



## COUNCIL MEETING, OCTOBER 1, 2002

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

Council met in Committee-of-the-Whole at 7:15 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 (7:20 p.m.), J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora (7:35 p.m.).

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

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah (7:35 p.m.)

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

General Manager Financial & Corporate Services/Treasurer B. Silvestri

Clerk Steno III B. Gallaccio (7:35 p.m.)

Manager, Engineering Services L. Ventresca (7:35 p.m.)

Manager, Development Planning/Real Estate D. Thorpe

**02-25** Moved by Mastroianni and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 7:15 p.m. to consider:

- a) the security of the property of the municipality; and
- b) personal matters about an identifiable individual, including municipal employees.

**CARRIED**

**02-25** Moved by Belcastro and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 7:35 p.m.

**CARRIED**

### **DISCLOSURE OF INTEREST:**

Councillor Spadafora disclosed an interest in Ref. No. 98-82/02-10 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his company may bid on the Civic Square project.

Councillor Spadafora disclosed an interest in Ref. No. 98-156 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as a registered owner of property in the vicinity of 894 Buchner Road is related to his wife.

### **DELEGATIONS:**

**02-28** Damian Goulborne, President, Welland/Pelham Chamber of Commerce addressed Council regarding upcoming Chamber activities.

**02-28** Linda Sonnenberg, Community Co-ordinator, Welland Special Olympics along with Special Olympic Athletes Jerry Storey, and Matthew Maracle who brought home gold medals from the Canadian Special Olympics National Games held in Prince Albert, Saskatchewan on July 8 – 14, 2002.

**01-53** Stephen Butz, CEO and Pat Davis, General Manager, YMCA, addressed Council regarding unveiling of the design for the new facility.

**98-156** Roger Kucy, 894 Buchner Road addressed Council regarding unopened Road allowance at 894 Matthews Road.

**02-22** Steve Starfield, Owner, 544 Lincoln St. addressed Council and requested that parking be reinstated on Lincoln Street, north side from Camrose Avenue to Scholfield Avenue.

**02-89** Gary Talosi, on behalf of Niagara North Residents Group addressed Council regarding postponement to the October 22<sup>nd</sup>, 2002 Public Hearing regarding an application for Official Plan Amendment and Rezoning from Imperial Oil Limited at 707, 711 and 713 Niagara Street.

**02-89** Don Dussault, Manager-Real Estate Development, Imperial Oil Limited, addressed Council regarding an application for Official Plan Amendment and Rezoning from Imperial Oil Limited

at 707, 711 and 713 Niagara Street.

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

- 02-89** Faxed letter from Gary Talosi, on behalf of Niagara North Residents Group requesting permission to postpone the October 22<sup>nd</sup>, 2002 Public Hearing regarding an application for Official Plan Amendment and Rezoning for Imperial Oil Limited at 707, 711 and 713 Niagara Street.
- 02-89** Faxed letter from Don Dussault, Manager-Real Estate Development, Imperial Oil Limited, regarding an application for Official Plan Amendment and Rezoning for Imperial Oil Limited at 707, 711 and 713 Niagara Street.

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

- 93-66** A By-law to authorize the entering into an agreement with OEB International Ltd. to undertake Public Relations/Public Affairs Services for the City of Welland.
- 02-152** Mgr., Development Planning/Real Estate D. Thorpe – Niagara Centre Developments Subdivision (File 26T-14-97003) – Request for extension to Draft Approval.
- 96-119** Roger Kucy, 894 Buchner Road – unopened Road allowance at 894 Matthews Road.
- 98-156** Reconsider unopened Matthews Road allowance.
- 98-156** Review the City's current Business Licensing By-law.
- 01-2** Pat Davis, General Manager, YMCA, unveiling of the design for the new facility.
- 01-53** Review By-law from West Lincoln re sexual exploitation of children & child pornography.
- 01-154** Paul Bauman, Manager, Canadian Cancer Society requesting permission to sell raffle tickets in the City of Welland.
- 02-3** Bob Robert, Executive Director, The Air Cadet League of Canada, 87 Squadron, requesting permission to sell raffle tickets in the City of Welland.
- 02-3** Jim Marino, Executive Director, Niagara Peninsula Children's Centre Foundation requesting permission to sell raffle tickets in the City of Welland.
- 02-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri – Accounts Payable Report – September 11, 2002 to September 23, 2002.
- 02-13** Clarification on the advertising policy re: Request to Renew Transit Bench Advertising Agreement.
- 02-13** A By-law to authorize the entering into an agreement with Creative Outdoor Advertising to provide advertising on transit benches within the City of Welland.
- 02-20** John Hosegrove, President, Stop 19 Firefighters Club requesting Special Occasion Permit.
- 02-21** Jamie Schooley, President, Welland County Motorcycle Club requesting permission to hold a "***Fall Mud Run***" on Saturday, October 19, 2002.
- 02-22** Steve Starfield, Owner, 544 Lincoln St. and John Falvo, Lincoln Barbers – 'no parking signs' in front of barber shop.
- 02-22** A By-law to amend By-law 9840, being a By-law to authorize the provision of designated parking spaces for the sole use of vehicles operated by or conveying a physically handicapped person, and to repeal By-law 2001-106.
- 02-28** Linda Sonnenberg, Community Co-ordinator, Welland Special Olympics along with Special Olympic Athletes Jerry Storey, and Matthew Maracle who brought home medals from the Canadian Special Olympics National Games held in Prince Albert, Saskatchewan on July 8 – 14, 2002.
- 02-36** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer G. Marcello – Request for authorization for the Procurement of one (1) new Tailgate Spreader and one (1) new Rubber Tired Roller.

- 02-128** A By-law to authorize the acceptance of quotations of Vancor Supply, Gladding Sales Agency Ltd., Evans Supply Ltd., Emco, and Hygrade Precast Concrete for the supply of water and sewer materials.
- 02-149** Record Retention By-law.
- 02-149** A By-law to amend By-law 9314, being a By-law to establish a record retention schedule for various documents.
- 02-151** Closed Circuit TV Inspection of Sewers.
- 02-153** Request by Peter Spyker for a reduction or elimination of a city easement and transfer of lands – 383 Alberta Street.
- 02-154** Carolyn J. Kett, Town Clerk, Town of Fort Erie, requesting support of its resolution regarding the Fort Erie to Windsor Rail Connection.
- 02-155** Alderman John Schmal, President, Federation of Canadian Municipalities requesting support of its resolution regarding Clean Air for Healthy Communities.
- 02-156** Mgr., Development Planning/Real Estate D. Thorpe – Request for Encroachment Agreement – R. Douglas A. Houghton, Solicitor – 128 Empire Street, Welland.
- 02-157** Mgr., Development Planning/Real Estate D. Thorpe – Planning and Servicing Review for Northwest Welland.
- 02-158** Semi-annual Subdivision Status Report – June 30, 2002.
- 02-159** Olga Gagne, President, Wine Country Kennel Club – requesting waiving of license fee.
- 02-160** A By-law to amend By-law 9972, being a By-law to Govern the Proceeding of Council and the Committees thereof.

**02-1** Moved by Dzugan and Eybel that the Minutes of the Regular Council Meeting of September 17, 2002 and Special Council Meeting of September 24, 2002 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**96-119** Moved by Dzugan and Irvine that Council approve an extension to Draft Approval for the Niagara Centre Developments Subdivision (File 26T-14-97003) for one (1) year to October 9, 2003 as requested by Keith M. Cumming subject to receiving no objection from Regional Niagara.

**CARRIED**

**97-85**

**02-98**

**03-4** Moved by O'Dell and Eybel that the Waterworks Capital Budget for the years 2003 and 2004 include sufficient funding to complete the replacement of all cast iron mains in the Dain City Area.

**LOST**

**97-85**

**02-98**

Moved by Alakas and Eybel that the matter of a feasibility study with respect to looping Dain City water services to either Port Colborne or Elm Street or to Townline Road West be deferred until the Regional Report on this matter is received which is expected to be this November.

**CARRIED**

**98-156** Moved by Dzugan and Irvine that the presentation by Roger Kucy regarding the unopened Matthews Road allowance north of Buchner Road be received for information.

**CARRIED**

**98-156** Moved by Mastroianni and Irvine that Council reconsider its decision of December 18th, 2001 to deny the request by Myriam Quattrini, 894 Buchner Road to use the unopened Matthews Road allowance north of Buchner Road.

**LOST**

**01-2** Moved by Dzugan and Irvine that staff be again directed to review the City's current Business Licensing By-law in accordance with Council's directive; and That Councillors Dianne Grenier and Mike Belcastro be included in the review process.

**CARRIED**

**01-53** Moved by Dzugan and Irvine that the presentation by Stephen Butz, CEO and Pat Davis, General Manager, YMCA, regarding the unveiling of the design for the new facility to be built on the site of Hennepin Hall, Niagara College, Woodlawn Road be received for information.

**CARRIED**

**01-154** Moved by Dzugan and Irvine that the Licensing By-law from West Lincoln regarding the sexual exploitation of children and the devastating effects of pornography on society be again referred to staff for review.

**CARRIED**

**02-3** Moved by Dzugan and Irvine that permission is hereby granted to the Canadian Cancer Society to sell raffle tickets in the City of Welland under authority of Provincial Lottery Licence P021484, subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

**02-3** Moved by Dzugan and Irvine that permission is hereby granted to The Air Cadet League of Canada, 87 Squadron 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**

**02-3** Moved by Dzugan and Irvine that permission is hereby granted to The Niagara Peninsula Children's Centre Foundation to sell raffle tickets in the City of Welland under authority of Municipal Lottery Licence M297880, subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

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

1	11-Sep-02	\$ 108,303.53
2	13-Sep-02	101,240.18
3	16-Sep-02	212,569.84
4	18-sep-02	3,066.14
5	19-Sep-02	286,563.73
6	20-Sep-02	182,371.98
7	23-Sep-02	<u>4,438,835.47</u>
	<b>Total</b>	<b>\$ 5,332,950.87</b>

**CARRIED**

**02-13** Moved by Dzugan and Irvine

1. That Council approves the proposal from Creative Outdoor Advertising as outlined in Report Trans-2002-11 for the renewal of the Transit Bench Advertising Agreement for an additional five (5) year term with an increased revenue per bench per annum for \$150.00 to \$165.00; and
2. That the City Solicitor be directed to prepare all necessary and appropriate By-laws to execute same.

**CARRIED**

**02-20** Moved by Dzugan and Irvine that Welland City Council has no objection to the issuance of a Special Occasion Permit to Stop 19 Firefighters Club for the annual Christmas Turkey Raffle scheduled for Friday, December 6, 2002 at 16 Rose Avenue, home of Fire Station #5; subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits.

**CARRIED**

**02-21** Moved by Dzugan and Irvine that Welland City Council grants, on a one time basis, approval to the Welland County Motorcycle Club for use of the Welland Canal East Side Trail to conduct its 'Fall Mud Run' on Saturday, October 19, 2002 as set out in Mr. Schooley's letter of September 3, 2002 subject to the Club providing proof of insurance in the amount of \$5 million and said insurance shall list the Corporation of the City of Welland as a named insured; and subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**02-22** Moved by Dzugan and Irvine that the request by Steve Starfield, owner of 544 Lincoln Street to reinstate parking on Lincoln Street, north side from Camrose Avenue to Scholfield Avenue be received for information.

**CARRIED**

**02-22** Moved by Alakas and Beaudoin that Whereas Clause 3 of By-law 2001-128 requires an annual review of the intent of By-law 2001-128 - That being a By-law to amend Schedule 'P' - Stop Signs at Intersections, of By-law 89-2000, particularly with the creation of a 4 way 'STOP' at the intersection of Thorold Road at Clare Avenue; and

That Council re-affirm the intent of By-law 2001-128, until such time, as a decision of Council has been rendered, with regard to the Installation of Traffic Signals, at the intersection of Thorold Road and Clare Avenue.

**CARRIED**

**02-28** Moved by Dmytrow-Bilboe and Dzugan that the presentation by Damian Goulborne, President, Welland/Pelham Chamber of Commerce regarding upcoming Chamber activities be received for information.

**CARRIED**

**02-28** Moved by Dzugan and Irvine that the presentation by Linda Sonnenberg, Community Co-ordinator, Welland Special Olympics along with Special Olympic Athletes Jerry Storey, and Matthew Maracle who brought home gold medals from the Canadian Special Olympics National Games held in Prince Albert, Saskatchewan on July 8 - 14, 2002 be received for information.

**CARRIED**

**02-36** Moved by Dzugan and Irvine that Council approves the purchase of One (1) New Tailgate Spreader and One (1) New Rubber Tired Roller from Amaco Equipment, being the only tender submitted at a total cost of \$55,438.00.

**CARRIED**

**02-89** Moved by Dmytrow-Bilboe and Spadafora that the presentation by Gary Talosi on behalf of Niagara North Residents Group and response by Don Dussault, Imperial Oil Limited regarding the proposed Official Plan Amendment and Rezoning for Imperial Oil Limited be received for information.

**CARRIED**

**02-89** Moved by Dmytrow-Bilboe and Spadafora that staff be directed to proceed with the Public Hearing on the application from Imperial Oil Limited for development at 707, 711 and 713 Niagara Street as scheduled.

**CARRIED**

**YEAS:** *Councillors Dzugan, Fortier, Beaudoin, Dmytrow-Bilboe, Irvine, Belcastro and Spadafora*

**NAYS:** *Councillors O'Dell, Mastroianni, Eybel, Alakas, Grenier and Mayor Forster*

**02-149** Moved by Dzugan and Irvine that By-law 9314, being a By-law to establish a record retention Schedule for various departments, be revised by including the following additions to Retention Schedule 'A' of said By-law:

City Manager's Office

General Correspondence	6 years
<u>Clerk's Department</u>	
Council Meeting Video Tapes	6 years

**CARRIED**

**02-151** Moved by Dzugan and Irvine Council authorize the General Manager Engineering, Public Works and Transportation Services to proceed with the preparation of Tenders to qualified Sewer Pipeline Inspectors to undertake closed circuit TV inspection of the sewer conveyance system.

**CARRIED**

**02-153** Moved by Dzugan and Irvine

1. That the request by Peter Spyker for the City to exchange lands in exchange for an existing Easement at 383 Alberta Street be received and filed; and
2. That Peter Spyker be advised that the City of Welland is willing to abandon the northerly 2.4 ± metres of an existing 8.2 metre Easement at 383 Alberta Street at an estimated cost of \$1,000.00 to be paid by Mr. Spyker such costs to incorporate the creation of a Reference Plan and the registration of the appropriate documents.

**CARRIED**

**02-154** Moved by Alakas and Mastroianni that Welland City Council supports the resolution of the Town Fort Erie regarding objection to the dismantling of any rail infrastructure along the Fort Erie to Windsor rail corridor; and  
That the City Clerk advise the proper authorities accordingly.

**CARRIED**

**02-155** Moved by Dzugan and Irvine that Welland City Council supports the resolution from the Federation of Canadian Municipalities requesting the Government of Canada to accelerate the delivery of its Clean Air Agenda and specifically focus on the need to develop and implement a comprehensive Clean Air Action Plan.

**CARRIED**

**02-156** Moved by Dzugan and Irvine

1. That Council agrees to recognize an existing 0.6 metre encroachment onto the Empire Street road allowance for property known as 128 Empire Street (Lot 229 and part of Lot 228, Plan 593) for the existing residential building;
2. That the City Solicitor be authorized to prepare the necessary documents and By-law; and
3. That the Applicant pay for the cost of documentation and registration in the amount of \$300.00.

**CARRIED**

**02-157** Moved by Irvine and Mastroianni that Staff be authorized to proceed with the distribution of the Request for Proposals (RFP) for the preparation and completion of a planning and servicing Review/Study for the northwest portion of the City of Welland.

**CARRIED**

**02-158** Moved by Dzugan and Irvine that the Semi-Annual Subdivision Status Report as of June 30, 2002 be received for information.

**CARRIED**

**02-159** Moved by Dzugan and Irvine that Council waives the license fee in the amount of \$300.00 as requested by the Wine Country Kennel Club for an event to be held at the Niagara Regional Exhibition on October 12, 13 and 14, 2002.

**CARRIED**

### **BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

**98-82**

**02-10** Moved by Dzugan and Beaudoin that the following be appointed to the Civic Square Committee: Councillors: John Irvine, Dan Fortier, Michael Belcastro and Nancy Dmytrow-Bilboe.

**CARRIED**

### **BY-LAWS**

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

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

**02-160**

BYL 2002- 159

A By-law to amend By-law 9972, being a By-law to Govern the Proceeding of Council and the Committees thereof.

**93-66**

**02-152**

BYL 2002-160

A By-law to authorize the entering into an agreement with OEB International Ltd. to undertake Public Relations/Public Affairs Services for the City of Welland.

**02-13**

BYL 2002-161

A By-law to authorize the entering into an agreement with Creative Outdoor Advertising to provide advertising on transit benches within the City of Welland.

**02-22**

BYL 2002-162

A By-law to amend By-law 9840, being a By-law to authorize the provision of designated parking spaces for the sole use of vehicles operated by or conveying a physically handicapped person, and to repeal By-law 2001-106.

**02-128**

BYL 2002-163

A By-law to authorize the acceptance of quotations of Vancor Supply, Gladding Sales

Agency Ltd., Evans Supply Ltd., Emco, and Hygrade Precast Concrete for the supply of water and sewer materials.

**02-149**

BYL 2002-164

A By-law to amend By-law 9314, being a By-law to establish a record retention schedule for various documents.

...continued...

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

**02-1**

BYL 2002-165

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 24th day of September 2002 and 1st day of October 1, 2002.

And that the same be now read a first time.

**CARRIED**

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

2. Moved by Belcastro and Mastroianni 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**

**NOTICES 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, October 9, 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 October 15<sup>th</sup>, 2002 Regular Council Meeting.

**02-160**

***That Council review By-law 11325 under Section 9 in the event that any***

***Member of Council fails to attend at least twenty (20) Regular or Special Council Meetings during any 12 month period commencing December 1 in a given year, he/she shall have deducted from his or her remuneration payable under this By-law the sum of \$25.00 for each meeting less than the required twenty (20) which he/she failed to attend during the said period.***

Councillor Eybel gave Notice of Motion of the following issue to be presented to Council at the October 15<sup>th</sup>, 2002 Regular Council Meeting.

**02-67**

***That Council reconsider the current policy with respect to leaf removal.***

Council adjourned at 10:50 p.m.

These Minutes approved and adopted by Motion of Council this 15 day of October, 2002.

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**MAYOR**

**CLERK**