



COUNCIL MEETING JANUARY 21, 2003

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole open to the public at 7:15 p.m. and in Committee-of-the-Whole and in open session at 7:40 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 (7:20 p.m.), M. Dzugan, T. Eybel, D. Fortier, D. Grenier, 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

General Manager Engineering, Public Works & Transportation Services G. Marcello (7:40 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz and G. Marcello (7:40 p.m.)

General Manager Parks & Recreation I. Smith

General Manager Financial & Corporate Services/Treasurer B. Silvestri

Administrative Assistant/Deputy Clerk B. Gallaccio (7:40 p.m.)

Manager, Development Planning/Real Estate D. Thorpe (7:40 p.m.)

02-25 Moved by Mastroianni and Beaudoin that Council meet in Committee-of-the-Whole, closed to the public at 7:15 p.m. to consider:

- a) the security of the property of the municipality.

CARRIED

02-25 Moved by Mastroianni and Beaudoin that the Committee-of-the-Whole arise from its closed meeting at 7:30 p.m.

CARRIED

PRESENTATIONS:

03-19 Susan Noyes, Chair of the of the Winter Lights Committee and Heather Savage, Community

Recreation Co-ordinator, presented awards to the following winners of the 2002 Christmas Lighting Contest: **1st place:** Larry Taylor; **2nd place:** Bob Carmichael; **3rd place:** Mary White; **Theme Winner:** Mr. D. Marrone; **Creativity Winner:** Clifford Horton; **Group Winners:** Terry Sutherland, Pam Swick Janjac, Keith Horton, Tony Longo and Randy Wilson.

Susan Noyes, Chair of the Winter Lights Committee; Damian Goulborne, President, Welland/Pelham Chamber of Commerce and Warren Mason, Tribune, sponsors of the Second Annual Business and Commercial Lighting contest presented awards to the following:

1st place: Lora Quesnel, Looks Day Spa

2nd place: Lisa Maurice, Elan Vitale – The Skin Care Clinic; and

3rd place: Sharon Mercer, Flowers Niagara.

03-13 Mayor Forster acknowledged the following Transit bus drivers who volunteered their services during the 2002 Christmas Light Tour: Darlene St. Pierre, Francine Gosseline, Lise Roy and Jim Gillap.

DELEGATIONS:

03-28 Damian Goulborne, President, Welland/Pelham Chamber of Commerce addressed Council regarding upcoming activities.

03-47 Kathleen McArthur, Community Services Co-ordinator, Canadian Red Cross Society updated Council of the various programs and changes to their operations.

03-50 Bernadette Corbin, Executive Director, Welland Community Resource and Action Centre addressed Council regarding the Provincial Toque Tuesday Campaign on February 4, 2003.

03-52 Dr. Abraham addressed Council regarding the future of the Niagara Clinical Teaching and

Research Centre affiliated with Western and McMaster Universities.

THE FOLLOWING CORRESPONDENCE WAS READ:

97-77 Letter from William Maksinuk, National Amateur Baseball Federation regarding
02-31 the use of the stadium by the Renegade Baseball organization for scheduled tournaments.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

97-77 Letter from William Maksinuk, National Amateur Baseball Federation requesting to
02-31 appear as a delegation regarding Report P&R-03-02 – Stadium Usage – Niagara Rebels Baseball Team.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

97-77
02-31 Gen. Mgr. Parks & Recreation I. Smith – Stadium Usage – Niagara Rebels Baseball Team.
98-152 Thomas R. Hollick, Regional Clerk, the Regional Municipality of Niagara – requesting support of its resolution regarding remuneration of Council.
99-43 John K. Bice, City Clerk, City of Thorold – requesting support of its resolution to return Hydro One Networks Inc. back to a Not-For-Profit Company and distribute any surplus earnings to customers as a rebate.
02-19
02-31
02-167 Regulations for Fireworks displays.
02-22 Dr. Ralph L. Saari, Optometrist – request to install a handicap parking space in front of his business at 20 Cross Street.
02-85
03-10 Accessibility Advisory Committee for the City of Welland.
02-87
03-10 Thomas R. Hollick, Regional Clerk – Niagara Water Quality Protection Strategy.
02-154 Thomas R. Hollick, Regional Clerk – Niagara Water Quality Protection Strategy.
02-155 Report on the emission reduction benefits and financial costs of phasing-out the City's purchases of coal-fired electricity.
02-167 Report on Tax Reduction Policy.
02-175 Proposed Amendment to the Official Plan Central West Area, City of Welland.
02-170 Waste Collection Contract, Region of Niagara – April 1,2004 to March 31, 2009.
03-3 John E. Mires, Lottery Representative, Eastside Bowling Lanes, A Division of Ontario 5 Pin Bowlers Association requesting to sell raffle tickets in the City of Welland.
03-3 Nancy Nicholls, Kingsway 5 Pin Bowlers Association requesting to sell raffle tickets in the City of Welland
03-4 Gen. Mgr., Financial and Corp. Serv. Treasurer B. Silvestri – CRF Reporting Requirement – 2003.
03-4 Gen. Mgr., Financial and Corp. Serv. Treasurer B. Silvestri – 2003 Interim Levy Dates and Amounts.

03-7 Gen. Mgr., Financial and Corp. Serv. Treasurer B. Silvestri – Accounts Payable Report – November 28, 2002 to December 9, 2002.

03-9 Eileen Pando, 22 Karen Crescent, Welland – requesting street light installation on Karen Crescent.

03-13 Welland Harvest Table – Bus Transportation.

03-20 Bryan Elliott, Director, special Events, Tourism of Welland Niagara – requesting permission for the following: special Occasion Permit for September 26, 27 & 28, 2003; a fireworks display and temporary street closures during the ***“Niagara Food Festival”***.

03-21 Heather Savage, Community Recreation Coordinator, requesting permission to hold a ceremonial Torch Relay to kick off the 40th Annual Winter Carnival and two snowmobile parades.

03-22 Amendments to By-law 9840, By-law to authorize designation and provision of parking spaces for sole use by a handicapped person.

03-37

03-39

03-40 Danny Moccia – impost and other fees on Lot #18, Montgomery Road.

03-44 Purchase of Park Meter Mechanisms and Equipment – 2002 Capital Budget.

03-47 Charlotte Konkle, Canadian Red Cross Society – update Council on the programs and changes to operations.

03-48 CAA Niagara Pothole Reporting Program.

03-50 Bernadette Corbin, Executive Director, Welland Community Resource and Action Centre – Presentation regarding the Provincial Toque Tuesday Campaign – February 4, 2003.

03-51 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer G. Marcello – Summary of First Snowfall Event – December 1, 2002.

03-52 Dr. Abraham and Peter Fernandez, Professor of Medicine, University of Western –the future of the Niagara Clinical Teaching and Research Centre affiliated with the University of Western Ontario and McMaster University.

02-1 Moved by Alakas and Irvine that the Minutes of the Regular Council Meeting of December 17, 2002 and Special Council Meeting of January 14, 2003 be and the same are hereby approved and adopted as circulated.

CARRIED

97-77

02-31 Moved by Fortier and Eybel that the Niagara Rebels Baseball Team be granted permission to use the Welland Stadium for the 2003 season upon condition of a signed contract outlining a schedule and conditions of use as recommended by the Welland Stadium Committee.

CARRIED

97-77

02-31 Moved by Fortier and Eybel that the letter from William Maksinuk, National Amateur Baseball Federation regarding the use of the stadium by the Renegade Baseball organization for scheduled tournaments be received for information.

CARRIED

98-152 Moved by Fortier and Eybel that Welland City Council supports the resolution from the Regional Municipality of Niagara to petition the Minister of Municipal Affairs and Housing to change the legislation so that Councillors, on an individual basis, may opt out of the one-third tax-free provision; and That the City Clerk advise the proper authorities.

CARRIED

99-43 Moved by O'Dell and Grenier that Council endorses the resolution from the City of Thorold requesting support to call upon the Minister of Energy, the Honourable John Baird to take a leadership role and take the necessary steps to change Hydro One Networks Inc. back to a not-for-profit company and to distribute any surplus earnings back to Hydro One Networks Inc. customers in the form of a rebate.

CARRIED

02-19

02-31

02-167

Moved by Fortier and Eybel that the matter regarding fireworks displays be again referred to staff for study and review.

CARRIED

02-22

Moved by Fortier and Eybel that the request from Dr. Ralph L. Saari, Optometrist to install a handicap parking space in front of his business at 20 Cross Street be again referred to the Operational Services Staff for study and review.

CARRIED

02-85

03-10

Moved by Fortier and Eybel that in accordance with the Ontarians With Disabilities Act, 2001, Council approves the proposed Terms of Reference, attached as Schedule "A", for the Accessibility Advisory Committee as presented in Report P&R-03-01, dated January 14th, 2003, and authorizes staff to issue a public notice to recruit members to serve on the Accessibility Advisory Committee.

CARRIED

02-87

03-10

Moved by Fortier and Eybel that the Public Works and Utilities Committee report PWA 222-2002 approved by Regional Council at its meeting of December 19, 2002 regarding the Niagara Water Quality Protection Strategy Steering Committee Membership be received for information and referred to staff for study and report.

CARRIED

02-154

Moved by Fortier and Mastroianni that the letter from the Rail Ways to the Future Committee requesting support of its resolution to petition the Federal and Provincial Governments to call for an immediate halt to the dismantling of the Canada Southern Railway between St. Thomas and Attercliffe be received and referred to Don Cook, Manager, Environmental and Traffic Services and Dan Degazio, Manager, Economic Development and Tourism for study and report.

CARRIED

02-155 Moved by Fortier and Eybel that the matter regarding a report on the emission reduction benefits and financial costs of phasing-out the City's purchases of coal-fired electricity be again referred to staff for study and review.

CARRIED

02-160 Moved by Mastroianni and Dzugan that beginning February 2003 Council eliminate General Committee meetings; and
That Council, at the Regular Council Meetings (first and third Tuesday of the month), meet in the following format as required:

Committee-of-the-Whole - In Camera

Committee-of-the-Whole - Open

Council; and further

That recommendations from Committee-of-the-Whole be either considered at that evening's Council Meeting or referred to the subsequent Tuesday's Council Meeting for consideration.

NOT PUT

02-160 Moved by Dzugan and Spadafora that the matter of eliminating General Committee Meetings be referred to staff for report to the February 11, 2003 General Committee.

CARRIED

02-167 Moved by Fortier and Eybel that the letter from the Regional Clerk regarding Report CSD 133-2002 Heritage Properties Tax Reduction or Refund Program - Bill 127 approved by the Ad Hoc Committee on Property Assessment and Taxation Reform at its meeting of October 17, 2002 be again referred to the General Manager, Financial and Corporate Services/Treasurer for study and report on a tax deduction policy.

CARRIED

02-170 Moved by Fortier and Eybel

1. That Council consider eliminating or reducing funding for "ENHANCED SERVICES" outlined in Contract Documents for a 'NEW Waste and Recycling Collection Contract' being 'Tendered' by the Region of Niagara, to serve the City of Welland:
 - i) Commercial and Industrial Containerized Waste Collection
 - ii) Institutional Containerized Waste Collection with further review of institutional exemptions
 - iii) Multi-Residential Containerized Waste Collection with further review of all multi-residential as well as those multi-residential properties listed which may be eligible for normal curbside (base level) service; and
 - iv) Additional Curbside Waste Collection Twice Weekly from Downtown Area and ICI&I Properties meeting seven (7) container 'BAG' Limits;

And subject to Council review and approval of 'Tendered/Bid Prices' for these Items, prior to the 'AWARD' of the 'NEW Waste and Recycling Collection Contract' by the Region of Niagara.
2. That Council reject funding the 'ENHANCED SERVICE', for the 'Recycling Cart Collection Program', should the Region of Niagara not consider this service as part of the 'Base Level of Service'(BLOS) for waste and recycling collection, subject to Council review and approval of 'Tendered/Bid Prices' for this service, prior to the 'AWARD' of the 'NEW Waste and Recycling Collection Contract' by the Region of Niagara.

CARRIED

02-175 Moved by Fortier and Eybel

1. That the City of Welland adopt an Official Plan Amendment respecting the Central West Area of the City to designate lands within this Area to various categories, to provide Planning Policies to promote the development of an attractive, safe, accessible and sustainable community, to bring those lands located south of Webber Road to approximately 130 metres south of Gaiser Road within the urban area boundary of the City, and to provide transportation policies for this Area, as well as a road hierarchy for the entire City;
2. That the City of Welland advise the Region of Niagara of its support for Regional Policy Plan Amendment No. 174 to permit the urban area expansion to the Central West Area of the City;
3. That upon approval of the Official Plan Amendment for the Central West Area of the City that Schedule "A" of Official Plan Amendment No. 54 be replaced by the Transportation Plan - Schedule "B" which forms part of the Official Plan Amendment respecting the Central West Area of the City; and,
4. That upon approval of the Official Plan Amendment for the Central West Area of the City that Official Plan Amendment No. 88 be repealed in its entirety.

CARRIED

03-3 Moved by Fortier and Eybel that permission is hereby granted to the Kingsway 5 Pin Bowlers Association and Eastside 5 Pin Bowlers Association to sell raffle tickets in the City of Welland under authority of Lottery Licence M296749, subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED

03-4 Moved by Fortier and Eybel that the Council of the City of Welland acknowledges its intent to use the CRF Allocations it will receive for the direct benefit of taxpayers; and accepts the 2003 CRF Allocations in accordance with the terms and conditions (Conditions of Community Reinvestment Fund Allocations) attached to Report FIN-03-01, dated January 21, 2003.

CARRIED**03-4** Moved by Fortier and Eybel

1. That due dates for the Interim Municipal Tax Levy be established as:
First Installment Due: March 3, 2003
Second Installment Due: May 1, 2003
2. That the amounts levied in accordance with 317(1) of the Ontario Municipal Act be established at 50% of the total taxes for the year 2002.

CARRIED

03-7 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	10-Dec-02	144,848.83
2	11-Dec-02	203,303.50
3	12-Dec-02	838.35
4	13-Dec-02	1,637.14
5	16-Dec-02	865,855.62
6	17-Dec-02	246,197.14
7	18-Dec-02	101,430.93
8	20-Dec-02	176,169.37
9	23-Dec-02	134,914.93
10	2-Jan-03	180,702.42
11	6-Jan-03	333,891.25
12	7-Jan-03	2,137.50
13	8-Jan-03	385.20
14	9-Jan-03	750,950.17
15	10-Jan-03	41,276.54
16	13-Jan-03	<u>1,059,479.68</u>
	Total	\$4,244,018.57

CARRIED

03-9 Moved by Fortier and Eybel that the letter from Eileen Pando requesting street light installation on Karen Crescent be received and referred to Operational Services staff for study and review.

CARRIED

03-13 Moved by Fortier and Eybel that Council support the request from Reverend Robert Bond, Welland Harvest Table Committee for Transit bus passes from January 15th to March 31st, 2003 at no cost.

CARRIED

03-20 Moved by Mastroianni and Irvine that the letter from Tourism of Welland Niagara
03-21 requesting permission to hold a Special Occasion Permit, a fireworks display and
03-49 temporary street closures during the Niagara Food Festival be received and referred to
 staff for study and report.

CARRIED

03-21 Moved by Fortier and Eybel that Welland City Council approves the application of the Welland Recreation Projects Association to hold a ceremonial Torch Relay on Friday, January 31, 2003 and two snowmobile parades on Sunday, February 16, 2003 in conjunction with the 40th Annual Winter Carnival subject to the applicant's completion of all conditions of the policy of Road Use for Community Activities.

CARRIED

03-22 Moved by Grenier and Eybel that the City Solicitor be requested to prepare a By-law to amend the text of By-law 9840, passed by Council on May 5th, 1992, to incorporate changes to the text as outlined in Report TRAF-2003-02 re: designation and provision of parking spaces for sole use by a handicapped person.

NOT PUT

03-22 Moved by Alakas and Dmytrow-Bilboe that Report TRF-2003-02 re: Designation and Provision of parking spaces for sole use by a Handicapped Person be referred back to General Committee for further review with staff.

CARRIED

03-37

03-39

03-40

Moved by Fortier and Eybel that the letter from Danny Moccia regarding impost and other fees on Lot #18, Montgomery Road be referred to staff for report.

CARRIED

03-44 Moved by Mastroianni and O'Dell

1. That the General Manager, Engineering, Public Works and Transportation Services be authorized to issue a 'Purchase Order' to J.J. MacKay Canada Limited for the purchase of 200 Guardian, Coin Only Electronic Parking Meter Mechanisms in the amount of \$42,788.00 plus applicable taxes in accordance with Quotation #02-11-287SH dated November 28, 2002.
2. That the General Manager, Engineering, Public Works and Transportation Services be authorized to issue a 'Purchase Order' to J.J. MacKay Canada Limited for the purchase of 200 Extended Sealed Coin Can (C/W Lock) in the amount of \$3,992.00 plus applicable taxes in accordance with quotation #03-01-297SH dated January 7, 2003.
3. That the General Manager, Engineering, Public Works and Transportation Services be authorized to issue a 'Purchase Order' to J.J. MacKay Canada Limited for the purchase of five (5) Collection Box Receptacles in the amount of \$3,992.00 plus applicable taxes in accordance with quotation #03-01-298SH dated January 7, 2003.

CARRIED

(Councillors Eybel and Grenier asked to be recorded as opposed to this Resolution)

03-47 Moved by Dmytrow-Bilboe and Grenier that the presentation by Kathleen McArthur, Community Services Co-ordinator, Canadian Red Cross Society regarding updates of programs and changes to their operations be received for information.

CARRIED

03-48 Moved by Fortier and Eybel that the letter dated December 12, 2002 from Canadian Automobile Association (CAA) Niagara concerning the "Niagara Region Reporting of Potholes Program" be received for information; and
That staff establish a protocol with CAA Niagara to ensure that all reported information is relayed correctly and to the correct sources to ensure a timely manner for appropriate response; and further
That CAA Niagara be respectfully requested in the future to initiate discussions with municipalities before embarking on programs which may impact on municipal responsibility and liability issues.

CARRIED

03-50 Moved by Fortier and Irvine that the presentation by Bernadette Corbin, Executive Director, Welland Community Resource and Action Centre regarding the Provincial Toque Tuesday Campaign on

February 4, 2003 be received for information and that Councillors and citizens be encouraged to participate in this community event.

CARRIED

03-51 Moved by O'Dell and Alakas that Report ENG-2003-01 regarding the First Snowfall Event December 1, 2002 Report be referred back to staff for further input.

CARRIED

03-52 Moved by Alakas and Dmytrow-Bilboe that the presentation by Dr. Abraham regarding the future of the Niagara Clinical Teaching and Research Centre affiliated with Western and McMaster Universities be received for information; and That Council strongly supports the re-location of this program to the Welland Site of the Niagara Health System.

CARRIED

BY-LAW ARISING FROM COMMITTEE-OF-THE-WHOLE

BY-LAW PRESENTED FOR FIRST READING:

1. Moved by O'Dell and Irvine that leave now be given to introduce the following proposed By-law entitled:

97-77

02-31

BYL 2003-1

A By-law to authorize the entering into a Lease Agreement with CBL Baseball League (Canada) Inc. to lease the Welland Stadium.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by O'Dell and Irvine that the By-law 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-LAWS PRESENTED FOR FIRST READING:**

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

02-53

BYL 2003-2

A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of vacant land on the north side of Ontario Road, being Parts 23 to 27, Plan 59R-11910, to the Royal Canadian Legion, Branch 4.

03-36

BYL 2003-3

A By-law to authorize the entering into a Lease Agreement with Welland Snowmobile Club to lease 205 Memorial Park Drive.

03-42

BYL 2003 - 4

A By-law to authorize Retention of Earthtech Canada to undertake an extraneous flow study of the Fitch Street Pumping Station Drainage Area.

03-43

BYL 2003 - 5

A By-law to opt out of the provisions of the Line Fences Act, save for Section 20.

03-1

BYL 2003 - 6

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 14th day and 21st day of January, 2003.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Dzugan and Alakas 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 By-law 9972 as amended by By-law 2001-2 passed on January 16, 2001, Councillor(s) must submit their Notice of Motion(s) in writing no later than Wednesday, January 29, 2003 for inclusion on the next Regular Council Meeting Agenda.

Councillor Beaudoin gave Notice of Motion of the following issue to be presented to Council at the February 4th, 2003 Regular Council Meeting:

03-22

THAT staff be directed to review the following:

- 1. The current Zoning By-laws 2667 and 1538 concerning the parking of different types of trailers in residential areas; and**
- 2. The expanding of the City's parameter with respect to:**
 - a) length/width/height and type,**
 - b) seasonal usage, and**
 - c) location on residential lots.**

Council adjourned at 10:25 p.m.

These Minutes approved and adopted by Motion of Council this 4th day of February, 2003.

MAYOR

CLERK