



COUNCIL MEETING, JUNE 1, 2004

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:50 p.m. and in open session at 7:40 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

The open meeting commenced with the playing of the National Anthem.

Members Present: Councillors D. Alexander, M. Belcastro, P. Chiocchio, M. Dzugan, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell (6:55 p.m.), B. Sharpe and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (until 7:30 p.m., returning at 8:50 p.m.)

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:40 p.m.)

General Manager Human Resources R. Beaumont (until 7:30 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:40 p.m.)

Acting General Manager of Parks and Recreation R. Morwald (7:40 p.m.)

Manager, Budgets & Financial Reporting/Deputy Treasurer S. Nagel (7:40 p.m.)

Regional Councillor J. Mastroianni (7:40 p.m.)

04-25 Moved by Belcastro and Grenier that Council meet in Committee-of-the-Whole, closed to the public at 6:50 p.m. to consider:

- a) labour relations or employee negotiations; and
- b) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

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

04-25 Moved by Grenier and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 7:30 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Grimaldi disclosed an interest in Ref. No. 04-16 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as her husband is an employee of the City of Welland included in the CUPE Memorandum of Settlement.

Councillor Alexander disclosed an interest in Ref. No. 97-58 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is the Chair of the Welland Festival of Arts.

DELEGATIONS:

04-102 Marcy Lackey, Project Coordinator, Niagara District for Katimavik addressed Council requesting Welland to come a Host Community for the 2005 – 2006 program year.

03-84 Peter Topolinsky addressed Council regarding concerns of standing water in a swale at Autumn Crescent.

THE FOLLOWING CORRESPONDENCE WAS READ:

04-85 A By-law to authorize the retention of Sarp Sewer Services to provide CCTV Camera Inspection of Gravity Sewers.

04-107 Petition from area residents requesting that the proposed sidewalk construction on Talbot Street be stopped.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 93-134** Shirley Good, Office/FEN Administration – Tourism of Welland Niagara – requesting the
04-27 Noise By-law be waived until 11:30 p.m. on Saturday, June 12, 2004 at Chippawa Park to hold the Day in the Park event.
- 99-99** A By-law to amend By-law 2003-77, being the Canal Water Safety By-law, a By-law to regulate and protect the public's use of the Welland Recreational Canal Waterway.
- 01-155** Use of Pesticides in the City of Welland.
- 03-22**
- 04-22** A By-law to amend Schedules "C", "E", "M", "N", "P", "S", "Y" and "Z" of By-law 89-2000, being a By-law regulating traffic and parking on City Streets.
- 03-75** 2006 World Dragon Boat Championships.
- 03-145** Pam Gilroy, Acting Regional Clerk, The Regional Municipality of Niagara – Revised Inter Municipal Transit Action Plan.
- 04-1** 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 25th day of May, 2004 and 1st day of June, 2004.
- 04-4** A By-law to adopt the 2004 Capital and Operating Budgets.
- 04-4** A By-law to establish tax ratios and tax rates and to levy taxes for the year 2004.
- 04-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – May12, 2004 to May 25, 2004.
- 04-12** A By-law to appoint a certain Member of Council as Vice-Mayor for a three (3) month term of office, commencing June 1st, 2004 to August 31st, 2004; and to amend By-law 2003-182.
- 04-13** A By-law to authorize an amendment of the existing agreement with Brock University Students Union for Universal Transit Ridership.
- 04-13** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Welland Transit Terminal-Confectionery Store One Year Lease Extension.
- 04-18** March and April 2004 Departmental Reports.
- 04-19** Claire Gerencser, Executive Director, Welland Multicultural Centre regarding the use of the Market Square for the International Luncheons and its request to waive the rental fees.
- 04-21** John Salt, Multi Sport Canada Inc. - requesting permission to hold the ***"18th Annual Mike Burwell Triathlon"*** on Sunday, July 4, 2004.
- 04-22** Administrative Update – Traffic and Parking Operations.
- 04-22** Parking Operations Concerns – First Avenue.
- 04-22** Parking Operations Concerns – Northgate Drive.
- 04-22** Deborah Fuller, D & B's Fries – requesting an extension on the lease agreement for the 3 parking spaces on Cross Street.
- 04-22** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Request of D & B Fries Use of Three (3) Parking Stalls Eastside of Cross Street.
- 04-66** A By-law to authorize the entering into a contract with Kerry T. Howe Engineering to provide engineering services for the Hellems-Burgar Area Sewer Separation - Phase 2.
- 04-84** A By-law to authorize the stopping-up, closing and conveying of that part of unopened Clare Avenue Road Allowance south of Gaiser Road lying between former Township of Thorold Lots 259 and 260.
- 04-85** A By-law to authorize the retention of Sarp Sewer Services to provide CCTV Camera Inspection of Gravity Sewers.
- 04-96** Disposal of Surplus/Obsolete City Computers.
- 04-99** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-The Purchase of Printer/Toner Cartridges for all Departments.
- 04-103** Endorse the nomination bid of Councillor David Alexander for the position of Provincial Board Director – Ontario for the Federation of Canadian Municipalities.

04-1 Moved by Chiocchio and Dzugan that the Minutes of the Regular Council Meeting of May 18, 2004 and Special Council Meeting of May 25, 2004 be and the same are hereby approved and adopted as circulated.

CARRIED

93-134

04-27 Moved by Alexander and Dzugan that pursuant to By-law 10204, Council acknowledge and permit the noise activities for Day in the Park to end at 11:30 p.m. on Saturday, June 12, 2004.

CARRIED

99-43 Moved by O'Dell and Alexander the City of Welland petition the Ontario Government to enact a change to the Electricity Act 1998 to allow for election of directors to the Welland Hydro Electric Holding Corporation; and
That a copy of this resolution be sent to MPP Peter Kormos.

LOST

YEAS: Councillors O'Dell, Grimaldi and Chiocchio.

NAYS: Councillors Dzugan, Sharpe, Alexander, Grenier, Larouche, Belcastro, Spadafora and Mayor Goulbourne.

01-155 Moved by and Alexander and Dzugan

1. That Council receive for information Report P&R-2004-09, concerning the Use of Pesticides in the City of Welland.
2. That Council direct staff to facilitate two public consultation sessions to involve citizens in the development of a program that will minimize the use of pesticides.
3. That Council direct staff to recommend policies and programs to minimize the use of pesticides within the City of Welland through innovative turf management, responsible pest management approaches and principles of integrated pest management including:
 - Pest resistant and alternative landscape design;
 - Building codes to deter pests;
 - A hierarchal use of preventative practices through least environmentally harmful control solutions;
 - Public education on prevention, alternatives, and benefits and risks;
 - Employee training and certification;
 - Reward/recognition of good practices;
 - Petitioning the provincial government to enact appropriate legislation and provide funding to assist municipalities with pesticide reduction programs.

CARRIED

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

03-75 Moved by Alexander and Dzugan that Council receives for information Report P&R-2004-14, concerning the 2006 World Dragon Boat Championships.

CARRIED

03-84 Moved by Spadafora and Belcastro that the presentation by Peter Topolinsky regarding concerns of standing water in the swale on his property at Autumn Crescent be received for information.

CARRIED

03-145 Moved by Alexander and Chiocchio that the request from the Region of Niagara for consent from the City of Welland as part of a triple majority approval for a Regional By-law to assume inter municipal specialized transit services within the Regional Municipality of Niagara be referred to staff for study and report ; and

That staff invite Regional Niagara staff to explain the Region's proposal.

CARRIED

04-7 Moved by Alexander and Chiocchio that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	13-May-04	\$	5,269,847.34
2	14-May-04		66,424.01
3	18-May-04		2,204,194.39
4	20-May-04		15,308.33
5	21-May-04		420,498.94
6.	25-May-04		<u>494,903.32</u>
	Total	\$	3,471,176.33

CARRIED

04-13 Moved by Alexander and Dzugan that Council amend Resolution 04-13 of Report TRANS-2004-02 passed by Council on April 20, 2004, to change the term of the lease for confectionery store at the Welland Transit Terminal from 3 years to one year so that the resolution will now read as follows:

1. That Council approve a one year extension of the service provider contract to Mr. Phil Gamsby commencing April 1, 2004 to March 31, 2005 for the confectionary store located at the Welland Transit Terminal; and
2. That the monthly rental revenue in the amount of \$250.00 be increased to \$300.00 plus G.S.T.; and
3. That the City Solicitor be directed to renew the service provider contract for a one year term.

CARRIED

04-18 Moved by Alexander and Dzugan that Report CM-2004-22, March and April 2004 Departmental Reports be received for information.

CARRIED

04-19 Moved by Alexander and Dzugan that the presentation to General Committee on May 25th, 2004 by Claire Gerencser, Executive Director, Welland Multicultural Centre requesting the waiving of rental fees for use of the Market Square Facility during the International Luncheons held June 16 to 25, 2004 be received for information.

CARRIED

04-19 Moved by Alexander and Dzugan that Council grant \$400 plus G.S.T. to the Welland Multicultural Centre to apply towards the rental fees for use of the Market Square Facility during the International Luncheons held June 16 to 25, 2004.

CARRIED

04-21 Moved by Alexander and Dzugan that Welland City Council approves the application for the "**Mike Burwell Triathlon**" to be held on Sunday, July 4th, 2004 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

04-22 Moved by Alexander and Dzugan

1. That the City Solicitor be directed to prepare a By-law to amend Parking Prohibitions, Schedule "C" of By-law 89-2000 by:

i) ADDING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE	FROM	TO	PERIOD (TIMES/ DAY)
Walnut Street	West	Locust Street	Elmview Street	AT NO TIME
Canal Bank Street	Both	A point 100 meters north of Forks Road	Ontario Road	AT NO TIME

2. That the City Solicitor be directed to prepare a By-law to amend Reduced Load Restrictions, between March and April, Schedule "Y" of By-law 89-2000 by:

i) ADDING the following:

COLUMN 1	COLUMN 2	
HIGHWAY	FROM	TO
Rice Road	Woodlawn Road	north city limits

3. That the City Solicitor be directed to prepare a By-law to amend the Fire Route By-law 10011 by:

i) DELETING the following:

SCHEDULE NO.	STREET ADDRESS	COMMON NAME	SKETCH
A-7	800 Niagara Street	Seaway Mall	22 - May - 97

ii) ADDING the following:

SCHEDULE NO.	STREET ADDRESS	COMMON NAME	SKETCH
A-7	800 Niagara Street	Seaway Mall	6 - May - 04

CARRIED

04-22 Moved by Alexander and Dzugan

1. That the City Solicitor be directed to prepare a By-law to amend Parking Prohibitions, Schedule "C" of By-law 89-2000 by:

i) ADDING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE	FROM	TO	PERIOD

		FROM	TO	(TIMES/ DAY)
First Avenue	East	Page Drive	North limit of City	AT NO TIME

CARRIED**04-22** Moved by Alexander and Dzugan

1. That the City Solicitor be directed to prepare a By-law to amend Parking Prohibitions, Schedule "C" of By-law 89-2000 by:

- i) ADDING the following:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE	FROM	TO	PERIOD
		FROM	TO	(TIMES/ DAY)
Northgate Drive	West/South	Cabot Street	A point 160 meters north west	AT NO TIME

CARRIED**04-22** Moved by Larouche and Chiocchio

1. That the request by D & B Fries to renew its lease for the use of 3 parking stalls at the east side of Cross Street for a 9 month extension be granted as follows:
 - a) Enter into an agreement with the City of Welland which would establish
 - i) Fees for the use of the three (3) parking stalls - \$25.00 per month per stall
 - ii) Terms and Conditions of Occupation – commencement and termination dates
 - iii) Placement and maintenance of waste receptacles
 - iv) Ten (10) day notice for location change
 - b) Provide a Security Deposit for damage to City owned property occupied by the 'Chip Wagon' should it occur during the occupation of the three (3) parking stalls.
2. That the owners obtain a 'Refreshment Vehicle' license from the City of Welland as outlined in By-law 10049.

CARRIED

04-22 Moved by O'Dell and Dzugan that staff prepare a report and recommendation to establish a Truck Route By-law which would include signage for the routes as well as signage to prevent or limit the use of alternate roads now being used by heavy trucks.

CARRIED

04-96 Moved by Sharpe and Belcastro that Council approve the disposal of surplus / obsolete City computers as follows:

- Eight (8) computers to the Welland and District Humane Society; and
- The remainder of surplus / obsolete computers to Formatur School in Holguin, Cuba.

CARRIED

04-99 Moved by Belcastro and Grenier that Council authorizes the tender award for OEM Printer and Toner Cartridge requirements for the City of Welland to The Computer Media Group based on tender results from the Niagara Public Purchasing Committee.

CARRIED

04-102 Moved by Alexander and Sharpe that the City of Welland support the hosting of a Katimavik Project for the year 2005 - 2006 program; and
That Councillor Mary Ann Grimaldi be named the Community Liaison for this project, with staff support from Richard Morwald, Acting General Manager of Parks and Recreation.

CARRIED

04-103 Moved by Grenier and Larouche that Welland City Council endorse the nomination bid of Councillor David Alexander for the position of Provincial Board Director – Ontario for the Federation of Canadian Municipalities (F.C.M.); and
That Council congratulate Councillor Alexander on his election to this position.

CARRIED

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

04-107 Moved by O'Dell and Larouche that the petition from the residents of Talbot Street requesting that the proposed development of sidewalks on Talbot Street be stopped be received and referred to staff for study and report.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

04-16 Moved by Spadafora and Belcastro that Council ratify the negotiated settlement between the Corporation of the City of Welland and CUPE Local 1115, as per the attached Minutes of Settlement, dated April 7, 2004 and May 21, 2004; and
That the City Solicitor be instructed to prepare the necessary By-law.

CARRIED

BY-LAWS

BY-LAW PRESENTED FOR FIRST READING:

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

04-66

BYL 2004 – 70

A By-law to authorize the entering into a contract with Kerry T. Howe Engineering to provide engineering services for the Hellems-Burgar Area Sewer Separation - Phase 2.

And that the same be now read a first time.

CARRIED

(Councillor Grimaldi asked to be recorded as opposed to By-law 2004-70.)

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Larouche 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

(Councillor Grimaldi asked to be recorded as opposed to By-law 2004-70.)

BY-LAWS PRESENTED FOR FIRST READING:

3. Moved by Dzugan and Larouche that leave now be given the following proposed By-laws entitled:

99-99

BYL 2004 – 64

A By-law to amend By-law 2003-77, being the Canal Water Safety By-law, a By-law to regulate and protect the public's use of the Welland Recreational Canal Waterway.

03-22

04-22

BYL 2004 – 65

A By-law to amend Schedules "C", "E", "M", "N", "P", "S", "Y" and "Z" of By-law 89-2000, being a By-law regulating traffic and parking on City Streets.

04-4

BYL 2004 – 66

A By-law to adopt the 2004 Capital and Operating Budget.

04-4

BYL 2004 – 67

A By-law to establish tax ratios and tax rates and to levy taxes for the year 2004.

04-12

BYL 2004 – 68

A By-law to appoint a certain Member of Council as Vice-Mayor for a three

(3) month term of office, commencing June 1st, 2004 to August 31st, 2004; and to amend By-law 2003-182.

...continued...

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

04-13

BYL 2004 – 69

A By-law to authorize an amendment of the existing agreement with Brock University Students Union for Universal Transit Ridership.

04-84

BYL 2004 - 71

A By-law to authorize the stopping-up, closing and conveying of that part of unopened Clare Avenue Road Allowance south of Gaiser Road lying between former Township of Thorold Lots 259 and 260.

04-85

BL 2004 - 72

A By-law to authorize the retention of Sarp Sewer Services to provide CCTV Camera Inspection of Gravity Sewers.

04-1

BYL 2004 - 73

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 25th day of May, 2004 and 1st day of June, 2004.

And that the same be now read a first time.

CARRIED

(Councillor O'Dell asked to be recorded as opposed to By-laws 2004-66 and 2004-67.)

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Dzugan and Larouche 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, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED

(Councillor O'Dell asked to be recorded as opposed to By-laws 2004-66 and 2004-67.)

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 9, 2004 for inclusion on the next Regular Council Meeting Agenda of June 15th, 2004.

97-58

Councillor Belcastro gave Notice of Motion of the following issue to be presented to Council at the June 15th, 2004 Regular Council Meeting.

That Council strike an Ad Hoc Committee to review and report on the condition and ownership of the murals and to determine the management and options for their maintenance and legacy. (This process shall take place in a timely manner and shall include the owners of the properties that have murals and other stakeholders. The outcome for this committee is to develop and recommend a plan of action that is consistent with policies and public art); and report this information back to this Council.

Council adjourned at 9:45 p.m.

These Minutes approved and adopted by Motion of Council this 15th day of June, 2004.

MAYOR

CLERK