



COUNCIL MEETING, DECEMBER 4, 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 7:55 p.m. and again in Committee-of-the-Whole at 10:10 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 (6:55 p.m.), D. Fortier, D. Grenier (6:45 p.m. - 9:50 p.m.), J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora (6:40 p.m.).

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

Director of Development Services & Acting CAO T. Fitzpatrick

Director of Operational Services G. Marcello

Community Services Director I. Smith (7:55 p.m.)

Acting City Treasurer B. Silvestri

Assistant Clerk D. Vettori

Superintendent of Public Works J. Boc

K. Porter, J. Keca, R. Tisi employees of Public Works

Mr. L. Tokarchuck, President & C.E.O.; Tim Wright, Vice President, Regional Operations and Dr. W. Shragge, Chief of Staff, Niagara Health Systems were present during Committee-of-the-Whole discussion on a matter in respect of which a Council, Board, Committee or other Board has authorized a meeting to be closed under another Act.

W. Frolick, F.E. Coyne Insurance ; S. Smith, Cowan Public Entity were present during Committee-of-the-Whole discussion on a security

of property matter.

01-25 Moved by Mastroianni and Beaudoin 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
- b) a matter in respect of which a council, board, committee or other board has authorized a meeting to be closed under another Act.

CARRIED

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

(Mayor Forster and Councillors Dmytrow-Bilboe and Fortier were not present during Committee-of-the-Whole discussions on a matter in respect of which a Board has authorized a meeting to be closed under another Act. Vice Mayor Dzugan chaired this portion of the meeting).

01-25 Moved by Mastroianni and Beaudoin that the Committee-of-the-Whole arise from its closed meeting at 7:50 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 employed by the Niagara Health System.

Councillor Fortier 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 his wife is employed by 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 employed by ONA which represents employees who work for the Niagara Health System. Vice Mayor Dzugan assumed the chair during discussion on this matter.

PRESENTATIONS:

Mayor Forster presented a plaque to Mike Hominuck in recognition of being a player on the St. Catharines Athletics Jr. A 2001 Minto Cup Canadian Championship Lacrosse Team.

Mayor Forster and Councillor Irvine presented plaques to the following coaches and players of the Welland Legion Branch 4 Mustangs on winning the 2001 Ontario Baseball Association Peewee Major "B" Championship Team:

Coaches: Rick Young, Steve Hiller, Greg Strong, Joe Haslam

Players: Jonathan Hiller, Justin Young, Adam Crumb, Geoff Strong, Mike Haslam, Robert Nixon, Daren Labbe, Andrew McKnight, Matthew Carpenter, Brian Foster, Tyler Kenyon.

Mayor Forster presented 25 year service watches to the following employees:
 Raymond Robert - Transit; Donna Vettori - Clerk's; Barrie Foley - Public Works;
 Bruno Silvestri - Treasury; Mike McNaughton - Fire; and to the following employees
 in absentia: Yvan Landry - Fire; John Doucet - Public Works; Dick Koczula - Development Services;
 Steve Yari - Development Services.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

01-172 Report from Operational Services Director G. Marcello re CCTV Camera Inspection of gravity sewers.

THE FOLLOWING CORRESPONDENCE WERE RECEIVED:

96-58

01-22 Parking Restrictions for Snow Plowing Operations November 1st to April 30th.

97-118 Dir. of Development Services T. Fitzpatrick - To Repeal By-laws 10986 and 1999-105 being By-laws to exempt certain lands from Part-Lot Control - Cedar Park Estates Subdivision (59M-226).

97-118 A By-law to repeal By-laws 10986 and 1999-105, being By-laws to exempt certain lands from part-lot control in the Cedar Park Estates Subdivision (Plan 59M-226) City of Welland.

97-123 Dir. of Development Services T. Fitzpatrick - Petition from residents of Meadows

01-31 Subdivision concerning the construction of a playground.

99-127 Thomas R. Hollick - Regional Clerk requesting support from area municipalities regarding Land Ambulance Services.

2000-134 Dir. of Operational Services G. Marcello - Award of Tender - Afton Avenue combined sewer replacement/separation and watermain replacement 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 meeting held on the 4th day of December, 2001.

01-3 Erin Riseing - Port's End Youth Home requesting to sell lottery tickets in the City of Welland.

01-7 Acting City Treas. B. Silvestri - Accounts Payable Report - November 16-27, 2001.

01-10 Renate Martin, Program Coordinator, The Niagara Gatekeepers Programs -

01-163 Appointment of Councilor to the Niagara Gatekeepers Program.

01-22 Amend the Text and Penalty Provisions of By-law 89-2000.

01-22 Amend the Text and Penalty Provisions of By-law 10721.

01-22 For information only - Memo from Don Cook re: Modifications to Appendix "D" of Traffic Report 2001-30.

01-22 A By-law to amend Schedules "C" and "P" of By-law 89-2000, being a By-law regulating Traffic and Parking on City Streets.

01-23 A By-law to authorize the entering into an Employee & Family Assistance Program Contract with Lidkea, Stob, Venema & Associates.

01-53 SuperBuild Millennium Partnership Projects List.

01-126 Letter from Greg D'Amico, President, Welland Printing regarding opposing change of assessment rates from industrial to commercial

01-172 Dir. of Operational Services G. Marcello - Tender Award - CCT TV camera inspection of gravity sewers.

01-176 Cheryl M. Cascaden - requesting to hook city water into the existing main on Farr Road.
02-10 Appointments to the following Committees: a) L.A.C.A.C. b) Property Standards
02-45 City Clerk Craig Stirtzinger - 2002 Municipal and Transit Insurance Renewal.

01-1 Moved by Dmytrow Bilboe and Dzugan that the Minutes of the Regular Council Meeting of November 20th, 2001 be and the same are hereby approved and adopted as circulated.

CARRIED

96-58

01-22 Moved by Spadafora and Irvine

1. That Council approve the proposal to impose No Parking on any City Street between the hours of 12 a.m. to 7:00 a.m. between November 1st and April 30th of the following year inclusive to improve snow plowing operations;
2. That the City Solicitor be requested to prepare a by-law to amend the Text and Penalty provisions of Section 205.01.11 of Bylaw 89-2000, to invoke the provisions of Schedule 'C1' - No Parking on Any City Street between the hours of 12:00 a.m. and 7:00 a.m. except for those streets listed on Schedule C1; and with an enforcement provision that is only to be invoked during snow clearing operations.
3. That the Penalty Provision for this infraction (Section 205.01.11) be established with a 'Set Fine' of \$50.00, Voluntary Payment of \$35.00.
4. That the Director of Operational Services be requested to post the necessary signage on all roadways entering the City of Welland from Adjacent municipalities, and place notices in the local press to inform residents of this by-law requirement.
5. That the By-law be reviewed in May 2002.

CARRIED

97-118 Moved by Fortier and Eybel

1. That By-laws 10986 and 1999-105, being By-laws to exempt certain lands from Part-Lot Control (Lots 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 25, 26, 27, 28, 29 and 30 and Lots 33 and 34 respectively, Plan 59M-226 - Cedar Park Subdivision) be repealed so that the subject lands are governed by Section 50(5) of the Planning Act;
2. That Staff be authorized to prepare the necessary By-laws; and
3. That the Mayor and Clerk be authorized to execute any documentation required to register the required By-law.

CARRIED

97-123

01-31 Moved by Beaudoin and Spadafora that the petition from residents of Meadows Subdivision concerning construction of a playground be received and the Clerk advise the petitioners that the City is not in the position to construct a playground in the immediate area until lands south of the Meadows Subdivision are developed.

CARRIED

99-127 Moved by Fortier and Eybel that the City of Welland supports the resolution of Niagara Regional Council to contact the Minister of Health and Long-term Care to release the results and

recommendations of the external audit/review immediately and to transfer the operation of ambulance dispatch services as quickly as possible; and
That the Clerk advise the proper authorities accordingly.

CARRIED

2000-134 Moved by Fortier and Spadafora that Council accepts the tender of Volsci Construction Co. Inc. for following infrastructure on Afton Avenue between Lewis Street and Sutherland Avenue:

- (a) Storm Sewers
- (b) Sanitary Sewers
- (c) Watermain Replacement

as presented in Report ENG-2001-67.

That the estimated construction cost based on the low tender, in the amounts of:

- \$89,352.65 plus G.S.T. be funded from the allocated \$100,000.00 in the 2001 Storm Sewer Capital Budget, for storm sewer construction;
 - \$246,872.95 plus G.S.T. be funded from the allocated \$280,000.00 in the Revised 2001 Sanitary Sewer Capital Budget for sanitary sewer construction;
 - \$172,078.20 plus G.S.T. be funded from the allocated \$140,000.00 in the Revised 2001 Waterworks Capital Budget; and that
 - Additional \$55,000.00 be reallocated from the Fourth, Fifth and Sixth Streets Area Watermain Replacement Phase I project to cover the under estimated project cost for the watermain replacement.
- That the 2001 Waterworks Capital Budget be further revised as proposed in Report ENG-2001-67;
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 \$508,303.80 plus G.S.T.

CARRIED

01-3 Moved by Fortier and Eybel that permission is hereby granted to Port's End Youth Home to sell lottery tickets in the City of Welland under authority of Lottery License M276504, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

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

1	16-Nov-01	\$1,010,736.48
2	20-Nov-01	12,068.88
3	22-Nov-01	85,139.60
4	26-Nov-01	781,087.53
5	27-Nov-01	<u>61,867.37</u>

Total **\$1,950,899.86**

CARRIED

01-10

01-163 Moved by Fortier and Dzugan that Councillor Dmytrow-Bilboe be appointed to the Niagara Gatekeepers program.

CARRIED

01-22 Moved by Fortier and Eybel that the Memo from Don Cook regarding Modifications to Appendix "D" of Traffic Report 2001-30 be received for information.

CARRIED

01-22 Moved by Fortier and Eybel that staff make the necessary modifications to Appendix "D" of Report TRAF 2001-30, Items 2, 5, 15, 16, 18, 20, 24, 27 and 30, and to re-instate the Voluntary Payment provision; and
That the City Solicitor be directed to amend the Text and Penalty Provisions of By-law 89-2000 and prepare the amending by-law for submission to Council.

CARRIED

01-22 Moved by Fortier and Eybel that staff make the necessary modifications to Appendix "D" of Report TRAF 2001-30 for Municipal Parking Facilities by deleting Items 15 and 16, and to re-instate the Voluntary Payment provision; and
That the City Solicitor be directed to amend the Text and Penalty Provisions of By-law 10721 - Municipal Parking Facilities and prepare the amending by-law for submission to Council.

CARRIED

01-53 Moved by Fortier and Eybel that the Acting C.A.O. submit application under the Superbuild funding to Regional Niagara for their consideration of the four (4) projects:

Sanitary and Storm Sewer Infrastructure Projects

Project list based on study undertaken by City of Welland, Regional Niagara, Ontario Ministry of the Environment, "City of Welland Combined Sewer Overflow Study-Municipal Class Environmental Assessment, Phase 2 Report – June 2001 – R.V. Anderson Associates and XCG Consultants."

(i) Follow up Study Phase 3 and 4
(overall study cost \$210,000)

City of Welland and Regional Municipality of Niagara Share	\$140,000
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(ii) Northbank Interceptor Separation – Willson Road
Storm Sewer

\$500,000

(iii) Hellems-Burgar Area Separation
(overall cost \$1,825,000)

Engineering	\$ 80,000	
Dorothy-Hellems-Plymouth	<u>\$1,550,000</u>	
	\$1,630,000	\$1,630,000

(iv) Oxford-Atlas-Wellington Separation
(overall cost \$8,810,000)

Lincoln Street Separation	\$ 450,000	
Empress Avenue Separation	<u>\$1,650,000</u>	
	\$2,100,000	<u>\$2,100,000</u>

TOTAL PART "A"

<u>\$4,370,000</u>

CARRIED

01-126 Moved by Fortier and Eybel that the letter from Greg D'Amico, President - Welland Printing be received for information; and
 That the Council of the City of Welland hereby petitions MPAC (Municipal Property Assessment Corporation) to initiate changes to the assessment regulation or release a policy directive with a new interpretation of the words "producing or processing anything" in order to eliminate the confusion and financial hardships to be imposed on "Store front print shops" that are now being targeted for a change in assessment from Commercial to Industrial, as this change in interpretation will cause significant hardships to small local businesses; and
 That MPAC reconsider similar impacts on other sectors that "produce or process anything" wherein such operations are not in the true sense of the words "manufacturing operations"; and further
 That the Clerk advise the proper authorities accordingly.

CARRIED

01-176 Moved by Irvine and Fortier that the letter from Cheryl M. Cascaden of 91 Farr Road requesting to hook city water into the existing Main on Farr Road be received and referred to Operational Services and Development Services staff for study and review.

CARRIED

02-10 Moved by Fortier and Eybel that the following persons be appointed to serve on the Local Architectural Conservation Advisory Committee for a two (2) year term effective December 1, 2001 to November 30, 2003:
 Patsy Mason, Romeo Parent, Teresa Ross, Marnie Swayze, and Wilf Kenney.

CARRIED

02-10 Moved by Fortier and Eybel that Margaret Hudak be appointed to a three (3) year term on the Welland Property Standards Committee effective December 1, 2001 to November 30, 2004.

CARRIED

02-45 Moved by Fortier and Eybel that the City's General and Transit Insurance be renewed for a 12 month period December 31, 2001 to December 31, 2002 with Cowan Public Entity through F.E. Coyne Insurance Brokers Limited at an annual premium of

\$309,901	General
\$ 50,738	Transit
\$360,639	Total (plus taxes)
<u>-\$ 2,500</u>	Less Endorsement #7 (Canal Lands)

\$358,139

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

97-49 Moved by Spadafora and Eybel that the resolutions from the City of Port Colborne and Town of Fort Erie regarding closure of operating rooms in Fort Erie (Douglas Memorial) and Port Colborne (General) Hospitals be referred back to the City of Port Colborne and Town of Fort Erie for further information, pending the Task Force Report from the Niagara Health System expected to be released in February 2002.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

01-22

BYL 2001-170

A By-law to amend Schedules "C" and "P" of By-law 89-2000, being a By-law regulating Traffic and Parking on City Streets.

01-23

BYL 2001-171

A By-law to authorize the entering into an Employee & Family Assistance Program Contract with Lidkea, Stob, Venema & Associates.

97-118

BYL 2001-172

A By-law to repeal By-laws 10986 and 1999-105, being By-laws to exempt certain lands from part-lot control in the Cedar Park Estates Subdivision (Plan 59M-226) City of Welland.

01-1

BYL 2001-173

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 4th day of December, 2001.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Belcastro and Irvine 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 Beaudoin and Mastroianni that Council meet in Committee-of-the-Whole, closed to the public at 10:10 p.m. to consider:

a) the security of the property of the municipality.

CARRIED

01-25 Moved by Beaudoin and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 10:25 p.m.

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

99-99 Moved by Mastroianni and Beaudoin that a public meeting be held on December 18, 2001 at 7:00 p.m. in Council Chambers as part of the Regular Council Meeting to discuss the issue of declaring surplus lands east of the Seaway.

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, December 12, 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 18th day of December, 2001.

MAYOR

CLERK