the same are hereby approved and adopted as circulated.

**CARRIED**

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

**CARRIED**

**94-102** Moved by Mastroianni and Dmytrow-Bilboe that Council authorize the Director of Operational Services to proceed with the acquisition of used Meter Master recorders and new Meter Master Software from Veritec Consulting Limited at the cost of \$11,065.00.

**CARRIED**

**97-49** Moved by Fortier and Dmytrow-Bilboe that the presentation by Frank Rupcic, General Manager, Welland Business and Community Development Corporation regarding an update on the Welland Medical Recruitment Committee activities be received for information.

**CARRIED**

**98-46** Moved by Alakas and Mastroianni that the Region of Niagara be advised that Welland City Council accepts the schedule and cost for 'Enhanced' Waste Collection Services, specifically for the Collection of Leaf and Yard Waste during the months of June through October, 2002, (10 extra collections) at a cost of \$172,755.56, as outlined in Regional Niagara correspondence dated July 31, 2001.

**CARRIED**

**98-46** Moved by Mastroianni and Irvine that the letter from Cheryl Miclette, Town Clerk, Town of Pelham requesting alternative methods for the disposal of Regional waste materials be received and referred to Operational Services staff for study and review.

**CARRIED**

**98-156** Moved by O'Dell and Fortier

1. That the request by Myriam Quattrini, 894 Buchner Road to use the unopened Matthews Road allowance north of Buchner Road be denied; and
2. That Myriam Quattrini be advised to return the City-owned land to its natural state.

**CARRIED**

**99-99** Moved by Spadafora and Irvine that the noted 7.5± acres of land east of the Seaway Mall be declared surplus to the City's requirements appraised and offered for sale in accordance with the Municipal Act.

**CARRIED**

**YEAS:** Councillors Mastroianni, Dzugan, Fortier, Eybel, Beaudoin, Dmytrow-Bilboe, Irvine, Spadafora and Mayor Forster.

**NAYS:** Councillors O'Dell and Alakas.

**99-140** Moved by Mastroianni and Irvine 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**

**2000-4** Moved by Fortier and Eybel that the results of the City of Welland 2000 Municipal Performance Measurement Program be received and posted on the City's Internet site to comply with the Provincial Publication requirement.

**CARRIED**

**2000-83** Moved by Mastroianni and Irvine 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 Mastroianni and Irvine 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**

**2000-129** Moved by Mastroianni and Irvine

1. That the City of Welland hereby grants Draft Approval to the Enterprise Industrial Subdivision as red-lined (File 26T-14-20005) being Part of Township Lot 16, Concession 6, former Township of Crowland designated as Part 1, Plan 59R-7278, Part 1, Plan 59R-7303 and Part 3, Plan 59R-2437 containing eight (8) blocks for development purposes, one (1) block for stormwater management purposes and one (1) block of floodplain lands and six (6) 0.3 metre reserves subject to the following Conditions:

- a) that the Welland Development Commission enter into an Agreement with the City of Welland to be registered on Title;
- b) that any Easements required for utility or service purposes be granted to the appropriate Authority free of all encumbrances;
- c) that 0.3 metre reserves being Blocks 11 and 12 be deeded to the Ministry of Transportation Ontario (MTO) and that Blocks 13, 14, 15 and 16 be deeded to the City of Welland and that upon completion of necessary stormwater management works that Blocks 5 and 6 be deeded to the City of Welland free of all encumbrances;
- d) that prior to Final Approval Lot Grading and Drainage Plans for the Subdivision be submitted to Hydro One for review;
- e) that permanent fencing be installed along the mutual property line between the Hydro One property in the Subdivision at the expense of the Owner;
- f) that all lands located below the surveyed stable top of the slope of Lyon's Creek and the lands within the 7.5 metre setback from the surveyed stable top of slope be included within an Environmental Protection Zone where no structural development is permitted;
- g) that detailed Lot Grading and Drainage Plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the site, be submitted to the Conservation Authority for their review and approval. The Lot Grading and Drainage Plans will indicate that the Lyon's Creek slope will be maintained in its natural state and that the surface drainage will be directed away from the valley slope and towards the internal subdivision road;
- h) that detailed Sedimentation and Erosion Control Plans detailing methods proposed for the control of silt and erosion during the construction phase and restoration proposed for the site after construction be submitted to the Authority for their review and approval;
- i) that an Environmental Impact Assessment be prepared for the site which addresses the fish habitat requirements of the Provincial Policy Statement and that the Report be submitted to the Authority for their review and approval;

Continued...

**2000-129...cont'd.**

- j) that a Stormwater Management Plan be prepared by a qualified Professional Engineer in compliance with the Ministry of Environment and Energy's "Stormwater Management Practices Planning and Design Manual", June 1994, and the "Stormwater Quality Guidelines for New Development", May 1991, be submitted to the Authority for their review and approval;
- k) that the Owner agrees in the executed Subdivision Agreement to:
  - i) include all lands located below the surveyed stable top of the slope of the Lyon's Creek and the lands within the 7.5 metre setback from the surveyed stable top of slope be included with an Environmental Protection Zone where no structural development is permitted;
  - ii) implement the Lot Grading and Drainage Plans, Sedimentation and Erosion Control Plans, Stormwater Management Plan and the Environmental Impact Assessment as noted in Conditions g and j;
  - iii) maintain a 7.5 metre setback from the surveyed stable top of bank of the Lyon's Creek for all structural development on Lots 5 and 6, inclusive;
  - iv) not place or dump material of any kind, whether originating on-site or off-site on the Lyon's Creek slope, and to maintain the natural grade of this valley slope;
  - v) during the construction phase, erect and maintain a sediment control fence 3.0 metres from the top of the slope of the Lyon's Creek; and
  - vi) revegetate or otherwise stabilize all disturbed areas immediately following the completion of construction;
- l) that prior to Final Approval, the Owner shall submit to MTO, for its review and approval, a Stormwater Management Report and Plan, indicating the intended treatment of the calculated runoff;
- m) that prior to Final Approval, a 0.3 metre reserve extending across the entire highway frontage (with the exception of proposed Enterprise Drive) be Conveyed by Deed to MTO (all Deeds must be free and clear of all encumbrances);
- n) that prior to Final Approval, visibility triangles measuring 3.0 metres by 1.0 metres be dedicated as a public highway on the Owner's Certificate on the Final Plan;
- o) that prior to Final Approval, the Owner must submit to MTO for review and approval, a copy of a Traffic Impact Study indicating the anticipated traffic volumes and the recommended highway intersection improvements associated with development;
- p) that prior to Final Approval, the Owner shall enter into a Legal Agreement with MTO whereby the Owner agrees to assume financial responsibility for all associated highway intersection improvements;
- q) all above and below ground structures must be set back a minimum of 14 metres from MTO property lines;
- r) that the Owner acknowledge promptly to the Regional Planning Department and the Draft Approval of this Subdivision does not include a commitment of Servicing Allocation by the Regional Municipality of Niagara. Servicing Allocation will be assigned instead at the time of Final Approval for registration purposes;
- s) that immediately following Notice of Draft Plan Approval, the Owner shall provide the Regional Planning Department with a written undertaking that all Offers and Agreements of Purchase and Sale that may be negotiated prior to registration of the Subdivision shall contain a Clause clearly indicating that a Service Allocation for the Subdivision will not be assigned until the Plan is granted Final Approval for registration;
- t) that the detailed design drawings for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval;
- u) that the Ministry of the Environment Certificates of Approval be obtained for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration. NOTE: The design for the stormwater management system should be submitted directly

to the Ministry of the Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;

Continued...

**2000-129...cont'd.**

- v) that prior to approval of the Final Plan, the Owner submit to the Niagara Peninsula Conservation Authority and the Regional Planning Department for review and approval a detailed Stormwater Management Plan for the Subdivision completed in accordance with the Ministry of the Environment documents entitled Stormwater Management Practices, Planning and Design Manual, June 1994 as revised, and Stormwater Quality Guidelines for New Development, May 1991, endorsed by a suitably qualified Professional Engineer. Furthermore, that the Owner agree in the Subdivision Agreement to implement the approved Stormwater Management Plan;
- w) that the Owner carry out an Archaeological Assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Furthermore, that no grading or other soil disturbances take place prior to the Regional Planning Department and the Ministry of Citizenship, Culture and Recreation confirming that all archaeological resource concerns have met Licensing and Resource Conservation Requirements; and
- x) that additional Environmental Impact Reports and Stormwater Management Reports dealing with hydraulic geometry, stream bed scouring erosion and sediment transportation with respect to Lyon's Creek be prepared and submitted to the Ministry of the Environment for its review and approval.

**CARRIED**

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

1	29-Nov-01	\$	55,305.56
2	30-Nov-01		15,938.01
3	3-Dec-01		325,477.58
4	4-Dec-01		49,330.23
5	6-Dec-01		75,103.18
6	10-Dec-01		20,638.75
7	11-Dec-01		731,610.46
8	12-Dec-01		<u>25,312.15</u>
<b>Total</b>			<b>\$1,298,715.92</b>

**CARRIED**

**01-9** Moved by Mastroianni and Irvine that the request from Mr. and Mrs. Brown for street light installation at the intersection of Biggar and Moyer Roads, be again referred to Operational Services staff for study and review.

**CARRIED**

**01-35**

**02-10** Moved by Fortier and Dmytrow-Bilboe that Councillor John Irvine be appointed to the Transportation Strategy Steering Committee for the Regional Municipality of Niagara.

**CARRIED**

**01-166** Moved by Mastroianni and Irvine that Council authorize that the \$100.00 marriage license fee enacted in By-law 2001-167, being a By-law to establish a fee structure for live birth registrations, issuance of registration statements, document certification and marriage license fees, be implemented January 2, 2002.

**CARRIED**

**01-172** Moved by Beaudoin and Alakas that Council authorize the Director of Operational Services to retain Capital Commercial Pipe Services Limited to undertake the closed circuit camera (CCTV) inspection of gravity sewers at a cost of \$17,609.00 excluding G.S.T.

**CARRIED**

**01-177** Moved by O'Dell and Alakas that the request for a posting of a School Crossing Guard at St. Augustine Catholic School be referred to the January 15<sup>th</sup>, 2002 Regular Council Meeting.

**CARRIED**

**02-3** Moved by Mastroianni and Irvine that permission is hereby granted to the Canadian National Institute for the Blind, Ontario Division to sell lottery tickets in the City of Welland under authority of Lottery License P012215, subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

**02-4** Moved by Beaudoin and Mastroianni that the City of Welland establish a Cost Savings Reserve Fund, by By-law; and that monies saved through the City's cost saving efforts be deposited in the Cost Savings Reserve Fund to be used for capital projects as determined by Council.

**CARRIED**

**02-4** Moved by Eybel and Irvine that cost savings identified in the Sewer and Water Budget area also be transferred to the Cost Savings Reserve Fund but only utilized for projects within the Water and Sewer Budget area.

**CARRIED**

**02-35** Moved by Mastroianni and Irvine

1. That the Wiebe Engineering Group be retained to undertake all work related to the Design, Approval and Preparation of 'Contract Documents' for the 'Installation of Traffic Signals and Intersection Improvements at the intersection of Thorold Road and Clare Avenue' at an estimated cost of \$36,700.00 exclusive of applicable taxes and disbursements in accordance with the proposal dated September 21, 2001.
2. That an allocation of \$45,000.00 be included in the 2002 Capital Budget - Traffic for this project.
3. That the City Solicitor be requested to prepare the necessary by- laws for this project and the retention of the Wiebe Engineering Group.
4. That staff report on the progress in the first meeting in March.
5. That an allocation for the entire project be included in the 2002 Capital Budget if needed.

**LOST**

**02-35** Moved by Dmytrow-Bilboe and Mastroianni

1. That the Wiebe Engineering Group be retained to undertake all work related to the Design, Approval

and Preparation of 'Contract Documents' for the 'Installation of Traffic Signals and Intersection Improvements at the intersection of Thorold Road and Clare Avenue' at an estimated cost of \$36,700.00 exclusive of applicable taxes and disbursements in accordance with the proposal dated September 21, 2001.

2. That an allocation of \$45,000.00 be included in the 2002 Capital Budget - Traffic for this project.
3. That the City Solicitor be requested to prepare the necessary by-laws for this project and the retention of the Wiebe Engineering Group.

**CARRIED**

**02-38** Moved by Mastroianni and Irvine that Welland City Council approve the processing of the structure and property referred to as the "**LoBosco-Foote House**", 103 State Street for heritage designation pursuant to the provisions of Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

**CARRIED**

**02-41** Moved by Mastroianni and Irvine that Welland City Council approve the processing of the structure and property referred to as the "**Vaughan Seed Company**", 111 Victoria Street for heritage designation pursuant to the provisions of Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

**CARRIED**

**02-42** Moved by Mastroianni and Irvine that Council exempt the **City of Welland New Year's Eve/First Night Celebration** to be held in Chippawa Park on Monday, December 31, 2001 operating from 8:00 p.m. to Tuesday, January 1, 2002 at 12:30 a.m. from the City Noise By-law.

**CARRIED**

**02-43** Moved by Mastroianni and Irvine

1. That Council accept a Transfer/Deed of Land for part of Lot 19, Concession 7, former Township of Crowland now in the City of Welland, being Part 5, Plan 59R-11571 from Jean LaRose for road widening purposes to satisfy Conditions of Consent imposed by the Committee of Adjustment;
2. That Council pass a By-law dedicating Part 5, Plan 59R-11571 as part of Rusholme Road; and
3. That the Mayor and Clerk be authorized to execute all documentation with respect to these transactions.

**CARRIED**

**02-44** Moved by Mastroianni and Irvine that the Director of Operational Services be authorized to proceed with the preparation of plans, specifications and calling of tenders for the replacement of culvert on Thorold Road, at the former CNR R.O.W. west of Rose Avenue, as outlined in Report ENG-2001-74; That the allocated construction cost of this project be funded from the 2001 Storm Sewer Capital Budget, Capital from Revenue (Operating Budget); and That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

**CARRIED**

**02-46** Moved by Mastroianni and Irvine

1. That Council authorize the sale of obsolete computer equipment to Councillors and City Staff, at an estimated current value of \$150.00 per computer;
2. That the sale of obsolete computer equipment be exempted from the City's Purchasing Policy; and
3. That the proceeds from the sale be deposited in the Computer Acquisition Capital Account.

**CARRIED****02-47** Moved by Mastroianni and Irvine

1. That Report DS-01-104 of the Development Services Department dated December 18, 2001 regarding Smart Growth in Niagara be received.
2. That the City Clerk be directed to send a copy of Report DS-01-104 to the Regional Municipal of Niagara Planning and Development Department for information purposes.

**CARRIED****02-47** Moved by Mastroianni and Irvine that Welland City Council support the proposed resolution from the Regional Municipality of Niagara in opposition to the creation of Smart Growth Management Councils.**CARRIED****02-48** Moved by Mastroianni and Irvine that the Director of Operational Services proceed with the preparation of final design and further proceed to tender for the construction of approximately 76.5m of storm sewer that will serve both the City of Welland and FTR Commercial Properties Inc. (Rose City Plaza "Commisso") at Ontario Road; and That funding be allocated in 2001 Storm Sewer Capital Budget as per Report ENG-2001-73.**CARRIED****02-49** Moved by Eybel and Alakas that Council authorize the Director of Operational Services to proceed with the acquisition of H2ONET Water Distribution & XP-SWMM Wastewater modelling software at a total cost of \$14,174.83 including taxes.**CARRIED****BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****94-102****01-04** Moved by Mastroianni and Fortier that CAO Report No. 2001-04 respecting water and sanitary billing discrepancies be received.**CARRIED****01-165** Moved by Alakas and Fortier

1. That the City of Welland agree to permit the Welland Multi-Cultural Centre to utilize Apartment 7,8 and 10 on the third storey of 26 East Main Street as emergency shelter for its clientele as set out in its letter of October 16, 2001; and
2. That Council authorize Staff to further explore the possibility of renovating Apartments Units 4, 5, 6 and 9 to be rented and managed by the Heritage Council for its clientele with rent coming to the City of Welland and the Heritage Council taking a 10% of rental income as a management fee.

**CARRIED**

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

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

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

**89-34**

**01-16**

BYL 2001-174

A By-law to Ratify the Pay Equity Maintenance Plan and Internal Equity with the Canadian Union of Public Employees (LOCAL 1115).

And that the same be now read a first time.

**CARRIED**

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

2. Moved by Mastroianni and Irvine 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:**

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

**93-133**

**98-31**

BYL 2001-175

A By-law to amend the Swimming Pool Fence By-law 10557.

**99-38**

BYL 2001-176

A By-law to authorize the entering into a contract with Kerry T. Howe Engineering Limited for the trunk sanitary sewer on Colbeck Drive from Draper's Creek to Webber Road and to prepare preliminary designs for remaining areas defined in the Central West Study - Upper Canada Consultants 1999.

**BY-LAWS PRESENTED FOR FIRST READING...Cont'd.****99-117****02-10****02-22**

BYL 2001-177

A By-law to amend By-law 11135, being a By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland for the purpose of enforcing By-law 9840, being the Handicapped By-law, By-law 10011, being the Fire Route By-law, and By-law 89-2000, being the Traffic and Parking on city streets By-law, which includes parking regulations for the Seaway Mall, 800 Niagara Street, and Northtown Plaza, 325 Thorold Road.

**2000-134****01-135**

BYL 2001-178

A By-law to amend By-law 2001-90, being a By-law to authorize the replacement/separation of combined sewers on Afton Avenue from Lewis Street to Sutherland Avenue; and to amend By-law 2001-148, being a By-law to authorize the replacement of watermains on Fourth, Fifth and Sixth Street, Patsy Avenue and Rice's Lane, Phase 1.

**2000-134**

BYL 2001-179

A By-law to accept the tender and enter into a contract with Volsci Construction Co. Inc. for replacement of watermains, storm sewers and sanitary sewers on Afton Avenue from Lewis Street to Sutherland Avenue.

**01-16**

BYL 2001-180

A By-law to authorize the entering into a collective agreement with the Canadian Union of Public Employees (CUPE LOCAL 1115), effective January 1<sup>st</sup>, 2001 to December 31<sup>st</sup>, 2003.

**01-24**

BYL 2000-181

A By-law to amend By-law 10176, being a By-law to establish a comprehensive policy for all non-union employees of the Corporation of the City of Welland respecting certain terms and conditions of employment.

**02-43**

BYL 2001-182

A By-law to accept the transfer of certain lands for road widening purposes

being part of lot 19, concession 7, former Township of Crowland, more particularly described as part 5, plan 59R-11571 from Jean LaRose to the Corporation of the City of Welland on the West Side of Rusholme Road, South of Udine Avenue (File B012/2001WELL, B013/2001WELL and B014/2001WELL).

**02-43**

BYL 2001-183

A By-law to dedicate part of Lot 19, Concession 7, former Township of Crowland now in the City of Welland, being Part 5 on Plan 59R-11571 as a Public Highway and naming the same Rusholme Road (File B012/2001WELL, B013/2001WELL and B014/2001WELL).

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

**01-1**

BYL 2001-184

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 8<sup>th</sup> day of December 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 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**

**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, January 9, 2002 for inclusion on the next Regular Council Meeting Agenda .**

Council adjourned at 10:30 p.m.

These Minutes approved and adopted by Motion of Council this 15<sup>th</sup> day of January, 2002.

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**MAYOR**

**CLERK**