



COUNCIL MEETING, MAY 1, 2001

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 6:35 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 (6:50 p.m.), D. Fortier, D. Grenier (7:15 p.m.), J. Irvine, J. Mastroianni (until 9:30 p.m.), S. O'Dell and J. Spadafora (until 9:50 p.m.)

Members of the Staff and Others Present:

Chief Administrative Officer V. Kerschl (6:55 p.m.)
City Clerk C.A. Stirtzinger
City Solicitor G. Banks
Director of Development Services T. Fitzpatrick
Fire Chief P. Olah
Director of Operational Services G. Marcello (7:30 p.m.)
Deputy City Treasurer B. Silvestri
Recreation Supervisor R. Morwald (7:30 p.m.)
Clerk Steno III B. Gallaccio (7:30 p.m.)

01-25 Moved by Belcastro and O'Dell that Council meet in Committee-of-the-Whole, closed to the public at 6:35 p.m. to consider:

- a) the security of the property of the municipality; and
- f) 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 regarding a matter of solicitor-client privilege.)

01-25 Moved by Belcastro and O'Dell that the Committee-of-the-Whole arise from its closed meeting at 7:25 p.m.

CARRIED

DELEGATIONS:

01-28 Mr. Bob McCallion, President and Mr. Mike Grimaldi, Vice President of the Welland and District Labour Council addressed Council regarding the following: the history of "**May Day**" and the risk of free trade.

THE FOLLOWING CORRESPONDENCE WAS READ:

01-73 Report from the Director of Operational Services G. Marcello, regarding award of tender for watermain replacement on Lincoln Street from Empress Avenue to Memorial Park Drive.

01-20 Letter from Ron Kiers, President of Welland & District Slo-Pitch League Inc. requesting permission to use the Welland Sports Complex during two tournaments scheduled for May and July, 2001.

01-94 Letter and video from Tanya Nixon, Niagara Unit Manager of the Canadian Cancer Society regarding the "**Relay for Life**" event to be held at the Niagara Regional Exhibition Grounds on June 15 and 16, 2001.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

92-112 Comm. Services Dir. I. Smith - Rose City Senior's Wireless Society.

92-168

01-13

01-52 South Niagara Rowing Club - request for bus shuttle service during the "**23^d Annual High School Invitational Regatta**".

93-100 J. Richard Mander, Fundraising & Volunteer Coordin. - requesting permission to hold a "**Classic Car Show and Family Day**" at the Welland Historical Museum.

95-103 Dir. of Development Services T. Fitzpatrick - Authorization to dedicate a road widening as part of Quaker Road - Towpath Village Subdivision.

95-103 A By-law to accept conveyance and lay out, establish, and assume as a public highway, dedicate and name Part of Lots 2, 3 & 4, Plan 59M-230, designated as Parts 2, 3 & 4, on Plan 59R-9662, formerly in the City of Welland, as Part of Quaker Road for road widening purposes.

95-175 Regional Clerk Thomas R. Hollick - establishment of the Joint Committee on Governance.

95-175 Rick Bassett, President, St. Catharines Chamber of Commerce - consolidation of the local governments in Niagara into one level of municipal government.

97-49

01-4 Request for assistance - the Welland Physician Recruitment Committee to attract physician candidates. (Notice of Motion)

98-13

01-13 A By-law to authorize an extension of the existing service provider contract with Philip Gamsby for use of the confectionery store at Welland Transit Terminal.

98-82 A By-law to amend By-law 2001-35, by waiving the confidentiality clause contained in the Settlement Agreement with 438010 Ontario Limited (c.o.b. as Galaxy 2000 Health Studio).

2000-69 Dir. of Development Services T. Fitzpatrick - Draft Plan of Subdivision - Clare Avenue Estates (26T-14-99002) - Proposed transfer of land to the City for storm water control purposes.

01-1 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 24th day of April, 2001 and 1st day of May, 2001.

01-2 A By-law to reinstate By-law 4530, being a By-law respecting the issue of licenses.

01-2 A By-law to reinstate By-law 8324, being a By-law to license and regulate plumbers.

01-3 Marsha Li, Sr. Assistant, Heart and Stroke Foundation of Ontario - requesting permission to sell lottery tickets in the City of Welland.

01-7 Acting City Treas. B. Silvestri - Accounts Payable Report - Summary - April 11 - 24, 2001.

01-19 Heather Savage, Community Recreation Co-ordin., on behalf of the Victoria Day Committee - requesting permission to hold a fireworks display at the Sports Complex.

01-21 Harry Jenkins, President, The Royal Canadian Legion, Branch #4 - requesting permission to hold the **"Annual Decoration Day and Service"**.

01-51 A By-law to authorize the acceptance of tender by Groff Tire for tire maintenance service for City-owned vehicles.

01-62 Tender - Supply of Asphaltic Materials.

01-64 Tender - Supply of Stone.

01-66 Tender - Supply of Top Soil.

01-67 Tender - Supply and Application of Road Surface Treatment Materials

01-76 Dir. of Operational Services - Award of Tender for Sanitary Service Later Replacement 2001.

01-86 A By-law to authorize the entering into a contract with Provincial Maintenance for the supply and application of road traffic paint, and a contract with Mason Pavement Marking for the supply and application of parking lot pavement markings.

01-89 Council Chamber Sound System.

01-90 Tender - Weed Cutting.

01-90 Comm. Services Dir. I. Smith - Tender - Weed Cutting.

01-91 Medical Students of Ontario - unaffordable medical school tuition and its effects on the current physician shortage and in communities across Ontario and requesting support of resolution regarding students' accessibility to Ontario Medical Schools.

01-92 Pam Gilroy, Acting Regional Clerk - requesting support that the Ontario government eliminate the 2% winery retail store tax.

01-1 Moved by Alakas and Eybel that the Minutes of the Regular Council Meeting of April 17, 2001 and Special Council Meeting of April 24, 2001 be and the same are hereby approved and adopted as circulated.

CARRIED

92-112 Moved by Mastroianni and Dzugan that City Council support the request from the Rose City Wireless Society for the installation of a 40 foot antenna originating in the community room of the Carrie Lynn Pinard Community Centre.

CARRIED

92-168

01-13

01-52 Moved by Beaudoin and Alakas that Council approve the request from the South Niagara Rowing Club for the provision of bus shuttle service as an inkind service to a maximum allowance of \$500.00 during the "23rd Annual High School Invitational Regatta" to be held on Saturday, May 19 and Sunday, May 20, 2001.

CARRIED

93-100 Moved by Mastroianni and Dzugan that Welland City Council has no objection to the request from the Welland Historical Museum regarding the use of the grounds surrounding the Museum building for the fifth annual "***Classic Car Show and Family Day***" on Saturday, August 11, 2001.

CARRIED

95-103 Moved by Mastroianni and Dzugan

1. That Council pass a By-law dedicating Parts 2, 3 and 4 on Plan 59R-9662 as part of Quaker Road; and
2. That the Mayor and Clerk be authorized to execute all documentation with respect to these transactions.

CARRIED

95-175 Moved by Mastroianni and Dzugan that the letter from the Regional Clerk regarding the merging of the mandate of the Joint Committee on Governance into the mandate of the Ad Hoc Committee of Council on Review of Municipal Services to be known as the Joint Committee on Municipal Services, be received; and

That Welland City Council support this merger.

CARRIED

95-175 Moved by O'Dell and Beaudoin that the letter from the St. Catharines Chamber of Commerce regarding the consolidation of the local governments in Niagara into one level of municipal government, be received and referred to the Governance Committee for study and review.

CARRIED

97-49

01-4 Moved by Dmytrow-Bilboe and Irvine that Council establish a budget of \$20,000 to assist the Welland Physician Recruitment Committee to attract physician candidates to Welland.

97-49

01-4 Moved by Spadafora and Dzugan that the budget amount for the Welland Physician Recruitment Committee be amended to \$60,000 to be funded from the Welland Hospital Grant Fund and that the Hospital receive no grant in 2001.

LOST

YEAS: Councillors Dzugan, Dmytrow-Bilboe, Irvine, Grenier, Belcastro, and Spadafora.

NAYS: Councillors O'Dell, Fortier, Eybel, Beaudoin, Alakas, and Mayor Forster.

FOLLOWING THE LOST VOTE ON THE AMENDED MOTION, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND CARRIED

2000-69

Moved by Dmytrow-Bilboe that Development Services Report DSD-2001-34 dated May 1, 2001 regarding the proposed transfer of land to the City for storm water control purposes in the Clare Avenue Estates be referred to the General Committee Meeting of May 8, 2001.

CARRIED

01-3

Moved by Mastroianni and Dzugan that permission is hereby granted to the Heart and Stroke Foundation of Ontario to sell lottery tickets in the City of Welland under authority of Lottery License #P010161, subject to the receipt of a \$25.00 administration fee for processing of this request.

CARRIED

01-7

Moved by Dmytrow-Bilboe and Alakas that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1.	11-Apr-01	\$	260.00
2.	12-Apr-01		5,619,385.37
3.	17-Apr-01		187,189.12
4.	19-Apr-01		69,574.44
5.	20-Apr-01		5,800,435.77
6.	23-Apr-01		257,514.29
7.	24-Apr-01		<u>20,241.81</u>
	Total		\$ 11,954,600.80

CARRIED

01-19 Moved by Mastroianni and Dzugan that subject to the supervision of the event by a properly licensed person, permission is hereby granted to the Victoria Day Committee to hold a fireworks display on Sunday, May 20, 2001 (rain date: Monday, May 21, 2001) as part of the "**Victoria Day Celebrations**" at the Sports Complex; and further
That staff be directed to ensure that all fireworks used in the City sponsored display are not manufactured using child labour.

CARRIED

01-20 Moved by Mastroianni and Dzugan that Welland City Council has no objection to the application from Welland & District Slo-Pitch League Inc. for a Special Occasion permit to operate an alcoholic beverage tent at two baseball tournaments being hosted by the Welland District Slo-Pitch League Inc. at the Welland Sports Complex during the following period: May 25, 26 & 27; and July 13, 14 & 15, 2001; and
That Welland City Council declares the event as municipally significant.

CARRIED

01-21 Moved by Mastroianni and Dzugan that City Council approve the application for the "**Annual Decoration Day Parade and Service**", on behalf of the Royal Canadian Legion, Branch #4, on Sunday, June 3rd, 2001 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

01-62 Moved by Mastroianni and Dzugan that Council accept the tenders of Welland Paving for the supply of hot mix asphalt materials, The GH Company for premium cold mix and if required Hard Rock Paving for the supply of coarse blend cold mix, as these were the lowest unit prices of the six (6) tenders submitted.

CARRIED

01-64 Moved by Mastroianni and Dzugan that Council accept the tenders of Hard Rock Paving, Port Colborne Quarries, Blue Circle Aggregates and Vineland Quarries for the Supply of Stone at the tendered prices of \$894.00, \$68,343.65, \$852.00 and \$3,037.40 respectively, using the lowest tendered price for each stone category in the corresponding Trucking Areas.

CARRIED

01-66 Moved by Mastroianni and Dzugan that Council accept the quotation submitted by Compost Niagara for compost material at the quoted price of \$6,700.00 and accept quotation for top soil from Abe's Top Soil, at the quoted price of \$9,424.00 as these are the lowest prices submitted by the three (3) companies that have submitted bids.

CARRIED

01-67 Moved by Mastroianni and Dzugan that Council accept the tenders of Norjohn Limited Emulsion Division for the supply and application of Road Surface Treatment Materials for the total price of \$55,410.00, as this was the only quotation submitted.

CARRIED

01-73 Moved by Mastroianni and Dzugan that Council accepts the tender of Volsci Construction Co. Inc. for the replacement of watermain on Lincoln Street from Empress Avenue to Memorial Park Drive; That the estimated construction cost based on the low tender, in the amount of \$262,977.50 be funded from the allocated \$300,000.00 in the 2001 Water Works Capital Budget (Capital from Revenue under the 2001 Operating Budget); 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 at a tender price of \$262,977.50 plus G.S.T.

CARRIED

01-76 Moved by Mastroianni and Dzugan that Council accepts the tender of DeRose Bros. General Contracting Ltd. for the Sanitary Service Lateral Replacement Program 2001; That the estimated construction cost based on the low tender, in the amount of \$165,000.00 be funded from the allocated \$175,000.00 in the 2001 Sanitary Sewer Capital Budget (Capital from Revenue under the 2001 Operating Budget); 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 at a tender price of \$153,595.25 plus G.S.T.

CARRIED

01-89 Moved by Mastroianni and Dzugan that Report CLK-2001-12 regarding accepting quotation from Hamilton Video and Sound Ltd. for a replacement sound system for the Council Chambers be tabled.

CARRIED

01-90 Moved by Mastroianni and Dzugan that Council waives the requirement for the "minimum of three (3) bids" for weed cutting along road sides, on privately owned lots, and lands adjacent to the Rowing Club, south of Forks Road, due to the fact that only two (2) tenders were received; and, that Council authorizes the opening of the tenders for the supply of the subject services.

CARRIED

01-90 Moved by O'Dell and Mastroianni that Council accepts the tender of Niagara Commercial Contracting for weed cutting along road sides, on privately owned lots, and lands adjacent to the Rowing Club, south of Forks Road, for a period of three years, in the amount of \$19,300.00 for the first year and \$19,800.00 each year for the second and third years, this being the lowest of two tenders submitted.

CARRIED

01-91 Moved by Mastroianni and Dzugan that Welland City Council endorses the resolution originating from the Ontario Medical Students in support for accessibility to Ontario Medical Schools; and That a copy of this resolution be forwarded to the Minister of Colleges, Universities and Training; the Minister of Health and Long-Term Care; Premier Mike Harris; Peter Kormos, MPP Niagara Centre; and the Presidents of the Ontario Medical Universities as well as the Region of Niagara; and the area municipalities in the Region for endorsement.

CARRIED

01-92 Moved by Mastroianni and Dzugan that Council supports the resolution from the Regional Municipality of Niagara in support of the Ontario wine industry's request that the Ontario government eliminate the 2% winery retail store tax; and That the City Clerk advise the proper authorities accordingly.

CARRIED

01-94 Moved by Mastroianni and Dzugan

1. That Council endorses and approves the **"Relay for Life"** event sponsored by the Canadian Cancer Society, at the Niagara Regional Exhibition Grounds on June 15 and 16, 2001.
2. That Council approves the issuance of a License for an Outdoor Show and Entertainment Event subject to the following conditions:
 - (1) the license be valid for June 15-16, 2001, according to the schedule submitted;
 - (2) the event complies with the requirements of the Niagara Regional Health Services Department and the Welland Fire Department;
 - .. (3) the event proceeds in accordance with the description provided in the letter from the Canadian Cancer Society dated April 22, 2001.
3. That the City of Welland waives the license fee associated with this event.
4. That Council exempts the Canadian Cancer Society from obtaining any additional City licenses associated with this event provided the event complies with any health or safety issues associated with these uses.
5. 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**BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****99-99****01-10** Moved by Mastroianni and Dmytrow-Bilboe

1. That Council appoints Mayor Cindy Forster and the following two (2) Councillors as its members to the first Board of Directors of Welland Recreational Canals Corporation (WRCC):
 - **Councillor Mike Belcastro** (until November 30, 2002 - one year term)
 - **Councillor Mark Dzugan** (until November 30, 2003 - two year term)
2. That Council appoints the following citizens to the first Board of Directors of the Welland Recreational Canal Corporation:
 - until November 30, 2002 (one year term):
 - **Margaret Hudak**
 - **Frank Naso**
 - until November 30, 2003 (two year term):
 - **Vic Kerschl**
 - **Susan Racine**
 - until November 30, 2004 (three year term)
 - **Michael Lottridge**
 - **William Summers**
3. That no citizen appointment will exceed two consecutive full terms of three years duration each.

CARRIED

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

BY-LAW PRESENTED FOR FIRST READING:

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

99-99

01-10

BYL 2001-50

A By-law to authorize select applicants to complete the incorporation of Welland Recreational Canal Corporation and establish an Interim Advisory Committee.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

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

98-82

BYL 2001-51

A By-law to amend By-law 2001-35, by waiving the confidentiality clause contained in the Settlement Agreement with 438010 Ontario Limited (c.o.b. as Galaxy 2000 Health Studio).

01-86

BYL 2001-52

A By-law to authorize the entering into a contract with Provincial Maintenance for the supply and application of road traffic paint, and a contract with Mason Pavement Marking for the supply and application of parking lot pavement markings.

01-51

BYL 2001-53

A By-law to authorize the acceptance of tender by Groff Tire for tire maintenance service for City-owned vehicles.

...Continued...

BY-LAWS PRESENTED FOR FIRST READING...Cont'd.**98-13****01-13**

BYL 2001-54

A By-law to authorize an extension of the existing Service Provider Contract with Philip Gamsby for use of the Confectionery Store at Welland Transit Terminal.

01-2

BYL 2001-55

A By-law to reinstate By-law 4530, being a By-law respecting the issue of licenses.

01-2

BYL 2001-56

A By-law to reinstate By-law 8324, being a By-law to license and regulate plumbers.

95-103

BYL 2001-57

A By-law to accept conveyance and layout, establish and assume as a public highway, dedicate and name Part of Lots 2, 3 & 4, Plan 59M-230, designated as Parts 2,3 & 4 on Reference Plan 59R-9662, in the City of Welland, as part of Quaker Road for road widening purposes (Towpath Village Subdivision).

01-1

BYL 2001-58

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 April and 1st day of May, 2001.

And that the same be now read a first time.

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

4. Moved by Belcastro and O'Dell 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

01-25 Moved by Belcastro and O'Dell that Council meet in Committee-of-the-Whole, closed to the public at 9:55 p.m. to consider:

a) the security of property of the municipality.

CARRIED

(Councillor Spadafora was not present during Committee-of-the-Whole discussions regarding a matter of solicitor-client privilege.)

01-25 Moved by Belcastro and O'Dell that the Committee-of-the-Whole arise from its closed meeting at 10:30 p.m. without report.

NOTICE OF MOTION

In accordance with By-law 9972 as amended by By-law 2001-2 passed on January 16th, 2001, Councillor(s) must submit their Notice of Motion(s) in writing no later than Wednesday, May 9, 2001 for inclusion on the next Regular Council Meeting Agenda .

Council adjourned at 10:30 p.m.

These Minutes approved and adopted by Motion of Council this 15th day of May, 2001.

MAYOR

CLERK