



COUNCIL MEETING, DECEMBER 19, 2000

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole at 7:05 p.m. and in open session at 7:45 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, D. Fortier, D. Grenier, J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora.

Members of the Staff and Others Present:

Chief Administrative Officer V. Kerschl
City Clerk C.A. Stirtzinger
City Solicitor G. Banks (until 7:40 p.m.)
Director of Development Services T. Fitzpatrick (7:45 p.m.)
Director of Operational Services G. Marcello (7:45 p.m.)
City Treasurer R. Perron (7:45 p.m.)
Community Services Director Ian Smith (7:45 p.m.)
Assistant Clerk D. Vettori

(Mr. Andrew J. Roman, Solicitor for the firm Miller Thomson was present during Committee-of-the-Whole discussion on the appointments and structuring of the Welland Hydro-Electric System Corporation Board of Directors)

2001-25 Moved by Mastroianni and Beaudoin that Council meet in Committee-of-the-Whole, closed to the public at 7:05 p.m. to consider:

- a) the security of the property of the municipality; and
- b) personal matters about an identifiable individual, including municipal employees.

CARRIED

2001-25 Moved by Mastroianni and Beaudoin that the Committee-of-the-Whole arise from its closed meeting at 7:40 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Irvine disclosed an interest in Ref. No. 96-172 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he has properties listed for sale in Southwell Industrial Park.

Councillor Belcastro disclosed an interest in Ref. No. 2001-3 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is a member of Midwest Karate Association.

Councillor Fortier disclosed an interest in Ref. No. 2001-20 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is a member of Club Richelieu.

PUBLIC HEARING PURSUANT TO SECTION 442 OF THE MUNICIPAL ACT - TAX WRITE-OFFS

No one spoke.

PRESENTATIONS:

Mayor Forster presented watches to the following City employees in recognition of 25 years of service: John Ashbee, Robert Brown, Joseph Infantino, Ron Poulin, Brian Costello, and Jackie Smith and to the following in absentia: Fred McLauchlin, Paul Morissette and Frederick Infantino.

DELEGATIONS:

2001-28 Mr. R. McCallion, President of the Welland and District Labour Council and Mr. Mike Grimaldi addressed Council regarding Provincial Bill 139 - an Act to Amend the Labour Relations Act and Provincial Bill 147 - an Act to Amend the Employment Standards Act.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 93-131** A By-law to appoint Traffic Enforcement Officers of The Corporation of the City of Welland for the purpose of enforcing By-law 11027, being a By-law to control the parking of motor vehicles on the property of Niagara College of Applied Arts & Technology and to Repeal By-law 2000-142.
- 94-164** Dir. of Development Services T. Fitzpatrick - Condominium approval, Fernando Homes Construction Ltd., 810 Clare Avenue, City of Welland (File 26CD-14-20002).
- 95-103** Dir. of Development Services T. Fitzpatrick - Authorization to dedicate a road widening as part of Quaker Road - Towpath Village Subdivision.
- 95-105** A By-law to authorize the entering into an extension agreement with Stelpipe Ltd. to Lease 160 Dain Avenue.
- 96-172** Dir. of Development Services T. Fitzpatrick - Extension of Hydro Electric Service - Southwell Industrial Park.
- 97-156** Dir. of Operational Services G. Marcello - Sewage Environmental Assessment Study.
- 98-4**
- 99-4**
- 2000-4** City Treas. R. Perron - Application for Tax Write-Offs - Section 442.
- 99-4** Dir. of Development Services T. Fitzpatrick - Extension of watermain on Ridge Road from Highway 140 to Doans Ridge Road and Extension of services to lands east of Welland by-pass canal.
- 2000-4** Dir. of Community Services I. Smith - Allocation of Funds for Building Capital Repairs.
- 2000-47** Dir. of Development Services T. Fitzpatrick - Acquisition of parkland (Urban Woodlot) Woodhaven Estates/Stirling Realty (Niagara) Inc.
- 2000-113** A By-law to authorize the entering into a Lease Agreement with Ontrac Equipment for the lease of a 2000 John Deere TC 54H Four Wheel Drive Articulated Front End Loader.
- 2000-140** Dir. of Operational Services G. Marcello - Hydrant Replacement 2000 - Award of Quotation
- 2001-3** City Clerk C. Stirtzinger - Lottery Licenses.
- 2001-7** City Treasurer R. Perron - Accounts Payable Report - November 30 - December 13, 2000.
- 2001-10** Letter from Greg D'Amico regarding the Welland Downtown Business Improvement Area Board new appointees.
- 2001-13** Dir. of Operational Services G. Marcello - Proposed Purchase of Smaller Used Bus.
- 2000-13** A By-law to authorize the entering into a Memorandum of Settlement with the Amalgamated Transit Union, Local 1633 effective January 1, 2000 to December 31, 2002.
- 2001-20** Adelard Morin, Club Richelieu - requesting a Special Occasion Permit for the French Canadian Day, as part of the Welland Winter Carnival.
- 2001-31** Dir. of Community Services I. Smith - Holy Name School.
- 2001-36** Janet Beckett, City Clerk, The City of Port Colborne requesting Council's support to enact Remembrance Day as a statutory holiday throughout Canada.
- 2001-38** Letter from Mr. George Chipman regarding a drainage problem experienced by the residents of Plazaway, Westdale Drive and Westmount Crescent areas and requesting the installation of a new Water/Sewage System.
- 2001-41** Letter from Donald K. Johnston of Johnston & Marotta, Solicitor on behalf of The Estates of Robert Douglas Peart and Mary Louise Peart requesting application for severance on Lot 92, Plan 585, Hooker Street, Welland.
- 2000-138** A By-law to authorize the entering into a contract with Blue Circle Aggregates for the supply of washed sand.
- 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 19th day of December, 2000.

2000-1 Moved by Fortier and Mastroianni that the Minutes of the Inaugural Council Meeting of December 4th, 2000 and Regular Council Meeting of December 5th, 2000 be and the same are hereby approved and adopted as circulated.

CARRIED

94-164 Moved by Beaudoin and O'Dell that the request by Fernando Homes Construction Ltd. to exempt its Application for Condominium Approval for six (6) townhouses located at 810 Clare Avenue (Part of Township Lot 236, Township of Thorold, now City of Welland) in accordance with Section 50 of the Condominium Act be approved.

CARRIED

95-103 Moved by Beaudoin and O'Dell

1. That Council pass a By-law dedicating Parts 1, 6, 7 and 9 on Plan 59R-9662 as part of Quaker Road; and
2. That the Mayor and Clerk be authorized to execute all documentation with respect to these transactions.

CARRIED

96-172 Moved by O'Dell and Beaudoin that the matter of the provision of 600 volt service to the Southwell Industrial Park, be referred to the January 16, 2001 Regular Council Meeting.

CARRIED

97-156 Moved by Beaudoin and O'Dell

that the Director of Operational Services be authorized to provide the Ministry of Environment (MOE) with a status report of the City of Welland's Pollution Prevention Control Plan (PPCP) as requested by the MOE in correspondence dated December 1, 2000.

CARRIED

98-4

99-4

2000-4 Moved by O'Dell and Fortier that pursuant to Section 442 of the Municipal Act, R.S.O. 1990, C.M. 45, Council approve the write off of taxes as contained in the attached report listing the reasons for reduction or cancellation and assessment values.

CARRIED

99-4 Moved by O'Dell and Dmytrow-Bilboe that the matter of the extension of a watermain on Ridge Road from Highway 140 to Doan's Ridge Road and consideration of extending full urban services to the "Cooks Mills Area", be referred to the January 23, 2001 General Committee Meeting.

CARRIED

99-99 Moved by Beaudoin and O'Dell that the matter of the License of Occupation between the City of Welland and the Welland Water Ski Club be referred to the General Committee Meeting of February 13th, 2001.

CARRIED

2000-4 Moved by Beaudoin and O'Dell that \$46,623.58 be charged against the Building Reserve Fund for work of a capital nature that was charged against the operating budget of the Community Services Department in 2000.

CARRIED

2000-7 Moved by Beaudoin and O'Dell that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	30-Nov-00	\$	7,686.46
2	1-Dec-00		21,728.77
3	4-Dec-00		178,051.59
4	5-Dec-00		267,642.38
5	7-Dec-00		25,589.01
6	8-Dec-00		204,755.69
7	12-Dec-00		117,391.74
8	13-Dec-00		<u>450,653.73</u>

Total **\$1,273,499.37**

CARRIED

2000-47 Moved by Fortier and Irvine that the matter of the source of funding the \$95,000 needed to acquire Block 75 Plan 59M-277 (Urban Woodlot, Woodhaven Estates) be referred to the January 23, 2001 General Committee Meeting.

CARRIED

2000-140 Moved by O'Dell and Alakas that the matter of the award of tender for the 2000 Hydrant Replacement Program be referred to the January 23, 2001 General Committee Meeting.

CARRIED

2001-3 Moved by Beaudoin and O'Dell that Welland City Council has no objection to the issuance of a Nevada Lottery License to the Midwest Karate Association (Welland) Inc.

CARRIED

2001-10 Moved by Belcastro and Dzugan that Council approve the recommendation for appointment of the following: **Greg D'Amico, Sandy Valleriani, Domenic Ferrusi, Ken Nash, Earl Henderson, Paul Norton, Carl Damude, Frank Dedonato and Fred Marois** to the Welland Downtown Improvement Area Board of Management as determined by the general membership of the Association's letter dated December 5, 2000 and in accordance with By-law 1999-51.

CARRIED

(Councillor Irvine asked to be recorded as opposed to this Resolution.)

2001-13 Moved by Dmytrow-Bilboe and Fortier that Council approve the purchase of a used 1996 Ford-19 passenger bus from Festival City Motors Limited, Stratford in the amount of \$22,000.00 plus taxes and licensing and that this expenditure be funded from the approved year 2000 Capital (Transit) Budget.

CARRIED

2001-20 Moved by Beaudoin and O'Dell that Welland City Council has no objection to the issuance of a Special Occasion Permit to Club Richelieu to hold "**French Canadian Day**" at Auberge Richelieu on February 18, 2001 in conjunction with the Welland Winter Carnival; and That the City of Welland declare this event as a Community Festival.

CARRIED

2001-28 Moved by Spadafora and Mastroianni that the resolution from the Welland & District Labour Council regarding Bills 139 and 147 - Acts to amend the Labour Relations Act and the Employment Standards Act, be received for information.

LOST

YEAS: Councillors Mastroianni, Dzugan, Belcastro, and Spadafora.

NAYS: Councillors O'Dell, Fortier, Beaudoin, Alakas, Dmytrow-Bilboe Irvine, Grenier, and Mayor Forster.

2001-28 Moved O'Dell and Alakas that Council endorse the resolution from the Welland and District Labour Council regarding Bills 139 and 147 - Acts to amend the Labour Relations Act and the Employment Standards Act; and That copies of the resolution be sent to the Provincial Government, our local M.P.P. Peter Kormos and all M.P.P.'s for the Niagara Region.

CARRIED

(Councillor Spadafora asked to be recorded as opposed to this Resolution.)

2001-31 Moved by Irvine and Fortier that the matter of a partnership with Holy Name School for the replacement of playground equipment on school property, be referred to the January 23, 2001 General Committee Meeting.

CARRIED

2001-35 Moved by Irvine and Fortier that in view of the September 5, 2000 vehicular fatality at the intersection of Highway 140 and East Main Street, Welland City Council petition the Ministry of Transportation to review the traffic warrants to consider advance left turn signal in all directions at that intersection as well as a right turn lane off of Highway 140.

CARRIED

2001-36 Moved by O'Dell and Mastroianni that Council support the resolution from the City of Port Colborne to enact Remembrance Day as a statutory holiday throughout Canada; and That the Clerk advise the proper authorities accordingly.

**CARRIED
UNANIMOUSLY**

2001-38 Moved by Beaudoin and O'Dell that the letter from Mr. George Chipman requesting consideration for the installation of a new Water/Sewage System at the Plazaway, Westdale Drive and Westmount Crescent areas, be received and referred to Operational Services for study and review.

CARRIED

2001-41 Moved by Beaudoin and O'Dell that the letter from Donald K. Johnston of Johnston & Marotta, Solicitor on behalf of the Estates of Robert Douglas Peart and Mary Louise Peart requesting application for severance on Lot 92, Plan 585, Hooker Street, Welland be received and referred to Development Services staff for study and review.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

99-43

2001-10 Moved by Mastroianni and Dmytrow-Bilboe that the following persons be appointed to the Board of Directors of Welland Hydro-Electric System Corporation:

David Bishop - *for a two year term*
Roy Smith - *for a two year term*
Tim Clutterbuck - *for a three year term*; and

That the General Manager of the former Welland Hydro-Electric Commission be appointed to the Board; and further

That the current Shareholders Declaration be amended accordingly.

CARRIED

99-43

2001-10 Moved by Dzugan and Irvine that the Directors of the Welland Hydro-Electric System Corporation be compensated in the amount of \$4,000 per year; and

That the Chair be compensated in the amount of \$5,000 per year; and

That the Mayor and Councillors appointed to the Board receive \$2,000 per year; and

That any Hydro Corporation employee appointed as Director not receive any additional compensation for serving as a Director; and further

That the current Shareholder Declaration be amended accordingly.

CARRIED

2001-45 Moved by Dmytrow-Bilboe

1. That the City Clerk's Report No. CLK 2001-01 on the Corporation Insurance, be accepted; and
2. That Council accept the proposal from the Cowan Public Entity through the City's Insurance Broker F.E. Coyne Insurance Brokers Limited for the City's General and Transit Insurance coverage for the 12 month period January 1, 2000 to January 1, 2001 at an annual premium of:

\$	238,507	General
	42,919	Transit
	281,426	Total Premium required (plus taxes); and

3. That the Environmental Liability coverage be increased to the \$3,000,000 limit per claim with a \$5,000,000 aggregate limit for the policy period at an annual premium of \$4,744 to be paid out of the Canal Land/Reserve operating fund; and
4. That the Treasurer transfer sufficient funds from the remaining 2000 budget allocation to the 2000 insurance deductible budget to offset costs and support the \$5,000 per claim deductible level established in 1996 with any additional surplus being placed in an Insurance Claims Reserves Fund.

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

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

99-125

BYL 2000-178

A By-law to authorize the entering into an Extension Agreement with Stelpipe Ltd. to lease 160 Dain Avenue.

93-131

BYL 2000-179

A By-law to appoint Traffic Enforcement Officers of The Corporation of the City of Welland for the purpose of enforcing By-law 11027, being a By-law to control the parking of motor vehicles on the property of Niagara College of Applied Arts & Technology and to Repeal By-law 2000-142

2000-13

BYL 2000-180

A By-law to authorize the entering into a Memorandum of Settlement with the Amalgamated Transit Union, Local 1633 effective January 1, 2000 to December 31, 2002.

...Continued...

BY-LAWS PRESENTED FOR FIRST READING...Cont'd.**2000-113**

BYL 2000-181

A By-law to authorize the entering into a Lease Agreement with Ontrac Equipment for the lease of a 2000 John Deere TC 54H Four Wheel Drive Articulated Front End Loader.

2000-138

BYL 2000-182

A By-law to authorize the entering into a Contract with Blue Circle Aggregates for the Supply of Washed Sand.

2000-1

BYL 2000-183

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 19th day of December, 2000.

And that the same be now read a first time.

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

2. Moved by Beaudoin and Fortier 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 Resolution (No. 92-94) passed on October 3, 2000, Councillor(s) must submit their Notice of Motion(s) in writing no later than Thursday, January 11, 2000 for inclusion on the next Regular Council Meeting Agenda .

Council adjourned at 9:20 p.m.

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

MAYOR

CLERK

