



## **COUNCIL MEETING, MARCH 7, 2000**

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

Council met in Committee-of-the-Whole at 6:30 p.m. and in open session at 7:30 p.m. on the above date.

His Worship Mayor J. Richard Reuter in the Chair.

The open meeting commenced with the playing of the National Anthem.

**Members Present:** Councillors D. Beaudoin, M. Belcastro, V. Bellantino (7:30 p.m.), F. Champion, C. Forster, D. Fortier, J. Larouche, J.L. MacLellan, C. McQueen, S. O'Dell (6:40 p.m.), J. Spadafora (7:05 p.m.) and L. Van Vliet.

**Members of the Staff and Others Present:**

Chief Administrative Officer V. Kerschl  
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 (7:00 p.m.)  
City Treasurer R. Perron  
Community Services Director Ian Smith (7:00 p.m.)  
Assistant Clerk D. Vettori  
Human Resources Consultant R. Ker (until 7:15 p.m.)

**2000-25** Moved by Van Vliet and Larouche that Council meet in Committee-of-the-Whole, closed to the public at p.m. to consider:

- a) the security of the property of the municipality;
- b) personal matters about an identifiable individual, including municipal employees;
- c) a proposed or pending acquisition of land for municipal purposes; and
- d) labour relations or employee negotiations;

**CARRIED**

*(Councillor Forster was not present during Committee-of-the-Whole discussion on CAW Local 523 negotiations.)*

*(Councillor McQueen was not present during Committee-of-the-Whole discussion on firefighters' negotiations update.)*

**2000-25** Moved by Van Vliet and Larouche that the Committee-of-the-Whole arise from its closed meeting at 7:15 p.m.

**CARRIED**

### **DISCLOSURE OF INTEREST:**

Councillor Spadafora disclosed an interest in Ref. No. 98-82 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his company may bid on the proposed Civic Centre Project.

Councillor Bellantino disclosed an interest in Ref. No. 98-82 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he owns property in the vicinity of the proposed Civic Centre Project.

Councillor Forster disclosed an interest in Ref. No. 2000-17/2000-18 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as her husband is an employee of the City of Welland on leave of absence who is affected by this contract.

Councillor Spadafora disclosed an interest in Ref. No.96-72 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his company will be involved in the development of Lots 20 and 21 in Southwell Industrial Park.

Councillor McQueen disclosed an interest in Ref. Nos. 2000-1 and 95-175 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he was not present at the Special Council Meeting of February 29, 2000 at which time the issue of governance was discussed and he is an employee of the Region of Niagara.

Councillor Van Vliet disclosed an interest in Ref. Nos. 2000-1 and 95-175 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he was not present at the Special Council Meeting of February 29, 2000 at which time the issue of governance was discussed and he is an employee of the Region of Niagara.

**DELEGATIONS:**

- 2000-61** Claire Gerencser, Executive Director, Welland Multicultural Centre addressed Council regarding the proposed construction of a monument in Merritt Park to honour immigrants who built the Welland Canal.
- 2000-35** Mr. J. Christopher Young, Solicitor on behalf of Mr. Jakus addressed Council regarding the proposed residential development on the east side of Doan's Ridge Road.
- 2000-22** Mr. Aubrey Foley addressed Council regarding the municipal parking area behind the Blue Star Restaurant, King Street.
- 98-82** Mr. John Fulton, of 24 Hour Fitness, addressed Council regarding a proposal for a fitness centre as part of the new Civic Centre Project.

**THE FOLLOWING CORRESPONDENCE WAS READ:**

- 2000-50** Report from City Engineer G. Marcello, re tender award for supply of street sweeping rentals.
- 98-82** Recommendation from the Civic Centre Complex Committee to appoint Buttcon Limited as Construction Manager for the proposed Civic Centre Project.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 92-72** Dir. of Dev. Services T. Fitzpatrick - Waiving of Irrevocable Standby Letter-of-Credit with respect to the construction of the Niagara Regional Police / Niagara College Centre for policy and community safety studies, 300 Woodlawn Road.
- 92-168** Termination of Welland-Port Colborne Rowing Commission, and outstanding rent & taxes - South Niagara Rowing Club.
- 98-82** Demolition of 2,4,6 & 72 East Main St.
- 98-113** Thomas R. Hollick, Regional Clerk - Niagara Voice Radio Project.
- 99-4** Proposed watermain extension on Ridge Rd.
- 99-4** Extension of services to Cooks Mills area.
- 99-13** Larry Simpson, Mgr., Claire's Delivery Service Ltd. - Welland Transit bay rental.
- 99-22** Installation of 3-way stop at Queen & Hooker Streets & amendment to Sch. "P" of By-law 89-2000.
- 99-66** Welland High School Property.
- 99-133** Mammoliti, request to open Matthews Rd.
- 2000-1** 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 15<sup>th</sup> day and 29<sup>th</sup> day of February, 2000.
- 2000-3** City Clerk C.A. Stirtzinger - Lottery License.
- 2000-3** Janet Balent-Corlett, Secretary - permission to sell tickets in the City of Welland for a fundraising event for the Wainfleet Music Festival.
- 2000-7** City Treas. R. Perron - Accounts Payable Report - Feb. 10/00 - Mar. 1/00.

- 2000-9** Mr. B. Sakalauskus - requesting street light installation on Cope Road.
- 2000-13** A By-law to authorize the entering into an Agreement with Pattison Outdoor, A Division of Jim Pattison Enterprises Ltd., for the installation, maintenance and advertising on Welland Transit bus shelters.
- 2000-14** Chief Administrative Officer V. Kerschl - 2000 Conference Reports - various city departments.
- 2000-19** Hiring of Youth Recreation Co-ordinator.
- 2000-21** Kerry Dyer, Co-ordin., Fund Raising Events - requesting permission to hold the **2000 Welland Zehrs Super Cities WALK** for multiple sclerosis.
- 2000-22** Petition signed by neighbours and tenants of apartment building located at 10 Welland St. - request to prohibit parking of transport trucks in front of 10 Welland St.
- 2000-35** Jakus, severance proposal, e/s of Doan's Ridge Rd.
- 2000-44** A By-law to authorize the entering into a contract with Niagara Locates to examine the water services at certain dwellings to determine whether electrical ground plate installation is necessary
- 2000-58** Sanitary Service Lateral Replacement 2000.
- 2000-60** Bruce Taylor, Clerk, City of Pickering - support against child pornography.
- 2000-62** Alice Ducharme, Dir. of Education, Le Conseil scolaire de district du Centre-Sud-Ouest - offer for sale Docteur-Renaud School, 100 First Street.
- 2000-63** Mark Saltarelli, President, Open Door Concepts Welland Inc. - request for fire lane designation adjacent to Canal View Homes, 60 King St.
- 2000-65** A By-law to authorize the stopping-up, closing and conveying of the unopened road allowance being Part of Abbey Road and Block 74, Plan 59M-132 lying east of Green Pointe Drive in the College View Estates Subdivision.
- 2000-65** A By-law to authorize the release of easements over Part of Township Lot 241, formerly in the Township of Thorold, now in the City of Welland (former footpaths from Woodlawn Road to Glendale School and from First Avenue North to Farnham Avenue).

**2000-1** Moved by Forster and MacLellan that the Minutes of the Regular Council Meeting of February 15<sup>th</sup>, 2000 and Special Council Meeting of February 29<sup>th</sup>, 2000 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**92-72** Moved by Van Vliet and MacLellan that the City of Welland standard requirement of providing an Irrevocable Standby Letter-of-Credit in the value of 50% of site works be waived with respect to the construction of the Niagara Regional Police/Niagara College Centre for Policing and Community Safety Studies.

**CARRIED**

**92-168** Moved by Van Vliet and MacLellan that the matters of the proposed termination of the Welland-Port Colborne Rowing Commission and the reimbursement of outstanding rent and taxes by the South Niagara Rowing Club, be referred to the March 28<sup>th</sup> General Committee meeting to allow the representatives of the Rowing Club to make presentation to the General Committee.

**CARRIED**

**98-82** Moved by Van Vliet and MacLellan that the following schedule for the demolition of 2,4,6, and 72 East Main Street be received for information:

Advertise - Feb. 19, 2000  
 Site Meeting - Feb. 23, 2000  
 Closing - Mar. 6, 2000  
 Council - Mar. 7, 2000.

**CARRIED**

**98-82** Moved by Van Vliet and MacLellan that Council accept the tender of PRW Excavating Contractors Ltd., in the amount of \$67,000.00 plus G.S.T., for the asbestos abatement, demolition and removal of the City-owned facilities municipally known as 2, 4, 6, and 72 East Main Street, Welland, this being the lowest of five (5) tenders submitted that meet specifications.

**CARRIED**

**98-82** Moved by MacLellan and Larouche that the proposal by John Fulton of 24 Hour Fitness, for a fitness/aquatic centre as part of the Civic Centre Project be included as a concept for public input during the public meeting process scheduled for later this month and that this proposal include financial costs.

**CARRIED**

**YEAS:** Councillors Belcastro, Larouche, MacLellan, Beaudoin, McQueen, Campion and Mayor Reuter.

**NAYS:** Councillors Van Vliet, Fortier, O'Dell and Forster.

**98-82** Moved by Van Vliet and MacLellan that Council appoint Buttcon Limited as Construction Manager for the Civic Centre Project and that the City Solicitor be instructed to prepare the necessary documents.

**CARRIED**

**98-113** Moved by Van Vliet and MacLellan that the letter from Regional Clerk Thomas R. Hollick and Regional Report PWP 9-2000 dated January 11, 2000 regarding the Niagara Voice Radio Project, be received for information.

**CARRIED**

**99-4** Moved by Van Vliet and MacLellan that the proposed extension of a watermain on Ridge Road from Highway 140 to Doan's Ridge Road, be referred to staff for a full report on the budgetary impact by the end of April.

**CARRIED**

**99-4** Moved by Van Vliet and MacLellan that the extension of services to "the Cooks Mills area", be referred to staff for report by the end of April.

**CARRIED**

**99-13** Moved by Van Vliet and MacLellan that the letter from Claire's Delivery Service Ltd. advising of the discontinuance of bay rental at Welland Transit, be received for information and that the City Solicitor be instructed to repeal By-law 11318, being "A By-law to authorize the entering into a Rental Agreement with Claire's Delivery Service Ltd. to rent a garage bay at Welland Transit Building.

**CARRIED**

**99-22** Moved by Van Vliet and MacLellan

1. That the request for the installation of a three-way stop at the corner of Queen and Hooker Streets, as requested by the area residents by petitions received by Council and General Committee on December 21, 1999 and February 22, 2000 respectively, be approved;
2. That the City Solicitor be requested to prepare a By-law to amend schedule 'P' of By-law 89-2000 by adding the following:

**Add to Schedule 'P'**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
Hooker Street	Queen Street	West bound on Hooker
Hooker Street	Queen Street	East Bound on Hooker

3. That subject to the approval of the amending By-law by the Region of Niagara, the Director of Operational Services be authorized to install the necessary signage in accordance with the Highway Traffic Act.

**CARRIED**

**99-66** Moved by Van Vliet and MacLellan that Council direct staff to contact the District School Board of Niagara to indicate interest in the Welland High School property, in accordance with Regulation 444/98.

**CARRIED**

**99-133** Moved by Van Vliet and MacLellan that the request by Mr. Phil Fisher, on behalf of Mr. P. Mammoliti, to open Matthews Road, immediately north of Buchner Road, so as to permit development of lands which have been divided by Testamentary Devise, be referred to the March 28<sup>th</sup> General Committee Meeting to permit a review of road opening costs with the applicant.

**CARRIED**

**2000-3** Moved by Van Vliet and MacLellan that a Lottery License be granted to the following: The Welland Historical Museum - Nevada.

**CARRIED**

**2000-3** Moved by Van Vliet and MacLellan that permission is hereby granted to The Wainfleet Music Festival, to sell lottery tickets in the City of Welland under authority of Lottery License M32935, subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

**2000-7** Moved by Van Vliet and MacLellan that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	10-Feb-00	\$ 18,827.27
2	11-Feb-00	88,239.78
3	15-Feb-00	766,555.95
4	16-Feb-00	109,276.65
5	17-Feb-00	60,958.96
6	21-Feb-00	153,759.57
7	22-Feb-00	212,375.10
8	23-Feb-00	144,314.63
9	24-Feb-00	10,560.64
10	25-Feb-00	9,897.61
11	28-Feb-00	95,895.75
12	29-Feb-00	8,722.92
13	01-Mar-00	69,288.53

<b>Total</b>		<b>\$1,748,673.36</b>
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**CARRIED**

**2000-9** Moved by O'Dell and McQueen that the letter from Mr. B. Sakalauskus requesting street light installation on Cope Road, be received and referred to Operational Services staff for study and review.

**CARRIED**

**2000-14** Moved by McQueen and MacLellan that the Annual Conference and Convention Reports of the following departments: Clerk's, Legal and Human Resources Departments; Treasury Department; Welland Fire Department; Chief Administrator's Office; Welland Development Commission; Development Services Department; Committee of Adjustment and Information Services Department; Operational Services Department; and Community Services Department for the year 2000, be approved subject to Budget approval.

**CARRIED**

**2000-19** Moved by Van Vliet and MacLellan that Council supports the establishment of a one year contract for the hiring of a Youth Recreation Coordinator with the rate of pay at \$30,000.00 per annum plus any benefits received by contract staff; and  
That funding for the position shall be as follows: Community Partners assist in the funding of this position to at least 50% of the salary for each year of the program, and the City funding the balance; and  
That Council be provided with an annual report on the activity of the Youth Recreation Coordinator; and further  
That renewal of the position shall be at Council's pleasure and confirmed during budget deliberations, each year.

**CARRIED**

**2000-21** Moved by Van Vliet and MacLellan that Welland City Council approve the application of the Multiple Sclerosis of Canada, to hold the "2000 Welland Zehrs Super Cities WALK for MS" on Sunday, April 16, 2000 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**2000-22** Moved by Forster and Belcastro that the presentation by Mr. Aubrey Foley regarding the parking area located behind the Blue Star Restaurant, King Street, be received and referred to Operational Services staff for study and review; and further  
That this study include the Downtown area as well.

**CARRIED**

***(Councillors Spadafora and Van Vliet asked to be recorded  
as opposed to this Resolution.)***

**2000-22** Moved by O'Dell and Van Vliet that the petition signed by neighbours and tenants of 10 Welland Street requesting "No Parking" of transport trucks in front of the apartment building, be received and referred to Operational Services and Development Services staff for study and review.

**CARRIED**

**2000-22** Moved by Beaudoin and Spadafora that staff request the Region of Niagara to amend Traffic By-law 89-2000 to provide for a 24 hour parking ban on the west side of Rice Road, from Woodlawn Road to the north limit of Alexander Kuska School.

**CARRIED**

**2000-35** Moved by Forster and O'Dell that the presentation by Mr. J. Christopher Young, Solicitor on behalf of Mr. Jakus regarding the residential development on the east side of Doan's Ridge Road, be received for information.

**CARRIED**

**2000-35** Moved by Van Vliet and MacLellan that Council support in principle, the "severance proposal" submitted to Council on December 7, 1999 by Mr. J. Christopher Young, Solicitor, on behalf of Mr. Jakus for the creation of five (5) one acre strip development lots on the east side of Doan's Ridge Road from a 35 acre parcel.

**CARRIED**

**2000-50** Moved by Van Vliet and MacLellan that Council accept the tender of K & R POWERSWEEPING SERVICE for Street Sweeping Rentals at the tendered price of \$70.88/hour, this being the lowest price of the seventeen sweeper prices submitted.

**CARRIED**

**2000-55** Moved by Spadafora and Larouche that Welland City Council support the renaming of the Welland-Port Colborne Airport Commission to Niagara Central Airport, and that the Welland-Port Colborne Airport Commission be so advised.

**CARRIED  
UNANIMOUSLY**

**2000-58** Moved by Van Vliet and MacLellan 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 various sanitary service laterals;  
That this project be funded from the allocated \$150,000.00 in the 2000 Sanitary Sewer Capital Budget (Capital from Revenue under the 2000 Operating Budget);  
That the City Solicitor be directed to prepare all necessary and appropriate by-laws.

**CARRIED**

**2000-60** Moved by Van Vliet and MacLellan that Welland City Council support the resolution from the City of Pickering opposing child pornography and requesting that the federal and provincial governments ensure that appropriate laws are in place to make possession of child pornography illegal; and  
That the City Clerk advise the proper authorities accordingly.

**CARRIED**

**2000-61** Moved by Larouche and Bellantino that Council endorse, in principle, the proposal of the Welland Heritage Council and Multicultural Centre to construct a monument in Merritt Park or at another site deemed suitable by City staff, to honour the immigrants who built the Welland Canal; and  
That Council support the construction of the base of the monument and refer this matter to Community Services staff for study and review.

**CARRIED**

**2000-62** Moved by Van Vliet and MacLellan that the offer from Le Conseil scolaire de district du Centre-Sud-Ouest to sell Docteur-Renaud School, 100 First Street, be received and referred to staff for study and review.

**CARRIED**

**2000-63** Moved by Van Vliet and MacLellan that the request from Open Door Concepts Welland Inc. to officially designate a portion of parking lot adjacent to Canal View Homes Non-Profit Apartments, 60 King Street, as a fire lane under City of Welland's By-law, be received and referred to staff for study and review.

**CARRIED**

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

**99-45** Moved by Beaudoin and Campion that the 1999 Summary of Insurance Claims made against the City be received for information and filed under Freedom of Information and Solicitor/Client Privilege rules.

**CARRIED**

**2000-10**

**2000-64** Moved by Forster and Van Vliet that in accordance with Section 97 (2) & (3) of the Drainage Act, Chapter D. 17, R.S.O. 1990, as amended, Welland City Council appoints Councillor Sandy O'Dell to sit on a Court of Revision for the City of Port Colborne with respect to the Cook's Municipal Drain.

**CARRIED**

**2000-17**

**2000-18** Moved by MacLellan and Larouche that Council ratify the negotiated settlement between the Corporation of the City of Welland and C.A.W.-T.C.A. Local 523, as per the attached Memorandum of Settlement dated Saturday, March 4, 2000, and that the City Solicitor be instructed to prepare the necessary by-law.

**CARRIED**

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

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

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

**96-172**

BYL 2000-17

A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of City-owned land located in Southwell Industrial Park, Phase II, being Lot 13, Plan 948, Dart Drive, to Hydraserv Ltd.

...Continued...

**BY-LAWS PRESENTED FOR FIRST READING...Cont'd.****96-172**

BYL 2000-18

A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of City-owned land located in Southwell Industrial Park, Phase II, being Lot 4, Plan 948, Vaughan Road, to John DeCicco.

**96-172**

BYL 2000-19

A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of City-owned land located in Southwell Industrial Park, Phase II, being Lot 20, Plan 948, Vaughan Road, to Michael Losier.

**96-172**

BYL 2000-20

A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of City-owned land located in Southwell Industrial Park, Phase II, being Lot 21, Plan 948, Vaughan Road, to Michael Losier.

**2000-32**

BYL 2000-25

A By-law to authorize the purchase of 46 Fourth Street, Welland from Maria and Victor Polywjanyj.

And that the same be now read a first time.

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

2. Moved by Larouche and Forster that the By-laws 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-LAW PRESENTED FOR FIRST READING:**

3. Moved by Beaudoin and McQueen that leave now be given to introduce the following proposed By-law entitled:

**2000-65**

BYL 2000-23

A By-law to authorize the stopping-up, closing and conveying of the unopened road allowance being Part of Abbey Road and Block 74, Plan 59M-132 lying east of Green Pointe Drive in the College View Estates Subdivision.

And that the same be now read a first time.

**CARRIED**

**BY-LAW PRESENTED FOR SECOND READING:**

4. Moved by Beaudoin and McQueen that the following proposed By-law, having been read a first time and considered:

**2000-65**

BYL 2000-23

A By-law to authorize the stopping-up, closing and conveying of the unopened road allowance being Part of Abbey Road and Block 74, Plan 59M-132 lying east of Green Pointe Drive in the College View Estates Subdivision.

And that the same be now read a second time.

**CARRIED**

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

5. Moved by McQueen and Campion that leave now be given to introduce the following proposed By-laws entitled:

**2000-65**

BYL 2000-21

A By-law to authorize the release of easements over Part of Township Lot 241, formerly in the Township of Thorold, now in the City of Welland (former footpaths from Woodlawn Road to Glendale School and from First Avenue North to Farnham Avenue).

**2000-44**

BYL 2000-22

A By-law to authorize the entering into a contract with Niagara Locates to examine the water services at certain dwellings to determine whether electrical ground plate installation is necessary.

**2000-13**

BYL 2000-24

A By-law to authorize the entering into an Agreement with Pattison Outdoor, A Division of Jim Pattison Enterprises Ltd., for the installation, maintenance and advertising on Welland Transit bus shelters.

**2000-1**

BYL 2000-25

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 29th day of February, and 7th day of March 2000.

And that the same be now read first time.

**CARRIED**

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

6. Moved by McQueen and Campion 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**

**98-82**

Councillor O'Dell gave Notice of Motion of the following issue to be presented to Council at the March 21<sup>st</sup>, 2000 Regular Council Meeting:

***That Council make public, all past, present and proposed costs and financing plans related to the proposed Civic Centre Complex.***

Council adjourned at 9:35 p.m.

These Minutes approved and adopted by Motion of Council this 21st day of March, 2000.

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**MAYOR**

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**CLERK**

