



COUNCIL MEETING JUNE 4, 2002

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 5:05 p.m. and in open session at 7:30 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 (6:40 p.m.), 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 (6:15 p.m.)

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah

General Manager Engineering, Public Works & Transportation Services G. Marcello (7:30 p.m.)

General Manager Parks & Recreation I. Smith (7:30 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:30 p.m.)

Manager Human Resources R. Beaumont (until 6:30 p.m.)

Clerk Steno III B. Gallaccio (7:30 p.m.)

Manager, Development Planning/Real Estate D. Thorpe (7:30 p.m.)

Chief Building Official M. Mantesso (7:30 p.m.)

Deputy Fire Chief K. Roach (until 6:30 p.m.)

Fire Prevention Adviser, Ralph D'Antonio and Peter Jobe, from the Office of the Ontario Fire Marshall, were present during Committee-of-the-Whole discussions on a Security of Property Matter.

02-25 Moved by Mastroianni and Eybel that Council meet in Committee-of-the-Whole, closed to the public at 5:05 p.m. to consider:

a) the security of the property of the municipality.

CARRIED

02-25 Moved by Eybel and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 7:05 p.m.

CARRIED

DELEGATIONS:

02-116 Geri and Helen Kerekes addressed Council requesting an exemption to the Fence By-law for 88 Marc Boulevard.

97-49 Frank Rupcic, John Krall and Aggie Emmerson, Medical Recruitment Committee Representatives, updated Council on the Committee's activities.

01-110

02-15 Tom Nenadovich, Fire Prevention Officer, addressed Council regarding a fundraising event for the Children's Safety Village located at Niagara College, and regarding the smoke detector inspection program.

THE FOLLOWING CORRESPONDENCE WAS READ:

02-31 Report from General Manager, Parks and Recreation I. Smith re Skateboard Park.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

02-4 A By-law to amend debenture funding for various Capital Projects.

02-115 A By-law to authorize the Entering into a Service Sharing Agreement with the Corporation of the Town of Pelham, with respect to the Regional Municipality of Niagara proposed Term Care Facility on South Pelham Road.
Long

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 95-115** A By-law to amend By-law 1999-196, being a By-law to authorize the acceptance of the tender of Nadeco Limited for the construction of a sewage off-line equalization storage facility (as part of joint project with the Regional Municipality of Niagara for modification to the Dain City sewage Pumping Station).
- 97-49** Frank Rucic and Aggie Emmerson, Medical Recruitment Representatives - update on Medical Recruitment.
- 97-77** Sports Complex Concession Booth.
- 97-77**
- 02-31** Use of Ball Fields - Profit Groups.
- 99-92** A By-law to authorize the purchase of One Forty Industrial Subdivision from Caisse Populaire Welland Limitee, Under Power of Sale.
- 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.
- 2000-83** 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.
- 2000-134**
- 01-135** 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 Sutherland Avenue, and to amend By-law 2001-178.
- 01-9** Mr. & Mrs. Brown - requesting street light installation at the intersection of Biggar and Moyer Roads.
- 01-110**
- 02-15** Tom Nenadovich, Fire Prevention Officer, re a fundraising event for the Children's Safety Village located at Niagara College.
- 02-1** 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 28th day of May and 4th day of June, 2002.
- 02-2** City Restaurant License consideration for Jimmy Sweets/Bulldogs BBQ Backyard Grill at 147 East Main Street.
- 02-4**
- 02-32** Capital Project - Jack Ballantyne Memorial Arena.
- 02-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Debenture Request 2002 (Summer).
- 02-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Transfer Delinquent Accounts from/to Tax Registration Process.
- 02-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - By-law to Set and Levy Tax Rates for the year 2002.
- 02-4** A By-law to establish Tax Ratios and to Levy Taxes for the year 2002.
- 02-4** A By-law to approve the 2002 Debenture Issue request in the amount of \$886,000.00 for submission to the Regional Municipality of Niagara (Debenture Request 2002 - Summer).
- 02-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Accounts Payable Report - May 14, 2002 to May 28, 2002.
- 02-20** Margaret Clark, St. Kevin's Church - requesting a liquor license to celebrate its 50th Anniversary on Sunday, September 1, 2002.
- 02-22** A By-law to authorize the replacement and/or upgrading of Traffic Signals at certain intersections.
- 02-21** Heart and Stroke Foundation - requesting permission to hold its annual "***Big Bike for Stroke***" to be held on May 29, 2002.
- 02-31** Tender Proposals for Gram, Trelawn and Manchester Parks.
- 02-31** 326 Aqueduct - Tree.

02-32

Public Skating - Arenas.

02-32

Gen. Mgr. Parks and Recreation I. Smith - Ice Controller - Welland Arena.

- 02-36** Gen. Mgr. Engineering, Public Works & Transp. Serv. G. Marcello - Request for authorization to call tenders for the Procurement of Equipment and Vehicles as per the 2002 Fleet Replacement Program.
- 02-80** Servicing of the Riverside Drive area from Windsor Drive southerly.
- 02-95Z** Proposed Amendment to Zoning By-law 2667- Welland Medical Developments Limited - 570 King Street (File 2002-04).
- 02-95Z** A By-law to amend City of Welland Zoning By-law 2667 (Welland Medical Developments Limited - File 2002-04) 570 King Street.
- 02-96** A By-law to authorize the signing of Official Plan Amendment No. 105.
- 02-96**
- 02-96Z** Proposed Amendment to Official Plan and Zoning By-law 2667 - Caisse Populaire Welland Limitee - 59 Empire Street (File 2002-05).
- 02-96Z** A By-law to amend City of Welland Zoning By-law 2667 (Caisse Populaire Welland Limitee - File 2002-05) 59 Empire Street.
- 02-113** Purchase of Zerox 470STSLX Copier.
- 02-114** Equity in Sport Review.
- 02-115** Agreement with the Town of Pelham for Development of the Niagara Region's Proposed Long Term Care Facility.
- 02-116** Geri and Helen Kerekes - requesting an exemption to the Fencing By-law.
- 02-117** Carolyn J. Kett, Town Clerk, Town of Fort Erie requesting Council's support of the City of Fort Erie resolution of May 13, 2002 urging the Government of Ontario to acquire Marcy's Woods for the benefit of the people of Ontario.

02-1 Moved by Dzugan and Dmytrow-Bilboe that the Minutes of the Regular Council Meeting of May 21st, 2002, and Special Council Minutes of May 28th, 2002 be and the same are hereby approved and adopted as circulated.

CARRIED

97-49 Moved by Dmytrow-Bilboe and Belcastro that the presentation by Frank Rupcic, John Krall and Aggie Emerson, Medical Recruitment Committee representatives regarding an update on the Committee's activities be received for information.

CARRIED

97-77 Moved by Irvine and Belcastro that staff prepare a Request for Proposals (RFP) for the operation of the Concession Booth at the Sports Complex for the 2003-2005 seasons (3 years) and; That for the year 2002, the present concession operator be asked to contribute to the Culture Sport and Recreation Fund the greater of \$500.00 or 5% of gross sales.

CARRIED

97-77

02-31 Moved by Belcastro and Fortier that all profit groups using City of Welland Sports Fields for baseball, slowpitch or soccer shall be charged at a rate equal to the profit groups charge for use of the Welland Stadium of \$18.00/ hour in 2002 and \$24.00/ hour in 2003. The new rate will be in effect for the 2002 season and will not be retroactive to the start of the season.

CARRIED

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

CARRIED

2000-83 Moved by Belcastro and Fortier 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 Belcastro and Fortier 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 Belcastro and Fortier that the request from Mr. & 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**01-110**

02-15 Moved by Belcastro and Fortier that Council supports the fund raising event to be sponsored by the Welland Fire and Emergency Services on behalf of the Niagara Regional Children's Safety Village to be held on Saturday, August 10, 2002; and That Councillors and the citizens of Welland be encouraged to attend.

CARRIED**02-2**

Moved by Eybel and Mastroianni that the City grant a Business License (Restaurant) for the proposed outdoor patio/cafe at 147 East Main Street subject to the premises complying with City By-laws and the requirements of Fire, Health and Building Officials.

CARRIED**02-4**

Moved by Fortier and Eybel

1. That the City of Welland request the Region of Niagara to issue debentures in the amount of \$886,000 in accordance with the terms of the various authorizing by-laws outlined in Schedule A to Report FIN-02-11 dated June 4th, 2002; and
2. That the City Clerk and the Treasurer be and they are hereby directed to make available to the said Regional Municipality of Niagara certified copies of all By-Laws and Orders of the Ontario Municipal Board applicable and all other information required in this connection, to ensure the issue of the said debentures in the amount of \$886,000 for the projects described on the said Schedule A.

CARRIED

02-4 Moved by Belcastro and Fortier that Council approve the Treasurer's recommendation that delinquent account number 1 under Commercial, previously listed on Report TR 2001-04, approved by Council on February 6th, 2001, be transferred from Schedule 'B' and thus placed under Tax Registration as the principals neglected to maintain their arranged repayment program.

CARRIED

02-4 Moved by Fortier and Mastroianni that the City Solicitor prepare a By-law, as outlined in report FIN-02-13

- to fix rates of taxation for 2002 (Schedule G)
- to provide for the levying and collection of taxes for 2002
- to set the residential due dates of July 2nd, 2002 and September 3rd, 2002.

CARRIED

02-4

02-32 Moved by Belcastro and Fortier that the quote from Tech-Stone Floor and Wall Coatings Inc., Welland, Ontario in the amount of \$5,526.55 including GST for the resurfacing of the walls and floors of the showers in the Jack Ballantyne Memorial Arena be accepted as being the lowest price received. Funds for the project shall be from the Capital Budget of the 2002 Parks and Recreation Budget.

CARRIED

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

1	14-May-02	\$	25,915.56
2	15-May-02		41,950.23
3	16-May-02		12,891.44
4	21-May-02		128.48
5	22-May-02		20,735.30
6	23-May-02		29,164.94
7	24-May-02		64,790.18
8	27-May-02		156,400.38
9	28-May-02		<u>167,630.66</u>

Total \$ **519.607.17**

CARRIED

02-20 Moved by Belcastro and Fortier that Welland City Council has no objection to a liquor license being issued to St. Kevin's Church to celebrate its 50th Anniversary on Sunday, September 1, 2002; and further considers this event municipally significant for this purpose.

CARRIED

02-21 Moved by Belcastro and Fortier that Welland City Council approves the application of the Heart and Stroke Foundation of Ontario for its annual "**Big Bike for Stroke**" scheduled for May 29, 2002 at the Seaway Mall; subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

02-31 Moved by Belcastro and Fortier that Report P & R-02-28 regarding 326 Aqueduct - Tree be referred to the next General Committee Meeting.

CARRIED

02-31 Moved by Belcastro and Fortier

1. That Council authorize the General Manager of Parks and Recreation to prepare plans and specifications and call tenders for the construction of a Skate Board Park behind the Jack Ballantyne Memorial Arena;
2. That Council authorize the purchase the skateboard modular equipment, to a upset limit of \$80,000, based on input from skateboarders and other stakeholders;
3. That Council waive the tendering process for the purchase of modular equipment to ensure the equipment represents the needs of the user groups;
4. That the project be funded from the 2002 Capital Budget for the Parks and Recreation Department.

CARRIED

02-31 Moved by Irvine and Eybel that Council accept the three proposals for Gram, Trelawn and Manchester Parks play equipment with funding from the Parks Equipment Reserve Funds (2001) and Erie Park from the Parks Equipment Capital Funds (2002) and that staff be directed to install the equipment, as soon as possible. The proposals are as follows:

Trelawn Park - Little Tykes Commercial Playsystems
Proposal - \$16,641.11 plus GST

Gram Park - Belair Recreational Products Inc.
Proposal - \$9,055.38 plus GST

Manchester Park - Henderson Recreational Equip. Ltd.
Proposal - \$23,363 plus GST

Erie Park - Henderson Recreational Equip. Ltd.
Proposal - \$23,363 plus GST

CARRIED

02-32 Moved by Belcastro and Fortier that report P & R-02-24 regarding Public Skating - Arenas be tabled.

CARRIED

02-32 Moved by Belcastro and Fortier that Council authorize staff to purchase a 3000E SC1 Ice Rink Controller - twin rink system from CIMCO Refrigeration at a cost of \$19,364.00 plus GST with funding for the project from the 2002 Capital Budget of the Parks and Recreation Department.

CARRIED

02-36 Moved by Belcastro and Fortier that Council authorize the General Manager of Engineering, Public Works and Transportation Services to call tenders for the procurement of equipment and vehicles as per the 2002 Fleet Replacement Program.

CARRIED

02-95Z Moved by Belcastro and Fortier that Zoning By-law 2667, as amended, be further amended for lands located on the east side of King Street, south of Fourth Street (part of Block F, Plan 574) by amending the C3-X1 Zone for the northerly 51.6± metres, known municipally as 570 King Street, to provide for reduced Zone Provisions to recognize a Consent Decision by the Committee of Adjustment and to Rezone the southerly 61.2± metres from the existing C3-X1 Zone to a Site Specific C3 Zone to restrict the uses to a clinic, a medical laboratory, retail activities related to health care such as a pharmacy and optician, a delicatessen or sandwich shop, and accessory uses; to create Zone Provisions and to require a minimum of 50 parking spaces instead of the required 71 spaces.

CARRIED

02-80 Moved by Belcastro and Fortier that staff be again directed to prepare a report concerning servicing of the Riverside Drive area from Windsor Drive southerly.

CARRIED

02-96

02-96Z Moved by Belcastro and Fortier

1. That the City of Welland adopt Official Plan Amendment No. 105 respecting Lots 21, 23 and part of Lot 19, Plan 566 known municipally as 59 Empire Street to permit business offices and a financial institution and to provide Policies to guide redevelopment;
2. That Zoning By-law 2667, as amended, be further amended for 59 Empire Street (Lots 21, 23 and part of Lot 19, Plan 566) from the existing RM4 with exemptions to a Site Specific RM4 Zone to permit the entire property to be used for business offices and a financial institution and to create Zone Provisions and that such By-law shall come into force upon the final approval of the Official Plan Amendment; and
3. That By-laws 4822 and 5621, being By-laws amending Zoning By-law 2667, be repealed upon the final approval of the proposed Zoning By-law Amendment.

CARRIED

02-113 Moved by Belcastro and Fortier that Council approves the purchase of a Xerox 470STSLX Copier at a purchase price of \$30,995 plus applicable taxes, to be funded from the Capital Budget; plus \$.009 per copy for a full Maintenance Coverage Agreement to be paid from the Operating Budget.

CARRIED

02-114 Moved by Alakas and Irvine

1. That staff be authorized to prepare a Request for Proposal (RFP) for the retention of a professional consulting company to review the relationship between the City and the community's minor sports groups.

2. That the RFP provide Council with options to ensure equity for all community, minor sports organizations.
3. That staff complete an RFP for review by Council.

CARRIED

02-115 Moved by Belcastro and Fortier

1. That Council exempt the Regional Municipality of Niagara from the requirement to provide financial security for on-site works for the proposed Regional Long Term Care Facility on South Pelham Road as it affects the City of Welland;
2. That the City of Welland and the Town of Pelham enter into an agreement for the joint enforcement of the Building Code Act with respect to the construction of the Regional Municipality of Niagara's Proposed Long Term Care Facility located at the northwest corner of Foss Road and South Pelham Road; and the Mayor and Clerk be authorized to sign the agreement.

CARRIED

02-116 Moved by Fortier and Eybel that the request from Geri and Helen Kerekes regarding an exemption to the Fence By-law for 88 Marc Boulevard be referred to the Development Services staff for study and review.

CARRIED

02-117 Moved by Fortier and Alakas that Welland City Council endorses the Town of Fort Erie's resolution urging the Government of Ontario to acquire Marcy's Woods for the benefit of the people of Ontario; and
That the City Clerk advise the proper authorities accordingly.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

BY-LAW PRESENTED FOR FIRST READING:

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

99-43

BYL 2002-89

A By-law to approve Credit Facilities to Welland Hydro-Electric System Corp.
by Royal Bank of Canada.

And that the same now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Mastroianni and Spadafora that the By-law listed in the foregoing motion for first reading having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

95-115

BYL 2002-90

A By-law to amend By-law 1999-196, being a By-law to authorize the acceptance of the tender of Nadeco Limited for the construction of a sewage off-line equalization storage facility (as part of joint project with the Regional Municipality of Niagara for modification to the Dain City sewage Pumping Station).

99-92

BYL 2002-91

A By-law to authorize the purchase of One Forty Industrial Subdivision from Caisse Populaire Welland Limitee, Under Power of Sale.

2000-134

01-135

BYL 2002-92

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 Sutherland Avenue, and to amend By-law 2001-178.

02-4

BYL 2002-93

A By-law to establish Tax Ratios and to Levy Taxes for the year 2002.

02-4

BYL 2002-94

A By-law to approve the 2002 Debenture Issue request in the amount of \$886,000.00 for submission to the Regional Municipality of Niagara (Debenture Request 2002 - Summer).

02-22

BYL 2002-95

A By-law to authorize the replacement and/or upgrading of Traffic Signals at certain intersections.

...continued...

BY-LAWS PRESENTED FOR FIRST READING ...Cont'd.:**02-95Z**

BYL 2002-96

A By-law to amend City of Welland Zoning By-law 2667 (Welland Medical Developments Limited - File 2002-04) 570 King Street.

02-96

BYL 2002-97

A By-law to authorize the signing of Official Plan Amendment No. 105.

02-96Z

BYL 2002-98

A By-law to amend City of Welland Zoning By-Law 2667 (Caisse Populaire Welland Limitee - File 2002-05) 59 Empire Street.

02-1

BYL 2002-99

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 28th day of May and 4th day of June, 2002.

And that the same be now read a first time.

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

4. Moved by Dzugan and Dmytrow-Bilboe 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, June 12, 2002 for inclusion on the next Regular Council Meeting Agenda.

02-118

Councillor Spadafora gave Notice of Motion of the following issue to be presented to Council at the July 16th, 2002 Regular Council Meeting.

***That staff be directed to review and report on the costs and revenues of establishing and operating a municipal golf course based on experiences in at least 6 other municipalities; and
That the Welland Recreational Canal Lands Corporation be asked for its input.***

Council adjourned at 9:35 p.m.

These Minutes approved and adopted by Motion of Council this 18th day of June, 2002.

MAYOR

CLERK