



## COUNCIL MEETING, MARCH 19, 2002

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

Council met in Committee-of-the-Whole at 7:00 p.m. and in open session at 7:40 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, M. Belcastro, N. Dmytrow Bilboe, M.Dzugan,  
T. Eybel, D. Fortier, 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 (until 9:20 p.m.)

Director of Development Services & Acting CAO T. Fitzpatrick

Fire Chief P. Olah

Director of Operational Services G. Marcello

Community Services Director I. Smith (7:40 p.m.)

Acting City Treasurer B. Silvestri

Clerk Steno III B. Gallaccio (7:40 p.m.)

**02-25** Moved by Mastroianni and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 7:00 p.m. to consider:

- a) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED**

*(Councillor Spadafora was not present during Committee-of-the-Whole discussions on a matter of Solicitor-client privilege).*

**02-25** Moved by Mastroianni and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 7:35 p.m. without report.

**CARRIED**

### **DISCLOSURE OF INTEREST:**

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.

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 at the Welland Hospital Site.

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 on leave of absence with the Ontario Nurses Association (O.N.A.) which represents nurses employed with the Niagara Health System. Mayor Forster vacated the chair for this issue and Councillor Eybel assumed the Chair.

### **DELEGATIONS:**

**02-28** Damian Goulbourne, Welland Chamber of Commerce, updated Council on Chamber activities.

**01-53** Stephen Butz, C.E.O., & Jim Inman, Board Chair, YMCA Niagara addressed Council regarding the Superbuild Funding for the YMCA and outlined the proposed plan for the development of the YMCA at Niagara College..

**02-28** Ian Morrison, Welland Hospital Foundation's President and Lyn Russ, Foundation Executive Director showed a PowerPoint presentation regarding the positive impact of donations through Welland Hospital Foundation to support the Niagara Health System - Welland Hospital Site. A plaque was presented to Mayor Forster in recognition of Council's continued support to the Welland Hospital Foundation.

**02-28** Kim Stasiak, RN Emergency Nurses Association of Ontario addressed Council regarding the recent development of the Niagara Health Coalition.

- 02-79** Joe Mocsan, Chair and George Chipman, Local Architectural Conservation Advisory Committee (LACAC) addressed Council regarding the naming of "***Plymouth Cordage Heritage District***".
- 02-31** Mike Adam, Football Canada addressed Council regarding use of Plymouth Park field.

### **THE FOLLOWING CORRESPONDENCE WAS READ:**

- 02-74** Report from T. Fitzpatrick, Director of Development Services/Acting C.A.O. - Supplement report on the costs of 24 hour per day seven (7) day per week By-law Enforcement/Security.
- 02-31** Petition from area residents surrounding Plymouth Park requesting Plymouth Park field be declared a "soccer only" park.

### **THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 95-103** Dir. of Development Services /Acting C.A.O. T. Fitzpatrick - Towpath Village Extension Subdivision - Ashton Homes (Western) Limited - request for exemption from Part Lot Control - Lot 30, Plan 59M-286.
- 97-49** Matter of a request from the City of Port Colborne to endorse a resolution recommending the Niagara Health System review its long-term strategy for health care.
- 99-63**
- 02-13** Heather Robinson, Health Bus Program - requesting to park the Health Bus at the Welland Bus Terminal.
- 99-140** Brady and Associates requesting the initiation of a planning study of North Welland in order to extend the northerly boundary of the City's urban area.
- 2000-56** Dir. of Development Services/Acting C.A.O. T. Fitzpatrick - Withdrawal of Draft Plan of Approval for the Riverview Subdivision - west side of Riverside Drive, south of waterview Court (File 26T-91006).
- 2000-83** Review of City's Lot Grading & Drainage for Subdivisions Policy.
- 2000-108** Cost estimate for removal of current ditches and reconstruction of Thorold Road from Rice Road to South Pelham Road.
- 01-9** Mr. & Mrs. Brown - requesting street light installation at the intersection of Biggar and Moyer Roads.
- 01-53** Stephen Butz, C.E.O., Family YMCA - presentation on the Superbuild Funding for the YMCA.
- 01-118** Dir. of Development Services/Acting C.A.O. T. Fitzpatrick - Request to repeal By-law 6475 - North side of Woodlawn Road, east of Clare Avenue, Part 1, Plan 59R-2003.
- 01-123** Dir. of Development Services/Acting C.A.O. T. Fitzpatrick - Repeal of By-law 7823 being a By-law to authorize the execution of a Site Plan Control By-law for 122 Afton Avenue.
- 01-139** Dir. of Development Services/Acting C.A.O. T. Fitzpatrick - Request to provide building inspection services to the City of Port Colborne.
- 02-2**
- 02-23** Dir. of Development Services/Acting C.A.O. - T. Fitzpatrick - Appointment of Licensing Officer, Weed Inspector and Livestock Evaluator.
- 02-3** City Clerk C.A. Stirtzinger - Lottery Licenses.
- 02-4** Acting City Treas. B. Silvestri - CRF Reporting Requirement.

- 02-7** Acting City Treas. B. Silvestri - Accounts Payable Report - February 28, 2002 to March 13, 2002.
- 02-21** Stewart Wong, Coordinator, Super Cities Walk for MS requesting permission to hold the **"2002 Welland Zehrs Super Cities Walk for MS"** on Sunday, April 21, 2002 at Merritt Island.
- 02-21** Ken Kyle, Welland Volunteer Fire Company #1 requesting permission to host the **"7<sup>th</sup> Annual Easter Egg Hunt and Coloring Contest"** on Saturday, March 30, 2002 at Merritt Island.
- 02-28** Ian Morrison, Welland Hospital Foundation's President and Lyn Russ, Foundation Executive Director - PowerPoint presentation regarding the positive impact of donations through Welland Hospital Foundation to support the Niagara Health System - Welland Hospital Site.
- 02-28** Kim Stasiak, RN Emergency Nurses Association of Ontario - recent development of a Niagara Health Coalition.
- 02-31** Report CSD-02-07 regarding Plymouth Park Soccer Field.
- 02-31** Mike Adam, Football Canada, use of Plymouth Park fields.
- 02-47** Letter from Cheryl Miclette, Town Clerk, Town of Pelham requesting support of its resolution regarding Central Zone Smart Growth Panel.
- 02-57** Dir. of Operational Services - G. Marcello - Award of tender - Sanitary Sewer Service Lateral Replacement Program 2002.
- 02-72**
- 02-77** Dir. of Operational Services - G. Marcello - Tenders - Supply of RS1 or HF 150S and Tender - Supply of Top Soil.
- 02-74** Uniformed security guard/patrol services City Hall, Court House and various locations.
- 02-76** Dir. of Development Services/Acting C.A.O. T. Fitzpatrick - By-law exemptions for the Cancer Society "Relay for Life" event.
- 02-79** Joe Mocsan, Local Architectural Conservation Advisory Committee (LACAC) Chair - requesting naming of **"Plymouth Cordage Heritage District"**.

**02-1** Moved by Alakas and Irvine that the Minutes of the Regular Council Meeting of March 5, 2002 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**94-71** Moved by Mastroianni and Fortier that the matter of a **"Corridor Study"** of Lincoln Street between Prince Charles and Wellington Street be referred to the April 9, 2002 General Committee for report from Staff.

**CARRIED**

**95-103** Moved by Alakas and Eybel

1. That the City of Welland adopt a By-law to exempt Lot 30, Plan 59M-286 from Part Lot Control in order to create five (5) street townhouse properties; and
2. That the By-law to exempt Part Lot Control be repealed and discharged from Title once all parts on the requisite Reference Plan have been conveyed.

**CARRIED**

**97-49** Moved by Alakas and Mastroianni that the matter of a request from the City of Port Colborne to endorse a resolution recommending the Niagara Health System review its long-term strategy for

health care to ensure it is in keeping with the Region's long-term strategies (Smarter Niagara) be referred to the April 2nd Regular Council Meeting.

**CARRIED**

**98-46**

**02-52** Moved by O'Dell and Fortier that Welland City Council expresses its grave concerns to the Regional Municipality of Niagara with respect to its decision to close the Niagara-on-the-Lake, Line 5 Waste Drop-off Depot without consideration and without public consultation with the City of Welland and its residents especially since the decision to close the Line 5 site has a direct impact on the Humberstone Road Landfill Site in Welland; and further

That Council urges the Region of Niagara to reconsider its decision until such time when due process is given to this matter.

**CARRIED**

**99-63**

**02-13** Moved by Alakas and Eybel that Welland City Council has no objection regarding the request from Heather Robinson, Health Bus Program, Public Health Department to park the Health Bus at the Welland Bus terminal every Wednesday morning from 10:30 a.m. to 12:30 p.m. starting April 3, 2002.

**CARRIED**

**99-140**

Moved by Alakas and Eybel 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**

**2000-56** Moved by O'Dell and Mastroianni that Council formally withdraw Draft Plan Approval for the Riverview Subdivision (File 26T-91006) located on the west side of Riverside Drive, south of Waterview Court.

**CARRIED**

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

**01-9** Moved by Alakas and Eybel 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**

**01-53** Moved by Alakas and Eybel that the presentation by Stephen Butz, C.E.O. and Jim Inman, YMCA Niagara regarding the 2 million dollar Superbuild Funding for the Welland YMCA proposed to be located at Niagara College be received for information.

**CARRIED****01-118** Moved by Alakas and Eybel that

1. That Council approve the repealing of By-law 6475 which authorized an Agreement for lands on the north side of Woodlawn Road, east of Clare Avenue (Part 1, Plan 59R- 2003); and
2. That the Mayor and Clerk be authorized to execute any documentation to discharge the Agreement or Notice of Agreement from Title, as required.

**CARRIED****01-123** Moved by Alakas and Eybel

1. That Council approve the repealing of By-law 7823 which authorized a Site Plan Control Agreement for 122 Afton Avenue; and
2. That the Mayor and Clerk be authorized to execute any documentation to discharge the Site Plan Control Agreement or Notice of Agreement, as required.

**CARRIED**

**01-139** Moved by Alakas and Eybel that the City of Welland provide Ontario Building Code Inspection Services to the City of Port Colborne on March 21, and March 25-28, 2002 (half days) at a fee of \$50.00/hour.

**CARRIED****02-2**

**02-23** Moved by Alakas and Eybel that Council appoint Richard Goupil as a Licensing Officer, Weed Inspector and Livestock Evaluator for the City of Welland.

**CARRIED**

**02-3** Moved by Alakas and Eybel that a Lottery License be granted to the following:  
Community Resource & Action Centre - Nevada.

**CARRIED**

**02-4** Moved by Eybel and Fortier that Welland City Council acknowledges its intent to use the CRF Allocations it will receive for the direct benefit of taxpayers; and accepts the 2002 CRF Allocations in accordance with the terms and conditions (Conditions of Community Reinvestment Fund Allocations) appended to Report TR-02-05.

**CARRIED**

**02-7** Moved by Alakas and Eybel that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	28-Feb-02	\$	90,706.18
2	1-Mar-02		5,350.00
3	4-Mar-02		10,000.00
4	5-Mar-02		230,133.49
5	6-Mar-02		18,665.17
6	7-Mar-02		37,474.46
7	13-Mar-02		<u>259,564.55</u>
	Total		<b>\$ 659,386.06</b>

**CARRIED**

**02-21** Moved by Alakas and Eybel that Welland Council approves the application of the Multiple Sclerosis Society of Canada for the **"2002 Welland Zehrs Super Cities Walk for MS"** to be held on Sunday, April 21, 2002 at Merritt Island subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**02-21** Moved by Alakas and Eybel that Welland Council approves the application of the Welland Volunteer Fire Company #1 for the **"7th Annual Easter Egg Hunt and Coloring Contest"** on Saturday, March 30, 2002 at Merritt Island subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**02-28** Moved by Alakas and Eybel that the presentation by Ian Morrison, Welland Hospital Foundation's President and Lyn Russ, Foundation Executive Director regarding the positive impact of donations through Welland Hospital Foundation to support the Niagara Health System - Welland Hospital Site be received for information.

**CARRIED**

**02-31** Moved by Alakas and Eybel that the request by Mike Adam, Football Canada Director regarding the use of Plymouth Park fields for June 14, June 22, July 5 and July 27, 2002 be received for information.

**CARRIED**

**02-31** Moved by Mastroianni and Belcastro that the petition from the residents surrounding Plymouth Park requesting Plymouth Park be declared a "soccer only" park be received for information.

**CARRIED**

**02-31** Moved by Belcastro and Mastroianni that Plymouth Park Field be declared a "Soccer only" field.

**CARRIED**

**YEAS:** Councillors O'Dell, Mastroianni, Eybel, Alakas, Dmytrow-Bilboe, Irvine, Belcastro, and Mayor Forster.

**NAYS:** Councillors Dzugan, Fortier and Spadafora.

**02-31** Moved by Irvine and O'Dell that funds be allocated in the 2002 Community Services Capital Budget to restore/re-sod the centre 40% of the Plymouth Park field and install an irrigation system to assist in the maintenance of the field. The estimated cost for the project is approximately \$36,000.00.

**CARRIED**

**YEAS:** Councillors O'Dell, Mastroianni, Eybel, Alakas, Belcastro, and Mayor Forster.

**NAYS:** Councillors Dzugan, Fortier, Dmytrow-Bilboe, Irvine and Spadafora.

**02-47** Moved by Alakas and Eybel that Welland Council endorses the resolution from the Town of Pelham regarding the lack of representation from the Niagara Region on the Central Zone Smart Growth Panel; and  
That the Clerk advise the proper authorities accordingly.

**CARRIED**

**02-57** Moved by Alakas and Eybel that Council accepts the tender of Vic Vatr Contracting Limited for the Sanitary Sewer Service Lateral Replacement Program 2002, as presented in Report ENG 2002-09; and  
That the estimated construction cost based on the low tender, in the amount of \$179,030.00, plus G.S.T. be funded from the approved allocation in the 2002 Sanitary Sewer Capital Budget (Capital from Revenue under the 2002 Operating Budget); and further  
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 \$179,030.00 plus G.S.T.

**CARRIED**

**02-68**  
**02-77** Moved by Alakas and Eybel that Council waive the requirement for the "minimum three (3) bids" for the supply of RS1 or HF150S due to the fact that only two (2) tenders were received from Norjohn Limited and T. J. Pounder out of five (5) tender requests; and furthermore  
That Council waive the requirement for the "minimum three (3) bids" for the supply of top soil due to the fact that only two (2) tenders were received from Abe's Top Soil and Compost Niagara out of six (6) tender requests; and furthermore  
That Council authorize the opening of these tenders for the supply of the subject material.

**CARRIED**

**02-74** Moved by Alakas and Eybel that Council accepts the tender from Cantec Security Services Inc., St. Catharines, Ontario, being the lowest tender of three (3) submitted at a rate of \$9.45 per hour plus G.S.T. for Uniformed Security Guard services and \$7.50 plus G.S.T. for Uniformed Patrol services, at City Hall, the Welland County Court House and various park locations. Funding for this service shall be from the 2002 Community Services Department Operating Budget in the areas of City Hall, Court House and Swimming Pools.

**CARRIED**

**02-74** Moved by Alakas and Eybel that Report DSD-2002-25 respecting the costs of providing 24 hour seven day per week By-law Enforcement/Security be received.

**CARRIED**

**02-76** Moved by Alakas and Eybel

1. That Council endorses and approves the "Relay for Life" event sponsored by the Canadian Cancer Society, at the Niagara Regional Exhibition Grounds on June 14 and 15, 2002.
2. That Council approves the issuance of a License for an Outdoor Show and Entertainment Event subject to the following conditions:
  - 1) the license be valid for June 14-15, 2002, according to the schedule submitted;
  - 2) the event complies with the requirements of the Niagara Regional Health Services Department and the Welland Fire Department;

- 3) the event proceeds in accordance with the description provided in the letter from the Canadian Cancer Society dated October 22, 2001.
3. That the City of Welland waives the license fee associated with this event.

...continued...

**02-76...Cont'd.**

4. That Council exempts the Canadian Cancer Society from obtaining any additional City licenses associated with this event provided the event complies with any health or safety issues associated with these uses.
5. That Council exempts the event from the City of Welland Noise By-law 10204 in accordance with paragraph 3.(b) of the said By-law.

**CARRIED**

**02-79** Moved by Mastroianni and Alakas that Welland City Council approves the request from the Local Architectural Conservation Advisory Committee (LACAC) to name the area being bounded by King Street, Lincoln Street East, Plymouth Road and the former Michigan Central Railway and the Canadian National Railway tracks as "***Plymouth Cordage Heritage District***".

**CARRIED**

**02-80** Moved by O'Dell and Dzugan that staff be directed to prepare a report concerning servicing of the Riverside Drive area from Windsor Drive southerly.

**CARRIED**

**02-82** Moved by Spadafora and Dmytrow-Bilboe that the presentation by Kim Stasiak, RN Emergency Nurses Association of Ontario regarding the recent development of a Niagara Health Coalition be received for information; and further  
That Welland City Council endorses the resolution of the Ontario Health Coalition supporting Canada's public health care system and principles of the Canada Health Care Act, and urging the federal and provincial governments to ensure that these principles are maintained, and  
That the public health care system is publicly delivered and upgraded where necessary with adequate public funding; and  
That Welland City Council declare May 15, 2002 as "***National Public Medicare Day***".

**CARRIED  
UNANIMOUSLY**

**BY-LAWS**

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

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

**94-71**

BYL 2002-34

A By-law to adopt a Transportation Planning Study prepared by Delcan Corporation for the City of Welland.

**95-103**

BYL 2002- 35

A By-law to exempt certain lands from Part-Lot Control - Lot 30, Plan 59M-286, located on the north side of St. Lawrence Drive, in the Towpath Village Extension (Plan 59M-286), City of Welland.

...continued...

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

**99-38**

BYL 2002-36

A By-law to authorize the extension of trunk sanitary sewer and watermain extensions (Central West/Colbeck Drive).

**99-117**

BYL 2002- 37

A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland and to Repeal By-law 9266.

**01-118**

BYL 2002-38

A By-law to repeal City of Welland By-law 6475 being a By-law authorizing the execution of an Agreement for lands on the north side of Woodlawn Road, east of Clare Avenue (Part 1, Plan 59R-2003).

**01-123**

BYL 2002-39

A By-law to repeal City of Welland By-law 7823 being a By-law authorizing the Execution of a Site Plan Control Agreement for 122 Afton Avenue.

**01-169Z**

**02-22**

BYL 2002-40

A By-law to amend Schedule 'M' of Traffic and Parking By-law 89-2000.

**02-22**

BYL 2002-41

A By-law to amend Schedule 'P' of Traffic and Parking By-law 89-2000.

**02-23**

BYL 2002-42

A By-law to appoint Richard Goupil as the Livestock Evaluator.

**02-23**

BYL 2002-43

A By-law to appoint Richard Goupil as Weed Inspector for the City of Welland.

**02-2**

**02-23**

BYL 2002 - 44

A By-law to appoint Richard Goupil as Licensing Officer for the City of Welland for the purpose of enforcing licensing By-law 4530, as amended, as reinstated by By-law 2001-55 and any subsequent Licensing By-law.

...continued...

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

**02-57**

BYL 2002-45

A By-law to accept the tender and enter into a contract with Vic Vatr Contracting Limited for the Sanitary Sewer Service Lateral Replacement Program 2002.

**02-1**

BYL 2002-46

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 19<sup>th</sup> day of March, 2002.

And that the same be now read a first time.

**CARRIED**

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

2. Moved by Mastroianni 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 By-law 9972 as amended by By-law 2001-2 passed on January 16, 2001, Councillor(s) must submit their Notice of Motion(s) in writing no later than Wednesday, March 27, 2002 for inclusion on the next Regular Council Meeting Agenda.**

**02-83** Councillor Eybel gave Notice of Motion of the following issue to be presented to Council at the April 2<sup>nd</sup>, 2002 Regular Council Meeting.

***That Welland City Council petition the Region of Niagara to extend the 60 kilometer per hour speed zone on Niagara Road #84 (Doan's Ridge Road) from the termination of the existing 60 kilometer speed zone southerly to Netherby Road.***

Council adjourned at 10:30 p.m.

These Minutes approved and adopted by Motion of Council this 2<sup>nd</sup> day of April , 2002.

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**MAYOR**

**CLERK**