



COUNCIL MEETING, SEPTEMBER 3, 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 7:30 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, D. Beaudoin, M. Belcastro, N. Dmytrow Bilboe, M. Dzugan, T. Eybel (7:05 p.m.), D. Fortier, J. Irvine, J. Mastroianni, and S. O'Dell.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

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

Manager, Environmental & Traffic Services D. Cook (7:30 p.m.)

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah (7:30 p.m.)

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

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

Manager, Engineering Services L. Ventresca (7:30 p.m.)

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

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

- a) the security of the property of the municipality.

CARRIED

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

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

CARRIED

DISCLOSURE OF INTEREST:

Councillor Fortier disclosed an interest in Ref. No. 99-38 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property adjacent to the subject property.

DELEGATIONS:

2000-88 Hether Deans, Manager, Healthy Babies/Parent Child Health Program, Public Health Department and Susan Reid, Commissioner of Community Services, Regional Niagara addressed Council regarding information on "Understanding the Early Years" project.

02-22 Steve Starfield, owner of 544 Lincoln St. and John Falvo, Barber at Lincoln Barbers addressed Council and requested that parking be reinstated on Lincoln Street, north side from Camrose Avenue to Scholfield Avenue.

THE FOLLOWING CORRESPONDENCE WAS READ:

02-138 Letter from Chantelle Foreman, Niagara College to undertake a Shine-A-Rama fund raiser for Cystic Fibrosis scheduled for Saturday, September 7, 2002.

02-145 Memo from the Dain City Recreation Association requesting permission to hold a fireworks display on September 1, 2002 at Glenwood Park.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

02-28 Letter from Mike Farrell, Communications Director, Brock University requesting that Bill Rickers, a Brock graduate and Chair of the 2002 Brock Days Planning Committee update Council on Brock Homecoming events.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 93-131** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer G. Marcello - Amendment to By-law 11027 - Parking Control By-law at Niagara College.
- 93-131** A By-law to amend to By-law 11027, being a By-law to control the parking of motor vehicles on the property of Niagara College of Applied Arts & Technology.
- 99-99** Welland Canal Safety Issues.
- 94-71** A By-law to accept the proposal for Engineering services from Delcan Corporation to undertaking the Lincoln Street traffic operations and safety review (Prince Charles Drive to Wellington Street).
- 94-72** Mgr., Development Planning/Real Estate D. Thorpe - Willow Landing Subdivision - Langendoen Homes Ltd. - request for exemption for Part Lot Control - Lots 1 through 16 inclusive, Plan 59M-289.
- 94-72** A By-law to exempt certain lands from Part-Lot Control Lots 1 through 16 inclusive, Plan 59M-269 located on Willow Landing Court in the Willow Landing Subdivision, City of Welland.
- 2000-88** Susan Reid, Commissioner, community Services Department – ***Understanding the Early Years.***
- 2000-129** City Manager T. Fitzpatrick - Minor Changes to conditions to Draft Plan Approval, Enterprise subdivision, Ridge Road - File No. 26T-14-20005.
- 01-31**
- 01-155** Marjory McPherson, Niagara Healthy Environment Initiative regarding cosmetic pesticide use and its effects on human health.
- 02-3** Wesley Marsaw, The Canadian National Institute for the Blind requesting permission to sell the CNIB Cash Calendar in the City of Welland.
- 02-3** Mark Woods, Director of Fund Development, Alzheimer Society of Ontario requesting permission to sell raffle tickets in the City of Welland.
- 02-3** Bob Robert, the Air Cadet League of Canada requesting permission to sell raffle tickets in the City of Welland.
- 02-4** A By-law to provide for the final 2002 Tax Levy, to provide for the payment of taxes against Multi-Residential, Commercial, Industrial and Large Industrial Classes, and to provide for penalty and interest.
- 02-6** Ed Minchin, President, Kiwanis Club of Welland Inc. - requesting the week of October 5 to October 19, 2002 be declared as ***“Early Literacy Week—Celebrate Literacy— A Key to Lifelong Learning”***.
- 02-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Accounts Payable Report - August 8, 2002 to August 22, 2002.
- 02-21** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer G. Marcello –
- 02-135** Temporary Road Closure Niagara Food Festival, September 28 & 29, 2002.
- 02-21**
- 02-135** A By-law to authorize temporary road closures for the Niagara Food Festival.
- 02-21** Joan Schaubel-Leblanc, Organizer, Terry Fox Run for Cancer Research - requesting permission to hold the Terry Fox Run on Merritt Island and to waive the required \$15.00 fee.
- 02-22** Steve Starfield, Owner, 544 Lincoln St. and John Falvo, Barber at Lincoln Barbers – no parking signs placed in front of barber shop.
- 02-22** A By-law to amend Schedule “C” of By-law 89-2000, being a By-law Regulating Traffic and Parking on City Streets.
- 02-28** Letter from Mike Farrell, Communications Director, Brock University – request Mr. Bill Rickers, a Brock graduate and Chair of the 2002 Brock Days Planning Committee to update on community event Brock Homecoming.
- 02-36** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer G. Marcello - Supply and Delivery of One (1) New 2002/3 Vacuum Street Sweeper 8 Cubic Yards.

02-134 City of Port Colborne's request for support of the reinstatement of the Nursing Program at Niagara College.

02-141 Lloyd S. Cornwall, requesting permission to use the boulevard in front of his home for a flower garden.

02-142 Brian R. Sweet, Director of Corporate Services, The Corporation of the Municipality of Leamington, requesting support of its resolution regarding the re-establishment of an Environmental Compensation Fund.

02-143 D.J. LeBlanc, CAO/Clerk, Municipality of Hastings Highlands - requesting support of its resolution regarding the number of nuisance and potentially dangerous bear encounters reported in and around populated areas.

02-146 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer G. Marcello - Fitch Street Roadway Repairs – Prince Charles Drive to South Pelham Road.

03-4 Terry Donohue, Chair, Coming Home Capital Campaign, Welland District Association for Community Living, requesting financial assistance to renovate their building into a permanent community centre for people with intellectual disabilities.

02-1 Moved by Alakas and Dmytrow-Bilboe that the Minutes of the Regular Council Meeting of August 13, 2002 be and the same are hereby approved and adopted as circulated.

CARRIED

93-131 Moved by Mastroianni and Dzugan that the City Solicitor be requested to prepare a By-law to replace the text of Section 6 - By-law 11027 with the following wording:

6.0 Notwithstanding any other provision of this By-law, a By-law Enforcement Officer may, instead of removing the motor vehicle as provided in Section 5, issue and attach to the vehicle a City of Welland Parking Infraction Notice alleging that a provision of this By-law has been contravened.

6.1 That the provisions of By-law 89-2000 and By-law 110721, as amended, respecting payment of Voluntary, and Set Fine penalties out of Court shall apply to this By-law.

CARRIED

99-99 Moved by Mastroianni and Dzugan that the draft By-law entitled "A By-law to regulate and protect the public's use and enjoyment of the Welland Recreational Canal Lands and waterway" be referred back to Welland Recreational Canal Corporation to address the issues raised by the delegations which presented to Council at the Public Hearing on May 21, 2002.

CARRIED

94-72 Moved by Mastroianni and Dzugan

1. That the City of Welland adopt a By-law to exempt Lots 1 through 16 inclusive, Plan 59M-269 Willow Landing Subdivision - Langendoen Homes from Part Lot Control in order to create twelve (12) semi-detached dwellings and fifty-four (54) street townhouse dwellings; and
2. That the By-law to exempt Part Lot Control be repealed and discharged from Title once all parts on the requisite Reference Plans have been conveyed.

CARRIED

2000-88 Moved by Mastroianni and Alakas that the presentation by Hether Deans, Manager, Healthy Babies/Parent Child Health Program, Public Health Department and Susan R. Reid, Commissioner, Community Services Department regarding information on "Understanding the Early Years" project be received for information.

CARRIED

2000-129 Moved by Mastroianni and Dzugan

1. That the conditions of Draft Plan Approval for the City-owned Enterprise Subdivision, File 26T-14-2005 approved by Welland Council on 18 December, 2001 be modified as follows:

- a) That Condition a) be deleted;
- b) That Condition k) be modified to read:

That the City of Welland agrees during the development of the subdivision or to require as a condition of approval of any site plan agreement respecting the development of the subdivision 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.

- c) That Condition v) be modified to read as follows:

That prior to the approval of the final plan, the City submit to the Niagara Peninsula Conservation Authority and the Regional Planning Department for review and approval a detailed Storm Water Management Plan for the subdivision completed in accordance with the Ministry of the Environment documents in entitled Storm Water Management Practices, Planning and Design Manual, June 1994 as revised and Storm Water Quality Guidelines for New Development, May 1991 endorsed by a suitably qualified engineer. Furthermore the City of Welland agrees to develop the subdivision in accordance with the approved Storm Water Management Plan or to require the implementation of those measures contained in the Storm Water Management Plan during the approval of any Site Plan Control Agreement respecting development of any lots within the subdivision.

2. That Welland Council considers the foregoing changes to the conditions of Draft Plan Approval to be minor in nature in accordance with Section 51(47) of the Planning Act.

CARRIED

01-31

01-155 Moved by Mastroianni and Dzugan that the matter regarding cosmetic pesticide use and its effects on human health be again referred to staff for study.

CARRIED

02-3 Moved by Mastroianni and Dzugan that permission is hereby granted to the Canadian National Institute for the Blind to sell the CNIB Cash Calendar in the City of Welland under authority of Provincial Lottery Licence P021233, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

02-3 Moved by Mastroianni and Dzugan that permission is hereby granted to the Alzheimer Society of Ontario to sell raffle tickets in the City of Welland under authority of Provincial Lottery Licence P021348, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

02-3 Moved by Mastroianni and Dzugan that permission is hereby granted to the Air Cadet League of Canada to sell raffle tickets in the City of Welland under authority of Provincial Lottery Licence P021538, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

02-6 Moved by Mastroianni and Dzugan that the Mayor declare the week of October 15 to October 19, 2002 **as "Early Literacy Week--Celebrate Literacy--A Key to Lifelong Learning"** in the City of Welland as requested by the Kiwanis Club of Welland Inc.

CARRIED

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

1	8-Aug-02	82,193.40
2	9-Aug-02	41,130.57
3	13-Aug-02	5,942,534.71
4	14-Aug-02	122,869.34
5	15-Aug-02	7,658.91
6	19-Aug-02	1,238,278.90
7	20-Aug-02	285,303.83
8	21-Aug-02	52,445.55
9	22-Aug-02	<u>149,249.76</u>
	Total	\$7,921,664.97

CARRIED

02-21

02-135 Moved by Mastroianni and Dzugan that the City Solicitor be requested to prepare a By-law for the "Temporary Closure" of the following roadways

COLUMN 1 HIGHWAY	COLUMN 2		COLUMN 3 DURATION
	FROM	TO	
Boardwalk	East Main Street	Cross Street	September 28 to 29, 2002
Court House Lane	Cross Street	Dorothy Street	September 28 to 29, 2002
Cross Street	East Main Street	Courthouse Lane	September 27 to 29, 2002

To facilitate the orderly movement of pedestrians, shuttle buses, and 'Emergency' vehicles to Merritt Island during the Niagara Food Festival, as requested by Tourism Welland Niagara (TOWN) provided all criteria as outlined in City Policy SER-017-0004 are met.

CARRIED

02-21 Moved by Mastroianni and Dzugan Welland that City Council approves the application for the Terry Fox Run to be held on September 15, 2002 subject to the applicant's completion of all conditions of the Policy of Street Use for Community Activities.

CARRIED

02-22 Moved by Dzugan and Eybel that the request by Steve Starfield, owner of 544 Lincoln Street and John Falvo, Barber at Lincoln Barbers to reinstate parking on Lincoln Street, north side from Camrose Avenue to Scholfield Avenue be received and referred back to staff for review.

CARRIED

02-22 Moved by Irvine and Beaudoin that staff be directed to prepare a report on the implementation of reducing the speed limit from the present 50 kilometres in the downtown BIA area to 40 kilometres for the safety of pedestrians and motorists in the BIA area, said reduction speed to be implemented as soon as possible.

CARRIED

02-36 Moved by Mastroianni and Dzugan that Council waives the requirement for the minimum three (3) bids for the procurement of one (1) new vacuum street sweeper, due to the fact that only two (2) tenders were received for the specified unit; and
That Council approve the procurement of the vacuum street sweeper should the tender bid amount be within the allocated 2002 Fleet Capital Provision within the Fleet Operating Budget.

CARRIED

02-134 Moved by Dmytrow-Bilboe and Irvine that Welland City Council endorses the resolution from the City of Port Colborne to petition the Minister of Training, Colleges and Universities to reinstate the Nursing Program at Niagara College; and
That the Clerk advise the proper authorities accordingly, including the College of Nurses of Ontario (CNO).

CARRIED

02-138 Moved by Mastroianni and Dzugan that further to the Resolution 02-138 passed by Council on August 13, 2002 Council hereby grants permission to Shinerama 2002 (Chantelle Foreman, Niagara College) to undertake and carry on a Shine-A-Rama fund raiser for Cystic Fibrosis scheduled for Saturday, September 7, 2002 from 9:30 a.m. to 5:00 p.m. with the restrictions and limitations contained in Section 3 of the Safe Streets Act, Statutes of Ontario, 1999.

CARRIED

02-141 Moved by Mastroianni and Dzugan that the letter from Lloyd S. Cornwall requesting permission to use the boulevard in front of his home at 70 Cozy Street for a flower garden be referred to staff for study and report.

CARRIED

02-142 Moved by Mastroianni and Dzugan that Welland City Council supports the resolution from the Corporation of the Municipality of Leamington requesting the Ministry of the Environment re-establish an Environmental Compensation fund to be used to reimburse municipalities for the clean up of oil spills once other sources of recovery of funds have been exhausted; and That the Clerk advise the proper authorities accordingly.

CARRIED

02-143 Moved by Mastroianni and Dmytrow-Bilboe that Welland City Council endorses the resolution from the Municipality of Hastings Highlands requesting the Province of Ontario to immediately re-introduce the "Spring bear hunt" to help address the urgent problem of bear attacks on human beings and/or live stock; and That the Clerk advise the proper authorities accordingly.

.....

02-143 Moved by Alakas and Beaudoin that the matter of the spring bear hunt resolution be referred to staff for review.

LOST

***FOLLOWING THE LOST VOTE ON THE REFERRAL MOTION,
THE MAIN MOTION WAS THEN PUT AND.....***

CARRIED

02-145 Moved by Mastroianni and Dzugan that Welland City Council ratify the action of the Clerk's Department to approve the fireworks display held on Sunday, September 1, 2002 by the Dain City Recreation Association as part of its Labour Day celebration.

CARRIED

02-146 Moved by Fortier and Dmytrow-Bilboe that the General Manager, Engineering, Public Works and Transportation Services be authorized to proceed with the plan of action Fitch Street Roadway Repairs, Prince Charles Drive to South Pelham Road as outlined in Report ENG-2002-46. That the proposed roadway resurfacing proceed with the watermain works in phases following the underground works. That as an interim measure to improve rideability, the Public Works Section mill and pave localized sections of the northerly (westbound) lane this fall (September/October).

CARRIED

03-4 Moved by Mastroianni and Dzugan that the letter from Terry Donohue, Chair, Coming Home Capital Campaign, Welland District Association for Community Living, requesting financial assistance to renovate their building into a permanent community centre for people with intellectual disabilities be referred to the 2003 Budget Review Committee.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

99-38 Moved by Dmytrow-Bilboe and Irvine that the City of Welland declare Block 15, Plan M86 (Colbeck Drive) surplus to its needs and that the land be appraised and offered for sale in accordance with the provisions of the Municipal Act.

CARRIED

(Councillor O'Dell asked to be recorded as opposed to this Resolution)

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE...CONT'D.:

99-99 Moved by Beaudoin and Irvine that Gianni Marinelli be advised that the Corporation of the City of Welland is not interested in selling the Welland Recreational Canal Lands.

CARRIED

BY-LAW ARISING FROM COMMITTEE-OF-THE-WHOLE

BY-LAW PRESENTED FOR FIRST READING:

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

02-144

BYL 2002-137

A By-law to establish, layout, dedicate as parkland and name certain Canal Lands as "Skateboard Park".

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

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

93-131

BYL 2002-138

A By-law to amend to By-law 11027, being a By-law to control the parking of motor vehicles on the property of Niagara College of Applied Arts & Technology.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...CONT'D...:

94-71

BYL 2002-139

A By-law to accept the proposal for Engineering services from Delcan Corporation to undertaking the Lincoln Street traffic operations and safety review (Prince Charles Drive to Wellington Street).

94-72

BYL 2002-140

A By-law to exempt certain lands from Part-Lot Control Lots 1 through 16 inclusive, Plan 59M-269 located on Willow Landing Court in the Willow Landing Subdivision, City of Welland.

02-4

BYL 2002-141

A By-law to provide for the final 2002 Tax Levy, to provide for the payment of taxes against Multi-Residential, Commercial, Industrial and Large Industrial Classes, and to provide for penalty and interest.

02-21

02-135

BYL 2002-142

A By-law to authorize temporary road closures for the Niagara Food Festival.

02-22

BYL 2002-143

A By-law to amend Schedule "C" of By-law 89-2000, being a By-law Regulating Traffic and Parking on City Streets.

02-1

BYL 2002-144

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 3rd day of September, 2002.

And that the same be now read a first time.

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

4. Moved by Mastroianni and Dzugan 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 MOTIONS**

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, September 11, 2002 for inclusion on the next Regular Council Meeting Agenda.

Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the September 17th, 2002 Regular Council Meeting.

92-94

That Council review the Notice of Motion procedure with respect to the ownership of a notice of motion and the length of time a notice of motion can remain on notice without action.

Councillor Eybel gave Notice of Motion of the following issue to be presented to Council at the September 17th, 2002 Regular Council Meeting.

02-22

That the City lot behind the Blue Star restaurant be totally free parking until all parking issues are resolved.

Council adjourned at 9:10 p.m.

These Minutes approved and adopted by Motion of Council this 17th day of September, 2002.

MAYOR

CLERK