



COUNCIL MEETING, NOVEMBER 19, 2002

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 6:10 p.m. and in open session at 7:55 p.m. and again in Committee-of-the-Whole at 9:30 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, D. Fortier, D. Grenier (7:55 p.m.), J. Mastroianni, S. O'Dell and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

Manager, Environmental & Traffic Services D. Cook (6:30 p.m.)

City Solicitor G. Banks (until 7:40 p.m.)

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services G. Marcello (6:30 p.m.)

General Manager Parks & Recreation I. Smith

General Manager Financial & Corporate Services/Treasurer B. Silvestri

Administrative Assistant/Deputy Clerk B. Gallaccio (7:55 p.m.)

02-25 Moved by Mastroianni and Beaudoin that Council meet in Committee-of-the-Whole, closed to the public at 6:10 p.m. to consider:

- a) the security of the property of the municipality;
- b) personal matters about an identifiable individual, including municipal employees; and
- c) 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 personal matter concerning the Civic Square Project Committee Chair Appointment.)

02-25 Moved by Beaudoin and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 7:40 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Spadafora disclosed an interest in Ref. No. 02-123 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his company bid on the City's electrical services tender.

Councillor Spadafora disclosed an interest in Ref. No. 98-82/02-29 and 98-82/02-10 did not take part in the consideration and discussion of same, and refrained from voting thereon, as his company may be on the Civic Square Project.

Councillor Fortier 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 an active member of Club Richelieu.

Councillor Eybel disclosed an interest in Ref. No. 02-15 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as her daughter is a volunteer firefighter.

DELEGATION:

97-49 Dr. T.M. Abraham addressed Council and requested Council's endorsement regarding the proposal for children's and adolescent mental health beds in the Niagara Region.

THE FOLLOWING CORRESPONDENCE WAS READ:

02-136 City Manager recommended a resolution with respect to the "Draft Report – Identification of Preferred Alternative environmental Assessment Level Review of Regional Niagara Mid-Term Waste Disposal Alternatives.

98-82

02-29 Notice for a Special Council Meeting re: Civic Square Architect Selection Committee on Thursday, November 28, 2002 at Niagara College.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 99-99** Welland Canal Safety Issues.
- 96-160** Municipal Infrastructure Information Technology & Asset Management Strategic Plan.
- 97-49** Dr. T.M. Abraham – requesting an endorsement to the proposal for children's and adolescent mental health beds in the Niagara Region.
- 98-46** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer G. Marcello – Confirmation of Enhanced – Levels of Service – Waste Collection Contracts – April 1, 2003 to March 31, 2004.
- 02-1** 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 19th day of November, 2002.
- 02-3** Club Richelieu Building fund.
- 02-3** City Clerk C.A. Stirtzinger – Lottery License.
- 02-6** Pat Sanagan, Ontario Drug Awareness Partnership – requesting the week of November 17-23, 2002 be declared as **“Drug Awareness Week”** and Jennifer Mitton, Chair, Drug Awareness Week Committee, Regional Niagara Public Health Department – requesting the third week of November be declared as **“Drug Awareness Week”**.
- 02-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri – Accounts Payable Report – October 29, 2002 – November 12, 2002.
- 02-12** A By-law to appoint certain Members of Council as Vice-Mayor for three (3) month terms of office, for the period commencing December 1st, 2002 and ending November 30th, 2003.
- 03-12** of office, for the period commencing December 1st, 2002 and ending November 30th, 2003.
- 02-13** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer G. Marcello – Transit Purchase - Remanufactured 6V-92 Orion Engine.
- 02-15** Master Community Fire Safety Plan.
- 02-22** Request by Steve Starfield, owner of 544 Lincoln Street –reinstate parking on Lincoln Street, north side from Camrose Avenue to Scholfield Avenue.
- 02-22** Reducing the speed limit from the present 50 kilometers in the downtown BIA area to 40 kilometers.
- 02-22** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer G. Marcello – Affirmation of By-law 2001-128 – 4 Way ‘Stop’ condition – Thorold Road at Clare Avenue.
- 02-45** 2003 City Insurance Renewal.
- 02-65** A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of vacant land fronting on the east side of Plymouth Road, being Part 1, Plan 59R-11803 to 987776 Ontario Inc.
- 02-123** Electrical Services Tender and Recommendation.
- 02-141** Lloyd S. Cornwall – requesting permission to use the boulevard in front of his home at 70 Cozy Street for a flower garden.
- 02-163** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer G. Marcello – Award of Tender – East Main Street Water Service Replacement – Part of Water Service Replacement Program 2002.
- 02-163** A By-law to authorize the entering into a contract with Demar Construction for the East Main Street Water Service Replacement, part of the Water Service Replacement Program 2002.
- 02-168** Fortification of Lands.
- 02-171** John Skorobohacz, City Clerk, City of Windsor, requesting support of its resolution regarding retroactive rate increase from the Union Gas Limited.

02-1 Moved by Dzugan and Dmytrow-Bilboe that the Minutes of the Regular Council Meeting of November 5th, 2002 be and the same are hereby approved and adopted as circulated.

CARRIED

96-160 Moved by Dzugan and Mastroianni that Council approves the expanded scope Municipal Infrastructure Information Technology Strategic Plan contained in Report Eng - 2002-36 dated October 22, 2002;

That staff develop and implement sustainable asset management plans to guide water, sewer and roadway infrastructure service delivery and decision making;

That staff fully investigate water, sewer and roadway infrastructure related service delivery improvements & report back to Council on same;

That the Manager of Information Services and the Technical Analyst Infrastructure Programs be authorized to formulate a corporate Geographic Information System (GIS) Strategic Implementation Plan and report back to Council on same.

CARRIED

97-49 Moved by Spadafora and Grenier that Welland City Council supports the submission by the Niagara Region Children's Mental Health Network entitled "**Locating Childrens Mental Health Beds in Niagara: Part of a Continuum of Service for Children's Mental Health**", advocating the need for children's and adolescents' mental health beds in strategic locations in Niagara recommended by the Network; and

That a copy of this resolution be forwarded to The Ministry of Health, The Central South Mental Health Implementation Task Force, The Children's Mental Health Network, The Niagara Health System, The Niagara District Health Council, the Regional Municipality of Niagara, area municipalities and local Members of Parliament.

CARRIED

98-46 Moved by Dzugan and Mastroianni that the Region of Niagara be advised that Welland City Council supports the extension of Waste and Recycling Collection Contracts with Protz Sanitation, Bugar Waste Disposal, and Canadian Waste Services Inc. for the period April 1, 2003 to March 31, 2004, and further

That Council agrees to the costs related to the continuance of 'Enhanced Waste' and 'Recycling' Collection Services as outlined in correspondence received from the Region of Niagara dated September 24, 2002.

CARRIED

98-82

02-29 Moved by Dzugan and Mastroianni that a Special Meeting of Council be held on Thursday, November 28, 2002 at 9:30 p.m. at Niagara College, Welland Campus, Hamilton Room in Committee-of-the-Whole to discuss Architect Selection for the proposed Civic Square Project.

CARRIED

99-99 Moved by Dzugan and Mastroianni 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 again 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

02-3 Moved by Dzugan and Mastroianni that the request by Club Richelieu to apply bingo proceeds for the next three (3) years to complete its building and capital funds projects be approved for the years 2003, 2004 and 2005, provided that the Club's community commitment is maintained at its present

level or better (ie. \$60,000 annual donations); and that the Club return financial reports annually on the status of its charitable donations and debt retirement projects.

CARRIED

02-3 Moved by Dzugan and Mastroianni that a Lottery License be granted to the following:

- Canadian Cancer Society – Raffle
- Faith Rebekah Lodge #84 - Raffle.

CARRIED

02-6 Moved by Dzugan and Mastroianni that the Mayor declares the week of November 17 - 23, 2002 as "**Drug Awareness Week**" in the City of Welland as requested by the Region of Niagara (through the Public Health Department) and the Province of Ontario (through the Ontario Drug Awareness Committee).

CARRIED

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

1	29-Oct-02	\$ 5,043.00
2	30-Oct-02	21,280.97
3	31-Oct-02	2,537.35
4	4-Nov-02	150,603.57
5	5-Nov-02	296,134.69
6	6-Nov-02	21,451.15
7	7-Nov-02	17,246.28
8	8-Nov-02	321,913.31
9	12-Nov-02	<u>155,582.77</u>
	Total	\$ 991,793.00

CARRIED

02-13 Moved by Dzugan and Mastroianni

1. That subject to Council approval, staff be authorized to proceed with the purchase of a Detroit Diesel Remanufactured 6V-92DDEC Engine from Harper Detroit Diesel, Hamilton in the amount of \$21,410.00 plus applicable taxes being the lowest of two (2) quotes received.
2. That the City Solicitor be requested to prepare the necessary By-law to enter into an agreement with Harper Detroit Diesel for the supply of a remanufactured 6V-92 engine in the amount of \$21,410.00 plus taxes.

CARRIED

02-15 Moved by Dzugan and Mastroianni that the Master Community Fire Safety Plan be referred to the November 26th, 2002 General Committee Meeting.

CARRIED

02-22 Moved by Dzugan and Mastroianni 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 again referred back to staff for review.

CARRIED

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

CARRIED

02-22 Moved by Alakas and Fortier that Council re-affirm By-law 2001-128, 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.

CARRIED

02-45 Moved by Dzugan and Mastroianni that the City Clerk negotiate the 2003 City's Insurance Renewal with the Cowan Public Entity.

CARRIED

(Councillor Eybel asked to be recorded as opposed to this Resolution.)

02-45 Moved by Dzugan and Mastroianni that an amount be included in the 2003 Budget for an independent review of City Insurance to develop a request for proposals and an independent evaluation of proposals for the 2004 renewal.

CARRIED

02-123 Moved by Dzugan and Mastroianni that Report P&R-02-32 regarding Electrical Services Tender and Recommendation be referred to the November 26th, 2002 General Committee Meeting.

CARRIED

02-136 Moved by Dzugan and Mastroianni that the Region of Niagara be advised that Welland City Council will be in a position to respond to the request for comments on "Draft Report - Identification of Preferred Alternative Environmental Assessment Level Review of Regional Niagara Mid-Term Waste Disposal Alternatives" following the February 4, 2003 meeting of Council.

CARRIED

02-141 Moved by Dzugan and Mastroianni 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 again referred to staff for study and report.

CARRIED

02-163 Moved by Dzugan and Mastroianni that Council accepts the tender of 1448042 Ontario Limited o/a Demar Construction for the replacement of water service laterals on East Main Street between Scholfield Avenue and Golden Boulevard East;
That the estimated project cost, in the amount of \$105,000.00 be funded from the approved revised 2002 Waterworks Capital Budget as follows:

\$65,000.00 from Capital Contribution from Operating Budget

\$40,000.00 from Municipal Debenture;

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 as detailed in Report ENG 2002-50 dated October 22, 2002, at the tender price of \$81,807.50, plus applicable G.S.T.

CARRIED**02-168** Moved by Dzugan and Mastroianni

1. That the City of Welland petition the Minister of Municipal Affairs and Housing, the Honourable Chris Hodgson, to amend the Municipal Act by removing Section 217 of the existing Act and Section 133 of the Municipal Act 2001;
2. That the City of Welland petition the Minister of Public Safety, the Honourable Robert Runciman, to introduce new legislation to deal with the fortification of lands which would require the enforcement of such legislation by police forces in the Province of Ontario and not municipal officials;
3. That a copy of this recommendation be forwarded to all municipalities in Ontario for endorsement; and
4. That a copy of this recommendation and Report CM-2002-35 be forwarded to the Association of Municipalities of Ontario and the Ontario Association of Chiefs of Police for endorsement.

CARRIED

02-171 Moved by Dzugan and Mastroianni that Welland City Council endorse the resolution from the City of Windsor requesting the Ontario Energy Board to withdraw the approval granted to the Union Gas Limited for the retroactive rate increase; and
That the City Clerk advise the proper authorities accordingly.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

98-82

02-10 Moved by Mastroianni and Dzugan that Councillor Belcastro be appointed Chair of the Civic Square Building Committee.

CARRIED

98-96 Moved by Mastroianni and Fortier that the Letter of Intent dated October 12, 2002 for Goodwill Exchanges between the City of Tongxiang and the City of Welland be endorsed by the Mayor.

CARRIED

02-10 Moved by Fortier and Dmytrow-Bilboe that Councillor John Mastroianni be appointed pursuant to Region of Niagara Procedural By-law 7174-93 to serve as the non-voting replacement at Regional Council during the Mayor's absence.

CARRIED

02-10 Moved by Belcastro and Dmytrow-Bilboe that Council make the following appointment changes to the following Ad Hoc Committees:

- Arena Facility Committee
Councillors Rick Alakas, Dan Fortier and **Joe Spadafora**.

- Public Liaison Committee for the Humberstone Landfill Site
Councillors **Nancy Dmytrow-Bilboe**, Dan Fortier and **Sandy O'Dell**.
- Welland River Watershed Plan Steering Committee
Councillor **John Mastroianni**.
- Stadium Committee
Councillors Rick Alakas, Dianne Grenier, **John Irvine**, and Sandy O'Dell.

CARRIED

02-10 Moved by Belcastro and Dmytrow-Bilboe that Council strike down the following Ad Hoc Committees:

- Budget Review Committee
- Civic Centre Complex Committee
- Master Community Fire Safety Plan Committee
- Water Service Review Committee.

CARRIED

02-13 Moved by Spadafora and Belcastro that the Transit Review and Transit Advisory Committee Meetings be combined into one meeting night and that the Operational Services Committee Chair chair these committees.

CARRIED**02-16****02-22** Moved by Mastroianni and Beaudoin

1. That two (2) 'Full-time' positions be created in the Parking and Traffic Services Section, to provide enhanced enforcement of Parking and Traffic by-laws in the City of Welland,
2. That the Manager of Human Resources be requested to fill these positions in a timely manner.

CARRIED**02-173** Moved by Mastroianni and Dzugan

1. That Council accept the Offers of Purchase and Sale from Laurent Viger Construction Limited for Part 20, Plan 59R-7976 in the amount of \$44,000.00 plus G.S.T. and for Part 22, Plan 59R-7976 in the amount of \$40,000.00 plus G.S.T. located on the north side of Promenade Richelieu, east of Wellington Street; and
2. That Council accept the Offers of Purchase and Sale from Laurent Viger for Part 21, Plan 59R-7976 in the amount of \$40,000.00 plus G.S.T. located on the north side of Promenade Richelieu, east of Wellington Street;
3. That Council authorize the payment of a real estate commission of 2% of the sale price (\$124,000.00) being \$2,480.00 to Marc Viger, Real Estate Broker, payable upon final closing of the sales such expense to be debited from the gross sale value;
4. That City expenses as outlined in the Offer of Purchase and Sale be deducted from the gross sale value;
5. That 10% of the net sale value be credited to the M.I.G. Fund with the remaining 90% credited to the Civic Square Reserve Fund; and
6. That Staff prepare the necessary By-laws to finalize the transaction.

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

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

02-173

BYL 2002-186

A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of three (3) vacant lots fronting on the north side of Promenade Richelieu, being Parts 20 and 22, Plan 59R-7976 to Laurent Viger Construction Limited and Part 21, Plan 59R-7976 to Laurent Viger.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...cont'd.:

02-65

BYL 2002- 188

A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of vacant land fronting on the east side of Plymouth Road, being Part 1, Plan 59R-11803 to 937776 Ontario Inc.

02-163

BYL 2002- 189

A By-law to authorize the entering into a contract with Demar Construction for the East Main Street Water Service Replacement, part of the Water Service Replacement Program 2002.

02-1

BYL 2002-190

A By-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 19th day of November, 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 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

02-25 Moved by Mastroianni and Beaudoin that Council meet in Committee-of-the-Whole, closed to the public at 9:30 p.m. to consider:

- a) personal matters about an identifiable individual, including municipal employees.

CARRIED

02-25 Moved by Beaudoin and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 9:45 p.m.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

02-12

03-12 Moved by Mastroianni and Belcastro that the following Councillors be appointed to serve as Vice Mayor for the periods indicated below:

December 1, 2002 to February 28, 2003	-	Councillor Nancy Dmytrow-Bilboe
March 1, 2003 to May 31, 2003	-	Councillor Mark Dzugan
June 1, 2003 to August 31, 2003	-	Councillor Dan Beaudoin
September 1, 2003 to November 30, 2003	-	Councillor Dan Fortier.

CARRIED

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

BY-LAW PRESENTED FOR FIRST READING:

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

02-12

03-12

BYL 2002-187

A By-law to appoint certain Members of Council as Vice-Mayor for three (3) month terms of office, for the period commencing December 1st, 2002 and ending November 30th, 2003.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIR READING

4. Moved by Mastroianni and Belcastro that the By-law 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, November 27, 2002 for inclusion on the next Regular Council Meeting Agenda.

Councillor Mastroianni gave Notice of Motion of the following issue to be presented to Council at the December 3rd, 2002 Regular Council Meeting:

02-160

***That Council eliminate General Committee meetings; and
That Council, at the Regular Council Meetings (first and third Tuesday of the month), meet in the following format as required:***

Committee-of-the-Whole – In Camera

Committee-of-the-Whole – Open

Council; and further

That recommendations from Committee-of-the-Whole be either considered at that evening's Council Meeting or referred to the subsequent Tuesday's Council Meeting for consideration.

Council adjourned at 9:50 p.m.

These Minutes approved and adopted by Motion of Council this 3rd day of December, 2002.

MAYOR

CLERK