



**COUNCIL MEETING, OCTOBER 2, 2001**

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

Council met in Committee-of-the-Whole at 7:00 p.m. and in open session at 7:40 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, N. Dmytrow Bilboe (7:05 p.m.),  
M. Dzugan, T. Eybel (7:10 p.m.), D. Fortier (7:05 p.m.), D. Grenier (7:05 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 and Acting CAO T. Fitzpatrick

Fire Chief P. Olah (7:40 p.m.)

Director of Operational Services G. Marcello

Community Services Director Ian Smith (7:40 p.m.)

Acting City Treasurer B. Silvestri

Assistant Clerk D. Vettori

**01-25** Moved by Mastroianni and Beaudoin that Council meet in Committee-of-the-Whole, closed to the public at 7:00 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) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED**

**01-25** Moved by Mastroianni and Beaudoin that the Committee-of-the-Whole arise from its closed meeting at 7:35 p.m. without report.

**CARRIED**

**DELEGATIONS:**

**01-28** Shirley Perron addressed Council regarding the "**2001 Welland Food Drive**", to be held on Saturday, November 3, 2001.

**01-154** Cheryl Wheelden addressed Council regarding the **White Ribbon Against Pornography (WRAP) Campaign** addressing sexual exploitation.

**THE FOLLOWING CORRESPONDENCE WAS READ:**

**01-21** Letter from Tim Stuart, Treasurer, Parent Council of Ecole Sacre-Coeur requesting permission to hold a walkathon on Sunday, October 14, 2001.

**01-124** Letter from Margaret Brown, Secretary Wine Country Kennel Club, requesting Council to waive the \$300 license fee for an event to be held at the Niagara Regional Exhibition

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

**92-141**

**01-4** Reallocation of Funds - Welland Soccer Club.

**94-172**

**96-166** Acting City Treas. B. Silvestri - Letters of Credit.

**97-77**

**01-10** Stadium Committee.

**97-101** John Rolph, owner of Cheers Restaurant, 292 East Main Street - Regional Smoking By-law.

**99-111**

**01-9** Colin Stewart, Golf Club Mgr. - requesting installation of street light near Sparrow Lakes Golf Club driveway on South Pelham Road.

**2000-134** Afton Avenue Watermain Replacement.

**2000-134** A By-law to authorize the replacement of watermains on Afton Avenue between Lewis Street and Sutherland Avenue.

**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 18<sup>th</sup> day and 25<sup>th</sup> day of September, 2001.

**01-3** City Clerk C.A. Stirtzinger - Lottery Licenses.

**01-3** Jeffrey Gullberg, Dir., Finance and Administration, Canadian Cancer Society - request to sell lottery tickets in the City.

**01-3** Tracy dePass, Senior Assistant, Direct Response Marketing, Heart and Stroke Foundation of Ontario - request to sell lottery tickets in the City.

**01-3** Mark Woods, Dir. Of Fund Development, Alzheimer Society of Ontario - request to sell lottery tickets in the City.

**01-4** Temporary Borrowing.

- 01-4** A By-law authorizing the borrowing of \$6,000,000.00 to meet current expenditures until the 2001 taxes are collected.
- 01-7** Acting City Treas. B. Silvestri - Accounts Payable Report - September 13-26, 2001.
- 01-12** A By-law to appoint certain members of Council as Vice-Mayor for three (3) month terms of office, for the period commencing December 1<sup>st</sup>, 2001 and ending November 30<sup>th</sup>, 2002.
- 01-13** Transit Cost Comparison for Unit #129.
- 01-22**
- 01-26** Request from Ross School Parent Advisory Council - installation of sidewalks - Greenwood Avenue and Connaught Street - Parking Restrictions on Connaught Street.
- 01-28** Shirley Perron - 2001 Welland Food Drive, Saturday, November 3, 2001.
- 01-31** St. George's Park - Vandalism Repair.
- 01-31** Dir. of Community Services I. Smith - Update on Moto-Cross/Bike Park.
- 01-31** Dir. of Community Services I. Smith - Update on Vandalism Program.
- 01-31**
- 01-155** Use of Pesticides.
- 01-32** Arena Survey Results.
- 01-122** Proposed Pleasure Lease with Norm Samuel, 92 Maureen Avenue.
- 01-135** Dir. of Operational Services G. Marcello - Tender Award - Water Replacement - Fourth, Fifth and Sixth Streets Area - Phase 1.
- 01-135** A By-law to authorize the replacement of watermains on Fourth, Fifth and Sixth Streets, Patsy Avenue and Rice's Lane, Phase 1.
- 01-152** Standard Limited Easement Agreement.
- 01-152** A By-law to approve and authorize the execution of a Standard Limited Easement Agreement.
- 01-154** Cheryl Wheelden - White Ribbon Against Pornography (WRAP) Campaign - addressing sexual exploitation.
- 01-156** Dir. of Development Services T. Fitzpatrick - Acceptance of a dedication of land and to lay out, establish and name Part 3, Plan 59R-11480 being a 3.048 metre road widening as part of Quaker Road.
- 01-156** A By-law to accept the transfer of certain lands for road widening purposes being Part of Lot 232, former Township of Thorold, more particularly described as Part 3, Plan 59R-11480 from Wayne and Anne Komsa to the Corporation of the City of Welland on the south side of Quaker Road, east of First Avenue (File 004/2001Well).
- 01-156** A By-law to dedicate Part of Lot 232, former Township of Thorold now in the City of Welland, being Part 3 on Plan 59R-11480 as a public highway and naming the same Quaker Road (File B004/2001Well).

**01-1** Moved by Spadafora and Irvine that the Minutes of the Regular Council Meeting of September 18, 2001 and Special Council Meeting of September 25, 2001 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**92-141**

**01-4** Moved by Dzugan and Eybel that the matter of reallocation of funds within the Community Services Department Capital Budget from the Chippawa Park Project to the commitment to the Welland Soccer Club be referred back to staff for report to Council on October 2nd, 2001.

**CARRIED****92-141**

**01-4** Moved by Eybel and Mastroianni that Report CSD-01-33 Re: Reallocation of Funds - Chippawa Park Project be referred to the October 3, 2001 Budget Review Committee.

**CARRIED****94-172**

**96-166** Moved by Eybel and Mastroianni

1. That the City accept the Irrevocable Standby Letter of Credit issued by the Niagara Credit Union Limited for \$425,000 to meet the financial obligations established in an agreement between the City of Welland and Langendoen Homes Ltd.
2. That the City policy of limiting Credit Unions and the Caisse Populaire to \$250,000 be extended to \$500,000 for institutions with over \$1 Billion in assets.

**CARRIED****97-77**

**01-10** Moved by Dzugan and Eybel

1. That Councillors R. Alakas, M. Belcastro, D. Grenier, J. Mastroianni, and S. O'Dell; and Ron Anderson, Don Romano, Don Burns, Mike Simpson and R.A. McClelland be appointed to the Ad Hoc Stadium Committee; and
2. That Community Services staff act as staff resource to the committee; and
3. That the City's Economic Development Officer and T.O.W.N. staff be invited to participate in the meetings of the Committee.

**CARRIED****97-101**

Moved by Dzugan and Eybel that the letter from Mr. John Rolph, owner of Cheers Restaurant, 292 East Main Street regarding the Regional Smoking By-law, be received for information.

**CARRIED****99-111**

**01-9** Moved by Dzugan and Eybel that the letter from Sparrow Lakes Golf Club requesting streetlight installation on South Pelham Road, be received and referred to Development and Operational Services staff for study and review.

**CARRIED**

**2000-134** Moved by Dzugan and Eybel that the Director of Operational Services be authorized to proceed with the preparation of plans, specifications and calling of tenders for the replacement of watermains on Afton Avenue, between Lewis Street and Sutherland Avenue, as outlined in Report ENG-2001-54;

That the construction cost of this project be funded from the 2001 Waterworks Capital Budget, Capital from Revenue (Operating Budget);

That the 2001 Waterworks Capital Budget be revised as proposed in Report ENG-2001-54;

That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

**CARRIED**

**01-3** Moved by Dzugan and Eybel that a Lottery License be granted to the following:  
Dain City United Church - Raffle.

**CARRIED**

**01-3** Moved by Dzugan and Eybel that permission is hereby granted to the Canadian Cancer Society, Ontario Division, to sell lottery tickets in the City of Welland under authority of Lottery License, subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

**01-3** Moved by Dzugan and Eybel 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, subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

**01-3** Moved by Dzugan and Eybel that permission is hereby granted to the Alzheimer Society of Ontario to sell lottery tickets in the City of Welland under authority of Lottery License, subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

**01-4** Moved by Dzugan and Eybel

1. That Council authorize the Acting Treasurer to borrow up to \$6,000,000.00 to meet current expenditures until taxes are collected and capital payments pending long-term financing arrangements for the year 2001.

2. That the City Solicitor be instructed to prepare the necessary By-law.

**CARRIED**

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

1	13-Sep-01	\$ 68,324.39
2	14-Sep-01	31,010.05
3	18-Sep-01	131,480.73
4	19-Sep-01	69,529.58
5	20-Sep-01	1,065,381.86
6	21-Sep-01	109,939.52
7	24-Sep-01	300.00
8	26-Sep-01	<u>127,956.03</u>
<b>Total</b>		<b>\$ 1,603,922.16</b>

**CARRIED**

**01-13** Moved by Dzugan and Eybel that Report TRANS 2001-14 Transit Cost Comparison for Unit #129, be received for information purposes.

**CARRIED**

**01-21** Moved by Dzugan and Eybel that Welland City Council approve the application of Ecole Sacre-Coeur for a walkathon 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**

**01-22**

**01-56** Moved by Dzugan and Eybel that the requests for the installation of sidewalks on the south side of Greenwood Avenue between Connaught Street and Aqueduct Street, and on the east side of Connaught Street between Greenwood Avenue and the rear entrance of Ross Street School and the imposition of parking restrictions on Connaught Street between Greenwood Avenue and the rear entrance to Ross Street School as outlined in correspondence dated April 2000, and February 2001, be received and filed.

**CARRIED**

**01-28** Moved by Alakas and Fortier that the presentation by Shirley Perron regarding the annual City-wide "Food Drive" on Saturday, November 3, 2001 be received for information and that Councillors and citizens be encouraged to participate in this community event.

**CARRIED**

**01-31**

**01-155** Moved by Dzugan and Eybel that the presentations by Ann and John Schattman, owner/operators of Weedman and Ms. Lisa Harju regarding the use of pesticides, be received for information.

**CARRIED**

**01-31** Moved by Beaudoin and Irvine that Report CSD-01-30 entitled UPDATE ON MOTO-CROSS/ BIKE PARK be received for information.

**CARRIED**

**01-31** Moved by Dzugan and Eybel that Report CSD-01-31 entitled UPDATE ON VANDALISM PROGRAM be received for information.

**CARRIED**

**01-31** Moved by Dzugan and Eybel

1. That staff be directed to remove the vandalized areas of the play equipment in St. George Park immediately.
2. That staff be directed to plan the replacement of the damaged play equipment in this park and provide necessary funding (\$13,010) in the 2002 Capital Budget of the Community Services Department.

**CARRIED**

**01-32** Moved by Dzugan and Eybel that the results of the Internal Arena Survey be received for information and referred to the Arena Committee.

**CARRIED**

**01-122** Moved by Dzugan and Eybel that the matter of a Pleasure Lease with Mr. Norm Samuel for property at 92 Maureen Avenue be referred back to staff for further review with both abutting property owners.

**CARRIED**

**01-124** Moved by Dzugan and Eybel that Council waive the license fee in the amount of \$300 as requested by the Wine Country Kennel Club for an event to be held at the Niagara Regional Exhibition.

**CARRIED**

**01-135** Moved by Dzugan and Eybel that Council accepts the tender of DeRose Bros. General Contracting Ltd. for the replacement of watermains on Fourth, Fifth and Sixth Streets, Patsy Avenue and Rice's Lane, Phase 1, as presented in Report ENG-2001-55.  
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 \$196,042.97 plus G.S.T.

**CARRIED**

**01-152** Moved by Dzugan and Eybel

1. That Council approve the attached Standard Limited Easement Agreement and authorize the Director of Development Services to execute the Agreement in instances where City Staff concur such an Agreement is appropriate; and
2. That Council approve a By-law to authorize a Standard Limited Easement Agreement and to pre-authorize the Director of Development Services to execute the Agreement on behalf of The Corporation of the City of Welland.

**CARRIED**

**01-154** Moved by Dmytrow-Bilboe and O'Dell that the presentation by Cheryl Wheelden of the Niagara Community Impact Committee, on behalf of White Ribbon Against Pornography (W.R.A.P.) regarding the sexual exploitation of children and the devastating effects of pornography on society, be received for information; and

That the By-laws from West Lincoln presented, be given to staff for review.

**CARRIED**

**01-156** Moved by Dzugan and Eybel

1. That Council accept a Deed for part of Lot 232, former Township of Thorold now in the City of Welland, being Part 3, Plan 59R-11480 from Wayne and Anne Komsa for road widening purposes to satisfy a Condition of Consent imposed by the Committee of Adjustment;
2. That Council pass a By-law dedicating Part 3, Plan 59R-11480 a part of Quaker Road; and
3. That the Mayor and Clerk be authorized to execute all documentation with respect to these transactions.

**CARRIED**

**BY-LAWS****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:

**01-12**

BYL 2001-140

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, 2001 and ending November 30th, 2002.

**01-135**

BYL 2001-141

A By-law to authorize the replacement of watermains on Fourth, Fifth and Sixth Streets, Patsy Avenue and Rice's Lane, Phase 1.

**01-4**

BYL 2001-142

A By-law authorizing the borrowing of \$6,000,000.00 to meet current expenditures until the 2001 taxes are collected.

**01-152**

BYL 2001-143

A By-law to approve and authorize the execution of a Standard Limited Easement Agreement.

**01-156**

BYL 2001-144

A By-law to accept the transfer of certain lands for road widening purposes being Part of Lot 232, former Township of Thorold, more particularly described as Part 3, Plan 59R-11480 from Wayne and Anne Komsa to the Corporation of the City of Welland on the south side of Quaker Road, east of First Avenue (File 004/2001Well).

**01-156**

BYL 2001-145

A By-law to dedicate Part of Lot 232, former Township of Thorold now in the City of Welland, being Part 3 on Plan 59R-11480 as a public highway and naming the same Quaker Road (File B004/2001Well).

...Continued...

**BY-LAWS PRESENTED FOR FIRST READING...Cont'd.****2000-134**

BYL 2001-146

A By-law to authorize the replacement of watermains on Afton Avenue between Lewis Street and Sutherland Avenue.

**01-1**

BYL 2001-147

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 18th day and 25th 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 Dzugan and Eybel 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 Spadafora 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****01-25**

Moved by Spadafora and Beaudoin that the Committee-of-the-Whole arise from its closed meeting at 9:45 p.m. without report.

**CARRIED****NOTICE OF MOTION**

**In accordance with Resolution (No. 92-94) passed on October 3, 2000, Councillor(s) must submit their Notice of Motion(s) in writing no later than Wednesday, October 11, 2001 for inclusion on the next Regular Council Meeting Agenda .**

Council adjourned at 9:45 p.m.

These Minutes approved and adopted by Motion of Council this 16th day of October, 2001.

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**MAYOR**


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**CLERK**

