



COUNCIL MEETING, JUNE 3, 2003

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 6:00 p.m. and in open session at 8:15 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 (6:05 p.m.), J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora (6:05 p.m.) .

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

Chief, Fire & Emergency Services P. Olah

Acting City Manager and General Manager Engineering, Public Works & Transportation Services D. Shantz (7:25 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri

Administrative Assistant/Deputy Clerk B. Gallaccio (8:15 p.m.)

Manager, Development Planning/Real Estate D. Thorpe

Administrative Assistant to the Mayor and the City Manager, L. Ip (7:25 p.m.)

Revenue Services Co-ordinator L. Keca (until 8:05 p.m.)

Chief Building Official M. Mantesso

(Peter Paraskevopoulos (aka Paras), was present during Committee-of-the-Whole discussions on a security of property matter pertaining to 312 Thorold Road.)

(Andrew Ferri was present during Committee-of-the-Whole discussions on a

security of property matter pertaining to 225 East Main Street.)

03-25 Moved by Dmytrow-Bilboe and Mastroianni that Council meet in Committee-of-the-Whole, closed to the public at 6:00 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) labour relations or employee negotiations.

CARRIED

(Councillor Eybel was not present during Committee-of-the-Whole discussions on a labour relations matter).

03-25 Moved by Mastroianni and Dmytrow-Bilboe that the Committee-of-the-Whole arise from its closed meeting at 8:05 p.m.

CARRIED

DELEGATIONS:

03-28 David Alexander, Acting Chair, addressed Council regarding the activities of the Welland Festival of Arts.

03-28

03-103 Peter Paras, 1071042 Ontario Limited addressed Council regarding water bill for 312 Thorold Road.

THE FOLLOWING CORRESPONDENCE WAS READ:

03-22 Petition from the residents of Dain City along the Kingsway and surrounding area regarding a parking issue.

03-20 Letter from Red Morin, Club Richelieu requesting permission to obtain a Special Occasion Permit for the St. Jean Baptiste Festival to be held on June 22, 2003.

93-134

03-2 Letter from Gerald Gervais, Kave Nite Club requesting an outdoor show license and exemption to the Noise By-law.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

03-102 A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of vacant land fronting on the north side of Martin Street, designated as Parts 3 and 6, Plan 59R-9442 to Habitat for Humanity Niagara.

THE FOLLOWING CORRESPONDENCE WAS DELETED: Cont'd

- 03-73** A By-law to amend By-law 2003-70, being a Contract by-law for the Oxford-Atlas-Wellington Area Sewer Separation 2003 at Lincoln Street from Empress Avenue to Memorial Park Drive and Wellington Street from Lincoln Street to Vanier Drive by authorizing and directing hereby the funding sources for such contract.
- 03-81** A By-law to amend By-law 2003-72, being a Contract By-law for the Northbank Interceptor Storm Sewer Separation 2003 (Willson Road between Fitch Street and Prince Charles Drive) by authorizing and directing hereby the funding sources for such contract.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 93-139** Mgr., Development Planning / Real Estate D. Thorpe – Forks Commons Subdivision (formerly Forks End Subdivision) (File 26T-97004) – Request for extension of Draft Approval.
- 93-162** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Welland River Water Level – Fluctuation Study – Ontario Power Generation/NPCA.
- 01-2** Review the City's current Business Licensing By-law.
- 01-149** Mgr., Development Planning / Real Estate D. Thorpe – Layout, establish and name Part of Lot 16, Concession 6, former Township of Crowland being Part 2, Plan 59R-7303 as Part of Ridge Road.
- 01-149** A By-law to Lay Out, Establish, Assume and Name as a Public Highway for road widening purposes Part of Lot 16, Concession 6, former Township of Crowland, being Part 2, Plan 59R-7303 as part of Ridge Road.
- 01-154** Review By-law from West Lincoln re sexual exploitation of children & child pornography.
- 02-22** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Traffic Calming and Speed Control – East Main and Division Streets – City of Welland.
- 02-150** Thomas R. Hollick, Regional Clerk, Regional Municipality of Niagara – Resolution of support for Litter on Provincial Highway Rights-of-Way in Niagara.
- 02-154** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Response to Rails to the Future Committee Dismantling of Canadian Southern Railway – Fort Erie to Windsor.
- 03-3** Jackie Crow, Administrative Coordinator, Marshville Heritage Society Inc. – Requesting permission to sell raffle tickets in the City of Welland.
- 03-4** Louise Gartshore, City Clerk, City of Woodstock - Resolution of support for Property Taxation Issues.
- 03-7** Gen. Mgr., Financial and Corp. Serv. / Treasurer B. Silvestri – Accounts Payable – May 14, 2003 to May 27, 2003.
- 03-10**
- 03-22** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Repeal of By-law 2001-151 and appointment of General Manager, Engineering, Public Works and Transportation Services to approve Traffic Designs and Installations as required under section 144 (31) of the Highway Traffic Act R80-1990.
- 03-10**
- 03-22** A By-law to designate the General Manager, Engineering, Public Works and Transportation Services to approve Traffic Control Signal Systems, Designs and Installations in accordance with the provisions of the Highway Traffic Act, and to Repeal By-law 2001-151.
- 03-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Award of Tender – Makeup Air Handling Unit Maintenance Ventilation.

- 03-15** Request for endorsing the establishment of a fire museum in the vintage 1920 firehall located at Hellems Avenue and Division St.
- 03-15** A By-law to authorize the procurement of a 2003 American Rosenbauer Centurion Pumper from Resqtech Systems Inc. for the Welland fire Department.
- 03-15** Chief, Fire and Emergency Services P. Olah – Protective clothing replacement.
- 03-22** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Revision to Intersection – Crowland/Southworth at Lincoln Street.
- 03-22** A By-law to amend Schedules “C” and “P” of By-law 89-2000, being a By-law regulating Traffic and Parking on City Streets.
- 03-46** A By-law to amend By-law 2003.66, and to authorize the calling of tenders for the procurement of two (2) cargo vans.
- 03-63** Gen. Mgr., Financial and Corp. Serv. / Treasurer B. Silvestri – Endorsement of cheques.
- 03-73** A By-law to amend By-law 2003-70, being a Contract by-law for the Oxford-Atlas-Wellington Area Sewer Separation 2003 at Lincoln Street from Empress Avenue to Memorial Park Drive and Wellington Street from Lincoln Street to Vanier Drive by authorizing and directing hereby the funding sources for such contract.
- 03-81** A By-law to amend By-law 2003-72, being a Contract By-law for the Northbank Interceptor Storm Sewer Separation 2003 (Willson Road between Fitch Street and Prince Charles Drive) by authorizing and directing hereby the funding sources for such contract.
- 03-95** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Award of Tender – Makeup Air Handling Unit Maintenance Ventilation.
- 03-104** Thomas R. Hollick, Regional Clerk, Regional Municipality of Niagara – Resolution of support for Border Contingency Plan.

03-1 Moved by Alakas and Dzugan that the Minutes of the Regular Council Meeting of May 20, 2003 be and the same are hereby approved and adopted as circulated.

CARRIED

93-134

03-2 Moved by Dmytrow-Bilboe and Eybel

1. That Council approve the issuance of a License for an Outdoor Show and Entertainment event to the Kave Nite Club and Bench Warmers at 1030 Niagara Street subject to the following conditions:
 - a. The License be valid for June 28, 2003 and until 1:00 a.m. on June 29, 2003;
 - b. The event complies with the requirements of the Niagara Regional Health Services Department and the Welland Fire Department;
 - c. The event obtain all other regulatory approvals including a tent permit for every tent greater than 645 square feet in area and including any City of Welland Licenses required for outdoor food vending;
2. That the City of Welland waive License fees required by license By-law 4530; and
3. That Council exempts the event from the City of Welland Noise By-law 10204 in accordance with paragraph 3. (b) of the said By-law.

CARRIED

93-139 Moved by Fortier and Mastroianni that Council approves an extension to Draft Approval for the Forks Commons Subdivision (formerly Forks End Subdivision) (File 26T-97004) for one (1) year to June 29, 2004 as requested by Patrick Luciani on behalf of ATXX Corporation.

CARRIED

93-162 Moved by Belcastro and Fortier that Report Eng-2003-31 Re: Welland River Water Level Fluctuation Study, Ontario Power Generation/NPCA be referred to staff for further information including: comments of NPCA, comments of other municipalities, shoreline impact and financial costs.

CARRIED

01-2 Moved by Eybel and Dmytrow-Bilboe 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

01-149 Moved by Eybel and Dmytrow-Bilboe that Council authorize Staff to prepare the necessary By-law and documentation to Lay-Out, Establish and Name Part of Lot 16, Concession 6, former Township of Crowland, now in the City of Welland being Part 2, Plan 59R-7303 as part of Ridge Road.

CARRIED

01-154 Moved by Eybel and Dmytrow-Bilboe 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

02-22 Moved by Fortier and Dmytrow-Bilboe that report TRAF 2003-18 - Traffic Calming and Speed Control at East Main Street and Division Street be received for information; and That staff review further the concerns of Councillor Irvine relative to parking lane widths and traffic speed.

CARRIED

02-150 Moved by Eybel and Dmytrow-Bilboe that Welland City Council supports the resolution from the Regional Municipality of Niagara to urge the Minister of Transportation to take immediate action to address the clean up of unsightly litter and garbage along the Provincial Highway System Rights-of-the-Way in Niagara; and That the City Clerk advise the proper authorities accordingly.

CARRIED

02-154 Moved by Eybel and Dmytrow-Bilboe that the correspondence received from the Railways to the Future Committee, dated January 11, 2003, be received and filed.

CARRIED

03-3 Moved by Eybel and Dmytrow-Bilboe that permission is hereby granted to the Marshville Heritage Society Inc. to sell raffle tickets in the City of Welland under authority of Lottery License M 32991; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

03-4 Moved by Eybel and Dmytrow-Bilboe that Welland City Council supports the resolution from the City of Woodstock requesting the Province of Ontario to immediately review its capping program with an aim to eliminate it completely; and That the City Clerk advise the proper authorities accordingly.

CARRIED

03-7 Moved by Irvine and Mastroianni that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	14-May-03	3,553,000.00
2	15-May-03	141,496.25
3	16-May-03	3,000,000.00
4	20-May-03	30,979.90
5	21-May-03	12,658.88
6	23-May-03	270,886.14
7	26-May-03	316,573.10
8	27-May-03	<u>143,667.31</u>
	Total	\$ 7,469,261.58

CARRIED

03-10

03-22 Moved by Eybel and Dmytrow-Bilboe the City Solicitor be requested to prepare a By-law to:

1. Repeal By-law 2001-151 being a By-law to designate the Environmental and Traffic Services Engineer to approve traffic signal designs and installation on behalf of the Corporation of the City of Welland; and
2. To designate the General Manager, Engineering, Public Works and Transportation Services to approve Traffic Signal Designs and Installations on behalf of the Corporation of the City of Welland.

CARRIED

03-13 Moved by Eybel and Dmytrow-Bilboe that Council authorizes staff to dispose of surplus Transit Buses # 120, a 1993 27' Overland Elf diesel transit vehicle, and # 123, a 1973 - 35' GMC diesel transit vehicle, for maximum compensation as can be arranged.

CARRIED

03-15 Moved by Eybel and Dmytrow-Bilboe that the letter from Norm Sisler, Secretary, Fort Erie LaFrance Association endorsing the establishment of a fire museum in the vintage 1920 firehall located at Hellems Avenue and Division Street be again referred to staff for study and report as part of the Fire Department Review.

CARRIED

03-15 Moved by Eybel and Dmytrow-Bilboe that the Fire Chief be authorized to tender for the replacement of Protective Clothing (bunker gear) for Career Firefighters as required, and that funding be through the Fire & Emergency Services Reserve Fund.

CARRIED

03-20 Moved by Eybel and Dmytrow-Bilboe that Welland City Council has no objection to the issuance of a Special Occasion Permit to Club Richelieu to hold the "**St. Jean Baptiste Festival**" on June 22, 2003 at Club Richelieu and designates this event as a Community Festival subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits.

CARRIED

03-22 Moved by Eybel and Dmytrow-Bilboe that the petition from the residents of Dain City along the Kingsway and surrounding areas regarding parking signs be received and referred to staff for study and review.

CARRIED

03-22 Moved by Dzugan and Mastroianni that Report TRAF-2003-19 on the revision to the Crowland/Southworth intersection with Lincoln Street be approved for implementation.

CARRIED

03-28 Moved by Fortier and Mastroianni that the presentation by David Alexander, Acting Chair, regarding the activities of the Welland Festival of Arts be received for information.

CARRIED

03-28

03-103 Moved by Grenier and Spadafora that the presentation by Peter Paras, 1071042 Ontario Ltd. regarding the water bill for 312 Thorold Road be received for information.

CARRIED

03-63 Moved by Mastroianni and Dmytrow-Bilboe that pursuant to the Ontario Municipal Act S. 288 (1) and (2), Council hereby appoints any two of the signing officers, namely, City Treasurer, Head of Council, Deputy Treasurer, City Clerk and the City Manager, one of which must be either the Treasurer or the Deputy Treasurer, as the Signing Officers for the endorsement of cheques on behalf of the Corporation of the City of Welland; and

That the City Solicitor be directed to prepare the necessary By-law and to repeal By-law 9791.

CARRIED

03-95 Moved by Eybel and Dmytrow-Bilboe that Council accepts the tender of Conway's Mechanical Contracting Inc. for the installation of a Makeup Air Handling Unit Maintenance Ventilation at the Municipal Service Centre as presented in report P & R-2003-13;

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 installation, at the tender price of \$39,804.00 including applicable taxes.

CARRIED

03-104 Moved by Eybel and Dmytrow-Bilboe that Welland City Council supports the resolution from the Regional Municipality of Niagara to urge both the Government of Ontario and the Government of Canada to create an effective plan to manage vehicular traffic attempting to cross the border to the United States at the bridges in Niagara and to allocate adequate funding and human resources to ensure that the plan is effective and responsive to the needs for traffic management as they arise; and

That the City Clerk advise the proper authorities accordingly.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

03-102 Moved by Dmytrow-Bilboe and Fortier

1. That Council sell part of Lots 42 and 43, Plan M-2, being Parts 3 and 6, Plan 59R-9442, located on the north side of Martin Street, west of Kilgour Avenue to Habitat for Humanity Niagara for the sum of nine thousand five hundred dollars (\$9,500.00) subject to Habitat for Humanity Niagara entering into a Short Form Subdivider's Agreement with the City of Welland dealing with Lot Grading and Drainage; and
2. That the City Solicitor be instructed to prepare the Agreement of Purchase and Sale and all necessary By-laws; and
3. That the Mayor and Clerk be authorized to execute all necessary documents relative to the transfer; and
4. That the proceeds from the sale be deposited to the Municipal Incentive Grant Reserve Fund.

CARRIED

03-103 Moved by Mastroianni and Eybel that Council not enter into an extension agreement for the property located at 312 Thorold Road – Roll Number 010-007-12200-0000.

CARRIED

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

03-105 Moved by Mastroianni and Irvine that Council not enter into an extension agreement for the property located at 225 East Main Street – Roll Number 040-007-05900-0000.

CARRIED

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

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

BY-LAWS PRESENTED FOR FIRST READING:

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

02-12

03-12

BYL 2003 - 87

A By-law to appoint a Member of Council as Vice-Mayor for a three (3) month term of office, commencing September 1st, 2003 and ending November 30th, 2003 and to amend By-law 2002-187.

03-24

BYL 2003 - 88

A By-law to authorize a Settlement Agreement with Employee Number 00183.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Eybel that the By-laws listed in the foregoing motion for first reading having been read a first time and considered, as amended, 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 Eybel that leave now be given to introduce the following proposed By-laws entitled:

01-149

BYL 2003 - 89

A By-law to Lay Out, Establish, Assume and Name as a Public Highway for road widening purposes Part of Lot 16, Concession 6, former Township of Crowland, being Part 2, Plan 59R-7303 as part of Ridge Road.

03-10

03-22

BYL 2003 - 90

A By-law to designate the General Manager, Engineering, Public Works and Transportation Services to approve Traffic Control Signal Systems, Designs and Installations in accordance with the provisions of the Highway Traffic Act, and to repeal By-law 2001-151.

03-15

BYL 2003 - 91

A By-law to authorize the procurement of a 2003 American Rosenbauer Centurion Pumper from Resqtech Systems Inc. for the Welland Fire Department.

03-22

BYL 2003 - 92

A By-law to amend schedules "C" and "P" of By-law 89-2000, being a By-law regulating traffic and parking on City streets.

03-46

BYL 2003 - 93

A By-law to amend By-law 2003-66 and to authorize the calling of tenders for the procurement to two (2) cargo vans.

03-1

BYL 2003 – 94

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 3rd day of June, 2003.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Dzugan and Eybel that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, as amended, having been read a first time and considered, as amended 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 11, 2003 for inclusion on the next Regular Council Meeting Agenda.

Council adjourned at 11:05 p.m.

These Minutes approved and adopted by Motion of Council this 17th day of June, 2003.

MAYOR

CLERK