



COUNCIL MEETING, APRIL 16, 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 7:35 p.m. on the above date.

Her Worship Mayor Cindy Forster in the Chair.

The open meeting commenced with the playing of the National Anthem.

Members Present: Councillors R. Alakas, D. Beaudoin, M. Belcastro, N. Dmytrow Bilboe, M. Dzugan, T. Eybel, D. Fortier, D. Grenier (7:25 p.m.), J. Irvine, J. Mastroianni and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (7:10 p.m.)

City Manager T. Fitzpatrick

Fire Chief P. Olah

General Manager Engineering, Public Works & Transportation Services G. Marcello

General Manager Financial & Corporate Services/Treasurer B. Silvestri

Human Resources Manager R. Beaumont (until 7:30 p.m.)

Clerk Steno III B. Gallaccio (7:35 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) labour relations or employee negotiations;
- b) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

02-25 Moved by Belcastro and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 7:30 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Beaudoin disclosed an interest in Ref. No. 99-4/2000-4/01-4 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is the Secretary of the Rose City Snow Seekers.

Councillor Dzugan disclosed an interest in Ref. No. 02-3 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is Vice President of the Canadian Slovak League which operates a Bingo Hall in the City of Welland.

Councillor Irvine disclosed an interest in Ref. No. 01-108 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property in the downtown area.

Councillor Mastroianni disclosed an interest in Ref. No. 01-108 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property in the downtown area.

PUBLIC HEARING PURSUANT TO SECTION 442 - TAX WRITE-OFFS

No one requested to speak

PRESENTATION:

02-28 Fire Chief P. Olah, on behalf of the Office of Governor General, awarded Certificates of Commendation to Matthew Stonier and Bryon Donnison in recognition of their actions following an incident at the Welland Canal on August 27, 2001.

DELEGATIONS:

- 02-28** Damien Golborne, Welland Chamber of Commerce apprised Council of the events scheduled by the Chamber and future partnership initiatives.
- 97-77**
- 02-31** Wayne Jaroslowski and Shane Belford, Renegades Baseball Club and Mike Simpson, Stadium Committee Member, addressed Council regarding the proposed costing and availability of use of baseball fields in the City of Welland.
- 99-43** James Wilson, Chair, and Helen Santek, the Niagara Chapter of the Ontario Electricity Coalition addressed Council regarding deregulation and privatization of electricity.
- 02-28** Angela Carter and Jim Gillap, Partners in Pride, updated Council on the progress of the initiative.
- 02-28** John Putman, Adult Literacy Council addressed Council regarding illiteracy problems in the Niagara Region.

THE FOLLOWING CORRESPONDENCE WAS READ:

- 02-90** Report from General Manager Engineering Services G. Marcello regarding Tender - Pavement Markings.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 94-71** Notice of Motion, Councillor Fortier, Proposed 'Corridor Study', Lincoln Street, Prince Charles Drive to Wellington Street.
- 94-102**
- 97-135** Amendment to Waterworks By-law 10894, schedule "B", Water consumption Fees for Hydrant Use Permit.
- 96-48** Development Charges for 2001 Year End Statement.
- 97-77** Welland Sports complex Rates.
- 97-77**
- 02-31** Wayne Jaroslowski and Shane Belford, Renegades Baseball Club to address Council regarding the proposed costing and availability of use of baseball fields in the City of Welland.
- 99-4**
- 00-4**
- 01-4** Acting City Treasurer B. Silvestri - Application for Tax Write-Offs - Section 442 (Report TR-02-07).
- 99-43** Mr. James Wilson, chair, and Helen Santek, the Niagara Chapter of the Ontario Electricity Coalition - The Electricity Deregulation and Privatization.
- 2000-47** Dir. of Development Services/Acting C.A.O. T. Fitzpatrick - Request to Lay Out, Establish and Name 0.3 metre reserves - Phase 2 - Woodhaven Estates Subdivision Plan 59M-277.
- 01-108** Downtown Revitalization.

01-135

02-48 Dir. of Operational Services G. Marcello - Award of Tender - Fourth, Fifth and Sixth Streets Area Watermain Replacement, Phase II and Ontario Road Storm Sewer Realignment (FTR Properties).

01-176

Request from Cheryl M. Cascaden, 91 Farr Road, requesting a waterline extension.

02-3

Criteria and Procedures for Establishing Bingo Halls, Amend By-law 10328.

02-3

Gord Wallen, Manager, Dog Guides Canada - request to sell lottery tickets in the City.

02-5

Culture, Recreation and Sports Assistance Program.

02-6

Susan Noakes, Curator Director, Welland Historical Museum - requesting the month of May be declared as Museum Month.

02-6

Charm Cottingham, National President - requesting the week of May 25-31, 2002 be declared Hemochromatosis Awareness Week.

02-7

Acting City Treas. B. Silvestri - Accounts Payable Report - March 27, 2002 to April 9, 2002.

02-13**02-21****02-52**

Ginger Kerho, Campaign Chair, Niagara South Hip Hip Hooray Campaign requesting the use of a shuttle bus and two buses for May 26, 2002 for the Hip Hip Hooray Walk-a-thon.

02-14

City Manger T. Fitzpatrick - 2002 Conference Report.

02-46

Computer Purchase Program for City Staff & Members of Council.

02-28

Fire Chief P. Olah on behalf of the Office of the Governor General to award Certificates of Commendation to Matthew Stonier and Bryon Donnison in recognition of their actions following an incident at the Welland Canal on August 27, 2001.

02-28

Angela Carter and Jim Gillap - presentation re partners in Pride, update on the progress of the initiative.

02-28

John Putman, The Adult Literacy Council - presentation re: illiteracy problem in the Niagara Region.

02-66

Request for hstallation of Pedestrian Signal, Niagara Road #27 (East Main Street) at Golden Boulevard East.

02-68

Tender Award - Supply of RSI.

02-72

Tender Award - Supply of compost material and top soil.

02-78

Springhead Gardens Sanitary Sewer Replacement.

02-84

Caithness Drive, Sanitary Sewer Replacement.

02-86

Dir. of Operational Services G. Marcello - Tender - Tire Service.

02-89**02-89Z**

Application for amendment to the Official Plan and Zoning By-law - Armstrong, Goldberg, Hunter on behalf of Imperial Oil Limited and 172965 Canada Ltd. 711 and 713 Niagara Street (File 2002-02).

02-1

Moved by Alakas and Dmytrow-Bilboe that the Minutes of the Regular Council Meeting of April 2, 2002 and the Special Council Meeting of April 9, 2002 be and the same are hereby approved and adopted as circulated.

CARRIED**94-71**

Moved by Dmytrow-Bilboe and Irvine that Report TRAF 2002-09, dated April 9th, 2002, Notice of Motion from Councillor Fortier regarding a proposed 'Corridor Study', Lincoln Street, Prince Charles Drive to Wellington Street be received for information.

CARRIED

94-102**97-135**

Moved by Dmytrow-Bilboe and Irvine that Council amend Waterworks Bylaw #10894, Schedule "B" for Hydrant Use Permits to reflect the current meter rate, based on actual consumption, to a fixed amended consumption rate of \$456.00 per year per individual Hydrant Use Permit.

CARRIED**96-48**

Moved by Dmytrow-Bilboe and Irvine that the Treasurer's Statement attached to Report TR-02-06, in accordance with the Development Charges Act and O.R. 104/98, be received and the City Clerk be instructed to forward a copy of this Statement to the Minister of Municipal Affairs within 60 days of giving this report to Council as per Section 43(3).

CARRIED**97-77**

Moved by Dzugan and Mastroianni that Council approves the following rates as recommended by the Welland Sports Complex Committee for use of the Welland Sports Complex in 2002 and 2003:

- a) Non-profit groups in 2002, the cost shall remain at \$12.00 per hour for games/ practices and \$14.00/ hr. in 2003.
- b) For-profit groups in 2002, the cost shall be \$18.00 per hour for games and practices and \$24.00/ per hr. in 2003. There was no rate for profit groups in 2001.
- c) Access to the Complex shall be ½ hour before and up to ½ hour after scheduled game/ practice and rental charges apply to these times. This cost was borne by the City in 2001
- d) Minor Rates for use of the Sports Complex - in 2002 - remain at 67% of the above noted rates of Non-profit groups. In 2003, the rate shall increase to 75% of cost.
- e) Tournaments with no paid admissions charges - \$100.00 plus appropriate hourly rate for all time used. (A new charge)
- f) Tournaments with paid admission charges, \$200.00 plus charges for full hourly rate for any time used reduced from \$250.00/ tournament but now a charge for all hours used.
- g) That an additional charge of \$150.00 be charged for all groups hosting events with a Special Occasions permit at any facility. A \$500.00 damage deposit will be refunded upon assessment of facility after use.
- h) In 2002, light fees will remain at \$30.00/ hour for non-profit Leagues with a change to for-profit Leagues of \$50.00/hour; and further
That with the exception that the rates for the qualifying World Series Tournament and the World Series Event, sponsored by the Welland Renegades Baseball Club, be grand-parented in the year 2002 at the 2001 rates.

CARRIED**97-77****02-31**

Moved by Dzugan and Mastroianni that the presentation by Wayne Jaroslowski and Shane Belford, Renegades Baseball Club and Mike Simpson, Stadium Committee Member regarding the proposed costing and availability of use of baseball fields in the City of Welland be received for information.

CARRIED**99-4****2000-4**

01-4 Moved by Mastroianni and Dzugan that pursuant to Section 442 of the Municipal Act, R.S.O. 1990, C.M. 45, Council approve the write off of taxes as contained in the Report TR-02-07 listing the reasons for reduction or cancellation and assessment values.

CARRIED

99-43 Moved by Grenier and Alakas that Council reaffirms its position in opposition to the deregulation and privatization of hydro, and further endorses the resolution from the Niagara Chapter of the Ontario Electricity Coalition.

**CARRIED
UNANIMOUSLY**

2000-47 Moved by Dmytrow-Bilboe and Irvine that Block 82, Plan 59M-132 being a 0.3 Metre Reserve, be dedicated as a public highway and named Green Pointe Drive.

CARRIED

01-108 Moved by Dmytrow-Bilboe and Beaudoin

1. That Report DSD-2002-29 of the Development Services Department dated April 9, 2002 regarding Downtown Revitalization be received.
2. That the Downtown Area for the City of Welland be delineated as shown on the attached Map 5.
3. That Staff further review various incentive programs, including the property rehabilitation and redevelopment tax-increment grant program, the residential conversion and intensification loan program and the parking requirements reduction/waiver program as outlined in this Report and report back to Council.

CARRIED

01-135

02-48 Moved by Dmytrow-Bilboe and Irvine that Council accepts the tender of DeRose Bros. General Contracting Ltd. for the replacement of watermains on Fifth Street, Sixth Street and Rices Lane (Fourth, Fifth and Sixth Streets Area, Ph II), and the construction of storm sewer on Ontario Road (FTR Properties) as presented in Reports ENG 2002-21;

That the estimated construction cost of Fourth, Fifth and Sixth Streets Area Watermain Replacement, Phase II, based on the low tender, in the amount of \$268,673.50, plus applicable G.S.T. be funded from the approved allocation in the 2002 Waterworks Capital Budget by means of current year Operating Budget (Capital from Revenue);

That the estimated construction cost of Ontario Road Storm Sewer Realignment (FTR Properties), based on the low tender, in the amount of \$28,350.26, plus G.S.T. be funded, as detailed in Report ENG 2001-73, of which the Corporation is responsible for 25% of the project cost, per signed Site Plan Agreement;

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 the tender price of \$297,023.76 plus applicable G.S.T.

CARRIED

01-176 Moved by Dmytrow-Bilboe and Irvine

1. That City Council not support an extension to the watermain on Farr Road to service property known

municipally as 91 Farr Road as the extension is located outside of the Urban Area Boundary; is contrary to the Regional Policy Plan and Section 24 of the Planning Act and it is not required to address an existing health problem; and

2. That the City Clerk notify Cheryl M. Cascaden and Regional Niagara of Council's decision.

CARRIED

02-3 Moved by Dmytrow-Bilboe and Irvine that By-law 10328 be amended by replacing Schedule "A" with the new Criteria and Procedures for Establishing Bingo Halls as prescribed by the Registrar of Alcohol and Gaming, Alcohol and Gaming Commission of Ontario.

CARRIED

02-3 Moved by Dmytrow-Bilboe and Irvine that permission is hereby granted to the Dog Guides Canada to sell lottery tickets in the City of Welland under authority of Lottery License M24752, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

02-5 Moved by Dmytrow-Bilboe and Irvine that the Culture, Recreation and Sports Assistance Program be amended to:

- a) allow participation in international events and
- b) create a maximum limit of \$500.00 for a group/ team per year.

CARRIED

02-6 Moved by Dmytrow-Bilboe and Irvine that the Mayor declare the month of May as "**Museum Month**" in the City of Welland as requested by the Welland Historical Museum.

CARRIED

02-6 Moved by Dmytrow-Bilboe and Irvine that the Mayor declare the week of May 25-31, 2002 as "**Hemochromatosis Awareness Week**" in the City of Welland as requested by the Canadian Hemochromatosis Society.

CARRIED

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

1	27-Mar-02	\$ 193,048.60
2	28-Mar-02	264.46
3	2-Mar-02	661,249.61
4	3-Mar-02	16,699.23
5	5-Apr-02	126,644.43

6	8-Apr-02	31,421.01
7	9-Apr-02	<u>72,843.96</u>
	Total	\$ 1,102,171.30

CARRIED**02-13****02-21****02-52**

Moved by Dmytrow-Bilboe and Irvine that the request from the Canadian Orthopaedic Foundation for the provision of a shuttle bus and two additional buses for the May 26, 2002 "**Hip Hip Hooray Walk-a-thon**" be referred to Transit staff for report to the April 23, 2002 General Committee and further recommendation to the May 7, 2002 Council Meeting.

CARRIED**02-14**

Moved by Dmytrow-Bilboe and Irvine that Council approves the 2002 Departmental Conference Reports.

CARRIED**02-28**

Moved by Dmytrow-Bilboe and Irvine that the presentation by Angela Carter and Jim Gillap regarding the progress of the Partners in Pride Committee for the community event scheduled for June 1, 2002 be received for information.

CARRIED**02-28**

Moved by Dmytrow-Bilboe and Irvine that the presentation by John Putman, the Adult Literacy Council regarding illiteracy problems and the availability of programs in the Niagara Region be received for information.

CARRIED**02-46**

Moved by Dmytrow-Bilboe and Irvine

1. That Council approve a computer purchase program for City staff and members of Council as set out in Report CAO-2002-09 whereby the City of Welland will purchase computers on behalf of staff and members of Council at its cost and that staff and members of Council will repay the City over an eighteen (18) month period by way of payroll deductions.
2. That persons participating in this program be required to execute an agreement with the City concerning the repayment plan; and
3. That City Capital funds set aside for computer acquisition be used to finance this computer purchase program.

CARRIED**02-66**

Moved by Dmytrow-Bilboe and Irvine that the Region of Niagara be requested to investigate and install, if warranted, a 'Pedestrian Activated Signal' at the intersection of Niagara Road #27 (East Main Street) and Golden Boulevard East, at no cost to the City of Welland, to protect students of St. Andrew's School and other pedestrians crossing Niagara Road #27 (East Main Street) at this location.

CARRIED

02-68 Moved by Dmytrow-Bilboe and Irvine that Council accepts the tender of T. J. Pounder for the supply of RS1 or HF150S Asphalt Emulsions at the quoted price of \$17,800.00, as this was the lowest of the two (2) quotations submitted.

CARRIED

02-72 Moved by Dmytrow-Bilboe and Irvine that Council accepts the quotations submitted by Compost Niagara as quoted for Compost and Top Soil material at the quoted price of \$1,850.00 and accept the quotation for Top Soil from Abe's Top Soil at the quoted price of \$10,196.00 as this being the lowest prices submitted by the two (2) companies to supply compost material and top soil.

CARRIED

02-78 Moved by Dmytrow-Bilboe 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 Sanitary Sewers, and Service Laterals on Springhead Gardens between Colbeck Drive and Endicott Terrace, as presented in Report ENG 2002-10;
That the project cost of this project be funded from the approved 2002 Sanitary Sewer Capital Budget, specifically Capital from Revenue (Operating Budget) and Reserves;
That the 2002 Sanitary Sewer Capital Budget be revised, as proposed in Report ENG-2002-10;
That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED

02-84 Moved by Dmytrow-Bilboe 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 Sanitary Sewers, and Service Laterals on Caithness Drive between Glendale Drive and Diffin Drive, as presented in Report ENG 2002-12;
That the project cost of this project be funded from the approved 2002 Sanitary Sewer Capital Budget, by means of Reserves and Municipal Debenture;
That the 2002 Sanitary Sewer Capital Budget be revised, as proposed in Report ENG-2002-12;
That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED

02-86 Moved by Eybel and Belcastro that Council waives the requirement for the "minimum three (3) bids" for the provision of Tire Service due to the fact that only two (2) quotations were received from Groff Tire & Battery Ltd. and Niagara Battery & Tire, out of six (6) quotation requests;
and furthermore
That Council authorize the opening of the tender for the supply of the subject service.

CARRIED

02-89

02-89Z Moved by Dmytrow-Bilboe and Irvine that Report DSD-2002-31 regarding an application for amendment to the Official Plan and Zoning By-law from Armstrong, Goldberg, Hunter on behalf of Imperial Oil Limited and 172965 Canada Ltd. for lands at 711 and 713 Niagara Street (File 2002-02) be received for information.

CARRIED

02-90 Moved by Dmytrow-Bilboe and Irvine that Council waives the requirement for the "minimum three (3) bids" for the Pavement Marking tender, as only one (1) bid was received from Terrio Road Marking out of those firms/agencies requested to submit a tender; and furthermore That Council authorize the opening of the tender received for this service.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

02-15 Moved by Mastroianni and Eybel that Welland City Council ratifies the Memorandum of Settlement for the period of January 1, 1998 to December 31, 2002 between the Corporation of the City of Welland and the Welland Professional Fire Fighters Association dated April 16, 2002; and That the City Solicitor be directed to prepare the necessary contract By-law.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

2000-47

BYL 2002-57

A By-law to Lay Out, Establish and Name Block 82, Plan 59M-132 being a 0.3 metre reserve for the City of Welland as part of Green Pointe Drive.

01-135

02-48

BYL 2002-58

A By-law to authorize the acceptance of tender and entering into a contract with Derosé Bros. General Contracting Ltd. for replacement of watermains on Fourth, Fifth and Sixth Streets Area, Phase II; and for the Ontario Road Storm Sewer Realignment (FTR Properties).

02-68

BYL 2002-59

A By-law to authorize the acceptance of tenders of Welland Paving Company, Hard Rock Paving and QPR Inc. for the supply of various asphalt materials.

02-70

BYL 2002-60

A By-law to authorize the acceptance of tenders of Hard Rock Paving,

Port Colborne Quarries and Vineland Quarries for the supply of various grades of stone.

02-71

BYL 2002-61

A By-law to authorize the entering into a contract with Miles Services for street sweeping rentals.

...continued...

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

02-1

BYL 2002-62

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 9th day and the 16th day of April, 2002.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan 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, May 1, 2002 for inclusion on the next Regular Council Meeting Agenda.

Council adjourned at 9:25 p.m.

These Minutes approved and adopted by Motion of Council this 7th day of May, 2002.

MAYOR

CLERK