



COUNCIL MEETING, SEPTEMBER 18, 2001

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

Council met in Committee-of-the-Whole at 6:40 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.

One minute of silence was observed in memory of the victims and their families of the September 11, 2001 terrorist attacks in New York City, Washington D.C. and Pennsylvania.

Members Present: Councillors R. Alakas, M. Belcastro, N. Dmytrow-Bilboe, M. Dzugan, T. Eybel, D. Fortier, D. Grenier (7:10 p.m.), J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

Director of Development Services & Acting CAO T. Fitzpatrick

Fire Chief P. Olah

Director of Operational Services G. Marcello

Community Services Director I. Smith (7:35 p.m.)

Acting City Treasurer B. Silvestri

Assistant Clerk D. Vettori

01-25 Moved by Mastroianni and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:40 p.m. to consider:

- a) the security of the property of the municipality;
- b) personal matters about an identifiable individual, including municipal employees;
- d) labour relations or employee negotiations; 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 on a matter of solicitor/client privilege.)

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

CARRIED

DELEGATIONS:

99-4 Mrs. Cheryl White, site administrator for Welland Hospital and Port Colborne Hospital sites
99-5 and Mr. Ian Morrison, Welland Hospital Foundation President thanked Council for the City's donation of \$60,000 to the Partners for Health Campaign towards the purchase of the CT Scanner for the Diagnostic Imaging Department at the Welland Hospital.

01-138 T.O.W.N. representatives: Lori Williams, Tourism Assistant, Ted Serafini, Chair, and Anne Guillemet addressed Council concerning Food Festival activities and presented the Mayor with a Food Festival t-shirt and tote bag.

THE FOLLOWING CORRESPONDENCE WAS READ:

01-138 Request from Lori Williams, T.O.W.N. Tourism Assistant to present Mayor Forster with a Food Festival t-shirt and to outline media day activities.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

01-83 Letter from Liz Palmieri, Executive Director regarding the Niagara Community Foundation to be rescheduled at a later date.

01-148 A By-law to authorize the granting of a Limited Easement to Norm and Del Loubier for the purposes of entering upon Ricelawn Park being City-owned lands adjoining 71 Woodrush Avenue, to install a private swimming pool.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 93-162** Niagara Peninsula Conservation Authority - Welland River Restoration.
- 96-172**
- 01-146Z** Proposed Amendment to Zoning By-law 2667 - 696665 Ontario Ltd. - 7 Clark Street.
- 96-172**
- 01-146Z** A By-law to amend City of Welland Zoning By-law 2667 (696665 Ontario Ltd. and City of Welland - File2001-11).
- 96-172** A By-law to amend City of Welland Zoning By-law 2667 (696665 Ontario Ltd. - File 2001-11) 7
- 01-146Z** Clark Street.
- 97-77**
- 01-10** Stadium Committee.
- 99-4** Mrs. Cheryl White, Site Administrator for the Welland Hospital and Port Colborne Hospital
- 99-5** sites and Mr. Ian Morrison, Welland Hospital Foundation President in attendance to accept the \$60,000 pledge payment from the City towards the Diagnostic Imaging Department for the Multi-Slice CT Scanner with 7% or \$4,200 to Rapelje Lodge for furniture and medical supplies.
- 99-99** Merritt Island - Electrical Tender Award of Contract.
- 99-99** Terry Hughes - regarding use of guidelines for a strategic plan for the Canal Lands.
- 99-99** A By-law to authorize the entering into a contract with Niagara Electric for electrical work on Merritt Island.
- 2000-61**
- 01-4** Acting City Treas. B. Silvestri - Welland Canal Memorial Monument.
- 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 11th day and 18th day of September, 2001.
- 01-3** City Clerk C.A. Stirtzinger - Lottery License.
- 01-6** Mary MacCormick, President, SIDS Niagara - requesting the month of October be declared as ***"SIDS Awareness Month"***.
- 01-7** Acting City Treas. B. Silvestri - Accounts Payable Report - Summary - August 24 - September 12, 2001.
- 01-15** Vehicle Replacement.
- 01-21** Roman Olszewski, Technical Coordinator - permission to hold the ***Ontario Roadwalking Championships***.
- 01-21**
- 01-128** Dir. of Operational Services G. Marcello - Temporary Road Closures - Request of Tourism of Welland Niagara - Food Festival - Merritt Island, September 29 & 30, 2001.
- 01-31** Demonstration Projects - St. George, Sherwood and Plymouth Parks; and Sports Field.
- 01-31** John Deere Park - John Deere Partnership.
- 01-130** Teletheatre Betting Operation - Casa Steak and Seafood Restaurant/Lounge.
- 01-135** Fourth, Fifth and Sixth Streets Area - Watermain Replacement, Ph. 1.
- 01-138** A By-law to authorize the entering into a License of Occupation Agreement with Tourism of Welland Niagara (T.O.W.N.) for the use of part of Merritt Island and part of the Administration Building for the purpose of holding a Food Festival.
- 01-144** Watermain Leak Investigation and Water Usage Profiling.
- 01-145**
- 01-145Z** Proposed Amendment to Official Plan and Zoning By-law 2667 - 1254323 Ontario Inc. and Gail LaRose-Parisee - 6 Riverside Drive.
- 01-145** A By-law to authorize the signing of Official Plan Amendment No. 102.
- 01-145Z** A By-law to amend City of Welland Zoning By-law 2667 (1254323 Ontario Inc. and Gail LaRose-Parisee - File 2001-10) 6 Riverside Drive.

01-148 A By-law to authorize the granting of a Limited Easement to Norm and Del Loubier for the purposes of entering upon Ricelawn Park being City-owned lands adjoining 71 Woodrush Avenue, to install a private swimming pool.

01-149 Dir. of Development Services T. Fitzpatrick - Lay out, establish and name Part 1, Plan 59R-10503 being a 3.048 metre road widening as Part of Ridge Road.

01-149 A By-law to layout, establish and name as a public highway for road widening purposes Part1, Plan 59R-10503 as Part of Ridge Road.

01-1 Moved by Alakas and Dmytrow-Bilboe that the Minutes of the Regular Council Meeting of September 4, 2001 and Special Council Meeting of September 11, 2001 be and the same are hereby approved and adopted as circulated.

CARRIED

93-162 Moved by Dzugan and Eybel that the presentation by Mr. Doug Elliott, Chairman, Niagara Peninsula Conservation Authority regarding the Welland River Restoration be received for information.

CARRIED

96-172

01-146Z Moved by Dzugan and Eybel

1. That Zoning By-law 2667, as amended, be further amended by adding to the permitted uses in the I1 and I1-X2 Zones a Light Equipment/Machinery Rental Establishment;
2. That Zoning By-law 2667, as amended, be further amended by re-incorporating outdoor storage in the I1-X2 Zone as follows:

Outdoor storage will be permitted only in the rear yard subject to the following:

- a) the rear yard must be enclosed with a decorative closed board fence in accordance with city standards.
- b) stored materials may not exceed the height of the required fence.
- c) only commercial vehicles used in association with permitted uses may be stored on the property.

Any industrial USE may contain a showroom and may provide a retail outlet for its products, such space to be limited to 20 percent of the GROSS FLOOR AREA of the main BUILDING.

3. That Zoning By-law 2667, as amended, be further amended for 7 Clark Street (Lots 371-379, 393-402, part of Lots 380, 381 and 392, part of Craig Street, Plan 938 and Lots 369, 370, 403 and 404 and part of Lots 368 and 405 and part of Craig Street, Plan 943 being Parts 17-21 and 26, Plan 59R-1105) from the I1-X2 Zone to a Site Specific I1 Zone to permit all of the uses and provisions of the I1-X2 Zone with the exception to permit outdoor storage in the south yard.

CARRIED

97-77

01-10 Moved by Dzugan and Eybel that the establishment of and appointment to the new Stadium Committee be referred back to staff for further information and report to the September 25th General Committee Meeting.

CARRIED

99-4

99-5 Moved by Spadafora and O'Dell that the presentation by Mr. Ian Morrison, Welland Hospital Foundation President regarding the advanced technology of the Multi-Slice CT Scanner and thanking the City of Welland for the \$60,000 donation to the Partners for Health Campaign towards the purchase of the Scanner with \$4,200 to Rapelje Lodge for furniture and medical supplies, be received for information.

CARRIED

99-99

Moved by Dzugan and Eybel that Niagara Electric with a tender of \$18,816.00 plus GST, being the lowest of the tenders received for the electrical work at Merritt Island be awarded the contract. Work on the project to begin immediately to try to meet the deadline of the upcoming Food Festival. Funding for the project is from the Capital Budget of the Welland Recreational Canal Lands Committee. In addition, staff be directed to return any deposits submitted with any unsuccessful tenders, immediately.

CARRIED

99-99

Moved by Dzugan and Eybel that the letter from Terry Hughes suggesting the use of guidelines and/or governing principles for the development of a strategic plan for the Canal Lands, be received and referred to the Welland Recreational Canal Land Committee for study and review.

CARRIED

2000-61

01-4 Moved by Fortier and Irvine that Council allocate \$30,000.00 from the Facility Reserve Fund to support the construction of the Welland Canal Memorial Monument.

CARRIED

01-3

Moved by Dzugan and Eybel that a Lottery License be granted to the following: Fonds Foyer Richelieu Welland - Raffle.

CARRIED

01-6

Moved by Dzugan and Eybel that the Mayor declare the month of October as "**SIDS Awareness Month**" in the City of Welland as requested by the Canadian Foundation for the Study of Infant Death.

CARRIED

01-7 Moved by Eybel and Mastroianni that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	24-Aug-01	\$	9,719.08
2	30-Aug-01		20,886.00
3	04-Sep-01		147,685.87
4	05-Sep-01		5,001,013.19
5	06-Sep-01		210,125.19
6	07-Sep-01		43,846.41
7	10-Sep-01		101,677.12
8	11-Sep-01		19,850.00
9	12-Sep-01		<u>123,310.92</u>

Total \$ 5,678,113.78

CARRIED

01-15 Moved by Dzugan and Eybel that the Fire Department be given approval to purchase two vehicles from the Corporation of the City of Hamilton for a purchase price between \$40,000.00 to \$50,000.00 as replacements for the 1975 and 1976 vehicles currently in service; and That the Fire Department be given approval to expend an additional \$10,000 to complete minor repairs as required. Funding for the purchase and repairs is available from the Fire Department Reserve Account.

CARRIED

01-21 Moved by Dzugan and Eybel that Welland City Council approve the application for the **Ontario Roadwalking Championships** to be held on Sunday, October 14, 2001 subject to the applicant's completion of all conditions of the Policy of Street Use for Community Activities.

CARRIED

01-21

01-138 Moved by Mastroianni and Fortier that the City of Welland will permit the 'Temporary Closure' of the following City Streets:

- Court House Lane between Dorothy Street and Cross Street;
- Cross Street between East Main Street and Court House Lane;
- Boardwalk between East Main Street and Cross Street;

to facilitate the orderly movement of pedestrians, shuttle buses and emergency vehicles to Merritt Island during the holding of the Niagara Food Festival, on Saturday September 29 and Sunday, September 30, 2001, as requested by Tourism of Welland Niagara (TOWN), provided all criteria as outlined in City Policy SER-017-0004 are met.

CARRIED

01-31 Moved by Dzugan and Eybel

1. That for the years 2002 and 2003 St. George's Park, a community park; Sherwood Park, a neighbourhood park and Plymouth Softball Field, a sports field be designated as test sites for the reduction of pesticides program; and
2. That Staff monitor the designated parks for a number of factors including growth of weeds, maintenance, grass cutting and general public acceptance and prepare a report for Council for the 2004 program with a recommendation to continue, suspend or expand the pesticide program.

CARRIED

01-31 Moved by Dzugan and Eybel that staff be directed to include John Deere Park in the 2002 Community Services Department Capital Budget as a site for the installation of play equipment as part of the partnership with the John Deere Foundation of Canada.

CARRIED

01-130 Moved by Belcastro and Spadafora that Welland City Council has no objection to an application by Casa Steak and Seafood Restaurant/Lounge at the Ramada Inn, 1030 Niagara Street to the Ontario Racing Commission (ORC) for the operation of a Teletheatre Betting Operation (referred to as an OTB) in the City of Welland as this location complies with all local requirements for fire, zoning, building, plumbing and municipal taxes.

01-130 Moved O'Dell and Mastroianni that the application from the Ramada Inn for an (OTB) Teletheatre Betting Operation, be referred to the October 23rd General Committee Meeting

LOST

01-130 Moved by Grenier and Mastroianni that the resolution concerning the application to the Ontario Racing Commission by the Casa Steak and Seafood Restaurant/Lounge at the Ramada Inn be amended by deleting the words "**no objection**" and replaced with "**acknowledges**", and further add at: "**That the City is concerned with a further OTB operation in this community considering the population of the City of Welland**".

LOST

**FOLLOWING THE LOST VOTES ON THE REFERRAL MOTION
AND THE SUBSEQUENT AMENDING MOTION, THE MAIN
MOTION WAS PUT IN ITS ORIGINAL FORM AND CARRIED**

***(Councillors Mastroianni and Grenier asked to be recorded as
opposed to this Resolution.)***

01-135 Moved by Dzugan and Eybel that the Director of Operational Services be authorized to proceed with the preparation of plans, specifications and the calling of tenders for the replacement of watermain on Fourth, Fifth, and Sixth Streets, Patsy Avenue and Rices Lane, Ph. I, as presented in Report ENG-2001-46.

CARRIED

01-144 Moved by Dzugan and Eybel that the Director of Operational Services be authorized to proceed with the preparation of a request for proposal to qualified firms to undertake watermain leak investigation and water usage profiling of the City of Welland Water Distribution System.

CARRIED

01-145**01-145Z** Moved by Dzugan and Eybel

1. That the City of Welland adopt Official Plan Amendment No. 102 to redesignate part of Lot H.A.R., Plan 564 known municipally as 6 Riverside Drive from Industrial, Open Space and Residential to Commercial;
2. That Zoning By-law 2667, as amended, be further amended for 6 Riverside Drive (part of Lot H.A.R., Plan 564) from the O1 and I1 Zones to a Site Specific C4 Zone to provide for the uses and provisions of the C4 Zone with the exception of a minimum frontage of 23 metres and a minimum exterior side yard setback of 7.5 metres adjacent to Prince Charles Drive South; and
3. That any Zoning By-law Amendment shall come into force once the Official Plan Amendment has been approved.

CARRIED**01-149**

Moved by Dmytrow-Bilboe and Irvine that Council authorize Staff to prepare the necessary By-law to Lay Out, Establish and Name Part 1, Plan 59R-10503 (part of Lot 14, Concession 6, former Township of Crowland, now in the City of Welland) being a 3.048 metre road widening as part of Ridge Road.

CARRIED**01-151**

Moved by O'Dell and Alakas

Whereas waste water facilities are intricately important in maintaining healthy sustainable communities now and in the future; and

Whereas the taxpayers of Niagara have invested untold millions of dollars building and updating these facilities over the last century; and

Whereas the maintenance and hygienics of waste water treatment facilities can best be assured through public ownership and control; and

Whereas privatization of these facilities in any form will most certainly lead to higher costs for Niagara residents;

Therefore be it resolved that the City of Welland advise the Region that it strongly opposes the lease or sale of waste water treatment facilities by the Regional Niagara Government; and

That the Region be advised that an issue of this nature which involves the area municipal stakeholders must be presented before the area municipalities before the Region considers spending tax dollars; and

That this issue be deferred until after these presentations are made; and

That this resolution be forwarded to the Niagara area municipalities for their consideration and endorsement.

CARRIED**BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****01-10**

Moved by Mastroianni and Belcastro that Travers Fitzpatrick receive a mid range of the Chief Administrative Officer's salary compensation range and a monthly car allowance of \$150 retroactive to his initial appointment date of July 23rd, 2001 for the duration of the Acting appointment.

CARRIED

01-15**01-150**

Moved by Dzugan and Alakas that the Acting CAO be directed to advise the Fire Chief that no alcohol whatsoever, save and except for special events such as Turkey Draws, is to be in any City Fire Hall.

CARRIED**01-23**

Moved by Irvine and Spadafora that Council retain Margaret Rodrigues, Consultant with the firm Public Perspectives Inc. to conduct an Organizational/Structural Review of the City of Welland's governance process at a cost of \$24,000 plus G.S.T. and disbursements; and

That the costs associated with the review be charged to General Expenditure Contingencies (52047-20-135-000); and further

That the Purchasing Policy, By-law 10264, regarding the requirement for a minimum of three (3) quotations be waived for this situation.

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

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

01-145

BYL 2001-130

A By-law to authorize the signing of Official Plan Amendment No. 102.

01-145Z

BYL 2001-131

A By-law to amend City of Welland Zoning By-law 2667 (1254323 Ontario Inc. and Gail LaRose-Parisee - File 2001-10) 6 Riverside Drive.

96-172

01-146Z

BYL 2001-132

A By-law to amend City of Welland Zoning By-law 2667 (696665 Ontario Ltd. and City of Welland - File 2001-11).

96-172**01-146Z**

BYL 2001-133

A By-law to amend City of Welland Zoning By-law 2667 (696665 Ontario Ltd. - File 2001-11) 7 Clark Street.

99-99

BYL 2001-134

A By-law to authorize the entering into a contract with Niagara Electric for electrical work at Merritt Island.

...Continued...

BY-LAWS PRESENTED FOR FIRST READING...Cont'd.**01-138**

BYL 2001-135

A By-law to authorize the entering into a License of Occupation Agreement with Tourism of Welland Niagara (T.O.W.N.) for the use of part of Merritt Island and part of the Administrative Building for the purpose of holding the Niagara Food Festival.

01-149

BYL 2001-136

A By-law to layout, establish and name as a public highway for road widening purposes Part 1, Plan 59R-10503 as part of Ridge Road.

01-1

BYL 2001-137

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 11th day and 18th day of September, 2001.

And that the same be now read a first time.

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

2. Moved by Mastroianni 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**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, September 26, 2001 for inclusion on the next Regular Council Meeting Agenda .

Council adjourned at 9:35 p.m.

These Minutes approved and adopted by Motion of Council this 2nd day of October, 2001.

MAYOR

CLERK

