



COUNCIL MEETING, OCTOBER 16, 2001

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 5:30 p.m. and in open session at 7:40 p.m. and again in Committee-of-the-Whole at 10:30 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, D. Fortier, J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora (7:40 p.m.).

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger
Environmental Services Engineer D. Cook (6:25 p.m.)
Director of Development Services & Acting CAO T. Fitzpatrick
Director of Operational Services G. Marcello
Acting City Treasurer B. Silvestri (6:30 p.m.)
Assistant Clerk D. Vettori
Engineering Services Co-ordinator L. Ventresca (7:40 p.m.)
Technical Analyst/Infrastructure Programs N. Desilets (7:40 p.m.)
Human Resources Consultant R. Ker (7:25 p.m.)
Regional Councillor G. Marshall (7:40 p.m.)
Regional Councillor B. Muir (7:40 p.m.)
Organizational Review Consultant M. Rodrigues

Bernadette Corbin, Executive Director and Mark Saltarelli, Housing Co-ordinator of Community Resource Action Centre (CRAC), were present during Committee-of-the-Whole discussions on a proposed acquisition of property matter.

Margaret Hudak, Mike Lottridge, Frank Naso, Susan Racine, Bill Summers of the Welland Recreational Canal Corporation were present during Committee-of-the-Whole discussions on a security of property matter.

01-25 Moved by Mastroianni and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 5:30 p.m. to consider:

- a) the security of the property of the municipality;
- b) a proposed or pending acquisition of land for municipal purposes; and
- c) labour relations or employee negotiations.

CARRIED

(Councillor Irvine was not present during Committee-of-the-Whole discussions on a proposed or pending acquisition of property matter.)

(Councillor Belcastro was not present during Committee-of-the-Whole discussions on a security of property matter.)

01-25 Moved by Belcastro and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 7:30 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Dmytrow-Bilboe disclosed an interest in Ref. No. 97-49 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as she is an employee of the Niagara Health System.

Mayor Forster disclosed an interest in Ref. No. 97-49 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as she is an employee of the Ontario Nurses Association which represents the nurses employed by the Niagara Health System. During discussions on this issue, Mayor Forster vacated the chair and Vice Mayor Fortier assumed the Chair.

Councillor Belcastro disclosed an interest in Ref. No. 99-99 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employee of Doral Holdings.

DELEGATIONS:

01-28 Campaign Chair Mr. Murray Thorimbert, addressed Council regarding the 2001 United Way of South Niagara Campaign.

THE FOLLOWING CORRESPONDENCE WAS READ:

- 01-6** Niagara Health System and International Breast Cancer Alliance requesting declaration of October 21, 2001 as ***"International Breast Cancer Awareness Day"***.
- 01-6**
01-21 Letters from Robert Cummings, President, The Royal Canadian Legion, Branch #4, requesting declaration of November 1st to November 11th, 2001 as ***"Remembrance Day"*** and requesting permission to hold the ***"Annual Remembrance Day Parade and Service"*** on Sunday, November 4, 2001.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 96-58**
01-129 Dir. of Operational Services G. Marcello - Procurement of snowplows and related attachments for various City vehicles for the snow removal on City-owned parking lots.
- 97-49** Mayor Vance M. Badawey, Mayor, City of Port Colborne and Mayor Wayne H. Redekop, Mayor, Town of Fort Erie - requesting support to utilize the resources of the Surgical Departments at the Port Colborne Hospital and Douglas Memorial Hospital Sites.
- 01-1** 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 16th day of October, 2001.
- 01-3** Ronna Kraft, Sponsor Relations Coordin. , Children's Hospital of Western Ontario Foundation - requesting permission to sell lottery tickets in the City of Welland.
- 01-4**
01-31 Dir. of Community Services I. Smith - Reallocation of funds - Chippawa Park Project.
- 01-7** Acting City Treas. B. Silvestri - Accounts Payable Report - Summary - Sept. 27 - Oct. 9, 2001.
- 01-10**
01-22 Dir. of Operational Services G. Marcello - Appointment of Environmental & Traffic Services Engineer to legally approve traffic control signal installations.
- 01-10**
01 - 22 A By-law to designate the Environmental & Traffic Services Engineer to approve traffic signals design and installation on behalf of the Corporation of the City of Welland.
- 01-13** Out of the Cold Program.
- 01-20**
01-124 Wayne Caldwell, Greentree Marketing & Advertising - requesting waiving of license fee for an event to be held at the Regional Exhibition Grounds.
- 01-21** Khayyam Syne, Principal, Notre Dame College School - requesting permission to hold ***"Notre Dame's 26th Annual Pilgrimage"***.
- 01-23** Human Resources Consultant R. Ker - Hiring Policy for the City of Welland.
- 01-23** Human Resources Consultant R. Ker - Employee/Family Assistance Program.
- 01-28** Murray Thorimbert, Chair - 2001 United Way Campaign.
- 01-44Z** Proposed Zoning By-law Amendment - Welland River Estates Subdivision - 1372708 Ontario Inc. - south side of Colbeck Drive, east of Webber Road.
- 01-44Z** A By-law to amend City of Welland Zoning By-law 2667 (1372708 Ontario Inc. - File 2000-15) south of Colbeck Drive, east of Webber Road.

01-123 A By-law to amend City of Welland By-law 9973, being a By-law respecting Site Plan Control in the City of Welland.

01-135 A By-law to authorize the acceptance of tender and entering into a contract with DeRose Bros. General Contracting Ltd. for replacement of watermains on Fourth, Fifth and Sixth Street, Patsy Avenue and Rice's Lane, Phase 1.

01-144 Dir. of Operational Services G. Marcello - Watermain Leak Detection and Water Use Profiling Proposal.

01-158 Takekare Companions - organizational specialty license.

01-159 Ann Mulvale, President, Association of Municipalities of Ontario (AMO) - New Strategy for Federal and Provincial Participation in Municipal Infrastructure.

01-1 Moved by Eybel and Alakas that the Minutes of the Regular Council Meeting of October 2, 2001 be and the same are hereby approved and adopted as circulated.

CARRIED

96-58

01-129 Moved by Eybel and Irvine that Council approve the procurement of Three (3) Snow Plows with Related Attachments for various City Vehicles for the provision of snow plowing of Municipal Parking Lots at an estimated cost of \$13,200.00 to be funded from the current Fleet Provisional Reserve and purchased in accordance with the current Purchasing Policy.

CARRIED

97-49 Moved by Mastroianni and Belcastro that the requests from the Town of Fort Erie and the City of Port Colborne regarding the proposed closing of those cities' hospital operating rooms, be received and referred to the November 6, 2001 Regular Council Meeting.

CARRIED

01-2 Moved by Eybel and Irvine 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

01-3 Moved by Eybel and Irvine that permission is hereby granted to the Children's Hospital of Western Ontario Foundation, to sell lottery tickets in the City of Welland under authority of Lottery License M269842, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

01-4

01-31 Moved by Eybel and Irvine that Council authorize staff to reallocate funds within the Community Services Department Capital Budget from the Chippawa Park retaining wall project to improvements in Chippawa Park for pathways, washroom improvement (lighting) and water play equipment in the amount of \$8,000.00.

CARRIED**01-6**

Moved by Eybel and Irvine that the Mayor declare October 21, 2001 *as "International Breast Cancer Awareness Day"* in the City of Welland as requested by the Niagara Health System and International Breast Cancer Alliance.

CARRIED**01-6**

01-21 Moved by Eybel and Irvine that the Mayor declare November 1st to November 11th, 2001 as *"Remembrance Week"* in the City of Welland as requested by the Royal Canadian Legion, Branch #4; and
That Welland City Council approve the application for the *"Annual Remembrance Day Parade and Service"* to be held on Sunday, November 4, 2001 subject to the applicant's completion of all conditions of the Policy of Street Use for Community Activities.

CARRIED**01-7**

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

1	27-Sep-01	\$ 7,947,670.87
2	28-Sep-01	40,000.00
3	1-Oct-01	2,949,451.87
4	2-Oct-01	26,434.10
5	3-Oct-01	16,841.83
6	4-Oct-01	80,610.10
7	9-Oct-01	<u>629,718.04</u>
Total	\$	11,690,726.81

CARRIED**01-10**

01-22 Moved by O'Dell and Alakas that the Environmental and Traffic Services Engineer be designated to approve traffic signal designs and installations on behalf of the City of Welland.

CARRIED**01-13**

Moved by Eybel and Irvine that Council approve the request from Reverend Robert Bond, Out of the Cold Committee Chair, to provide Transit bus passes valid from November 1, 2001 to March 31, 2002 at no additional cost to the Corporation.

CARRIED

01-20**01-124** Moved by Spadafora and Mastroianni

1. That Council approves the issuance of a License for an Outdoor Show and Entertainment Event by Greentree Marketing & Advertising subject to the following conditions:
 - (1) the license be valid for October 27, 2001 only;
 - (2) the event complies with the requirements of the Niagara Regional Health Services Department and the Welland Fire Department;
 - (3) payment of license fee in the amount of \$300 as required by the City's Licensing By-law for an Outdoor Event;
2. That Council exempts the event from the City of Welland Noise By-law 10204; and
3. That Council has no objection to the issuance of a Special Occasion Permit for an event to be held at the Niagara Regional Exhibition on October 27, 2001;
4. That the City of Welland and the Niagara Regional Exhibition Board be named as Additional Insured for this event.

CARRIED**01-21**

Moved by Eybel and Irvine that Welland City Council approve the application for **"Notre Dame's 26th Annual Pilgrimage"** for the Third World on Sunday, October 28, 2001 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED**01-23**

Moved by Beaudoin and Fortier that the "Hiring of Personnel" Policy HUM 001-0021 and Report HR-01-08 dated 16 October, 2001 be referred back to the Human Resources Committee for further review.

CARRIED**01-23**

Moved by Eybel and Irvine that the Corporation enter into an agreement with Lidkea, Stob, Venema & Associates to provide an all inclusive Employee/Family Assistance Program in the amount of \$13,500.00.

CARRIED**01-28**

Moved by Eybel and Irvine that the presentation by Mr. Murray Thorimbert, Campaign Chair regarding the 2001 United Way of South Niagara Campaign, be received for information.

CARRIED**01-44Z**

Moved by Irvine and Alakas that City of Welland Zoning By-law 2667 be amended for Part of Lots 255, 256, 256 Broken Front and part of the road allowance between Lots 255 and 256 and between Lots 256 and Lot 256 Broken Front, part of Blocks A and B, Plan 648, former Township of Thorold, now in the City of Welland, south side of Colbeck Drive, east of Webber Road from the existing RA to R1 and EP; and further

That Staff be directed to ensure that necessary covenants be include in all deeds for Lots 1 to 18 inclusive, respecting the Environmental Protection Zone and the restrictions imposed within that Zone.

CARRIED

01-144 Moved by Beaudoin and Irvine that the Director of Operational Services be authorized to retain Veritec Solutions to undertake the Watermain Leak Investigation and Water Usage Profiling Program for the City of Welland at an upset cost of \$72,000.00.

CARRIED

01-158 Moved by Eybel and Irvine that Niagara Police Services Chair, Regional Councillor Bob Muir be asked to explain the decision of the Police Services Board Licensing Committee to deny the application by Takekare Companions for an "organization specialty license" to provide takekare companion services for seniors, socially isolated, sick, disadvantaged and others.

CARRIED

01-159 Moved by Eybel and Irvine that Welland City Council strongly endorses the resolution from the Association of Municipalities of Ontario (AMO) to call on the Federal Government to follow the lead of the Ontario Government and commit itself to a higher level of funding for public infrastructure and to petition both the Federal and Provincial Governments to hasten the existing infrastructure funding process under the Canada-Ontario Infrastructure Program (COIP) and SuperBuild in order to provide a much needed economic stimulus in the face of the current economic decline; and
That the Federal and Ontario Governments return to a straightforward 1/3 -1/3 -1/3 funding formula for COIP and SuperBuild funded projects; and further
That the City Clerk advise the proper authorities accordingly.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

99-99 Moved by Dzugan and Dmytrow-Bilboe

1. That Council authorize Staff to enter into discussions with Doral Holdings Limited respecting the potential sale or lease of the least amount of land east of the Seaway Mall to be used in concert with an arena, fitness centre and hotel proposal advanced by Doral Holdings Limited; and
2. That should the discussions for sale be positive, that Council declare the subject lands surplus to its requirements and offer it for sale in accordance with the provisions of the Municipal Act.

.....

99-99 Moved by Spadafora and Irvine that the motion be amended to add: ***"That staff be directed to include site specific and time specific conditions for inclusion in the transaction as specified by Council"***.

CARRIED

FOLLOWING THE VOTE ON THE AMENDED MOTION, THE MAIN MOTION WAS PUT AS AMENDED AS FOLLOWS:

99-99 Moved by Dzugan and Dmytrow-Bilboe

1. That Council authorize Staff to enter into discussions with Doral Holdings Limited respecting the potential sale or lease of the least amount of land east of the Seaway Mall to be used in concert with an arena, fitness centre and hotel proposal advanced by Doral Holdings Limited; and
2. That should the discussions for sale be positive, that Council declare the subject lands surplus to its requirements and offer it for sale in accordance with the provisions of the Municipal Act.
3. That staff be directed to include site specific and time specific conditions for inclusion in the transaction as specified by Council.

AND **CARRIED**

YEAS: Councillors Mastroianni, Dzugan, Fortier, Eybel, Beaudoin, Dmytrow-Bilboe, Irvine, Spadafora, and Mayor Forster.

NAYS: Councillors O'Dell, and Alakas.

01-24 Moved by Irvine and Mastroianni that Council approve the creation of a new non-union fulltime position of "Floating Confidential Secretary" with a Salary Grade #3 and that Ms. Virginia Daradick be hired to fill this position.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

01-135

BYL 2001-148

A By-law to authorize the acceptance of tender and entering into a contract with DeRose Bros. General Contracting Ltd. for replacement of watermains on Fourth, Fifth and Sixth Street, Patsy Avenue and Rice's Lane, Phase 1.

01-44Z

BYL 2001-149

A By-law to amend City of Welland Zoning By-law 2667 (1372708 Ontario Inc. - File 2000-15) south of Colbeck Drive, east of Webber Road.

...Continued...

BY-LAWS PRESENTED FOR FIRST READING...Cont'd.**01-123**

BYL 2001-150

A By-law to amend City of Welland By-law 9973, being a By-law respecting Site Plan Control in the City of Welland.

01-10**01 - 22**

BYL 2001-151

A By-law to designate the Environmental & Traffic Services Engineer to approve traffic signals design and installation on behalf of the Corporation of the City of Welland.

01-1

BYL 2001-152

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 16th day of October, 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 Mastroianni 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 Mastroianni and Dzugan that Council meet in Committee-of-the-Whole, closed to the public at 10:30 p.m. to consider:

a) a proposed or pending acquisition of land for municipal purposes.

CARRIED

01-25 Moved by Mastroianni and Dzugan that the Committee-of-the-Whole arise from its closed meeting at 11:00 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 31, 2001 for inclusion on the next Regular Council Meeting Agenda .

Council adjourned at 11:00 p.m.

These Minutes approved and adopted by Motion of Council this 6th day of November, 2001.

MAYOR

CLERK