



COUNCIL MEETING, MARCH 18, 2003

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 7:35 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 (until 8:55 p.m.), D. Fortier, D. Grenier (7:35 p.m.), J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora (7:10 p.m.) .

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:35 p.m.)

General Manager Parks & Recreation I. Smith (7:35 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri

Manager Human Resources R. Beaumont (until 7:15 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:35 p.m.)

Manager, Development Planning/Real Estate D. Thorpe

Executive Assistant A. Tanguay (until 6:35 p.m.)

Chief Building Official M. Mantesso (7:35 p.m.)

03-25 Moved by Mastroianni and Alakas that Council meet in Committee-of-the-Whole, closed to the public at 6:30 p.m. to consider:

- a) the security of the property of the municipality;
- b) personal matters about an identifiable individual, including municipal employees; and
- c) labour relations or employee negotiations.

CARRIED

(Mayor Forster was not present during Committee-of-the-Whole discussions on a Labour Relations matter. Vice Mayor Dzugan assumed the Chair.

(Councillor Eybel was not present during Committee-of-the-Whole discussions on a Labour Relations matter).

03-25 Moved by Alakas and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 7:35 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Mayor Forster disclosed an interest in Ref. No. 03-17 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 affected by the CAW contract. During discussion on this issue, Mayor Foster vacated the Chair and Vice Mayor Dzugan presided.

Councillor Spadafora disclosed an interest in Ref. No. 98-82 and By-law 2003-32 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he may bid on the Civic Square project.

Councillor Belcastro disclosed an interest in Ref. No. 02-22 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by the Seaway Mall.

Councillor Eybel disclosed an interest in Ref. No. 03-15 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as her daughter is a Volunteer Firefighter.

DELEGATIONS:

03-21 Angela Carter, Chair, and Jim Gillap, Partners in Community Pride addressed Council regarding the “**2nd Annual Community Day**” on Saturday, June 7, 2003.

03-75 Mike Kerkmann and Jim Farintosh, Great White North Communications and Frank Rucpic, Ventures Niagara addressed Council regarding The Welland Dragon Boat Festival to be held on July 4, 5 and 6, 2003 and The World Championship Bid for 2006.

THE FOLLOWING CORRESPONDENCE WAS READ:

03-22 A By-law to amend Schedule "P" of Traffic and Parking By-law 89-2000.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

01-118 A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of vacant land fronting on the south side of Larchwood Circle, being Parcel D-1, Section M-69, Block D, Plan M-69, to Vincent Policella Masonry Contractor Limited; and to accept a conveyance of one square foot of land fronting on Larchwood Circle; and to accept a conveyance of one square foot of Lot 1, Plan 59M-294; and to obtain an easement over Part "D", Plan 59R-2652 for sewer purposes.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 92-101** A By-law to amend City of Welland Building By-law 10230.
- 96-48** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Development Charges 2002 Year End Statement.
- 98-82** Authorization of Sub-Consultants Civic Square Project.
- 98-82** A By-law to authorize the entering into an agreement with Carruthers Shaw and Partners Limited, Architects, for the provision of architectural services for the proposed Civic Square Project.
- 99-43** Strategy consolidation and partnerships of municipally- Owned Electric Utility Corporations.
- 2000-88** Thomas R. Hollick, Regional Clerk, regarding its meeting of February 6, 2003 – Children's Charter Update.
- 01-2** Review of the City's current Business Licensing By-law.
- 01-53** City Manager T. Fitzpatrick – Agreement with the YMCA of Niagara concerning the City of Welland Contribution of the YMCA.
- 01-53** A By-law to authorize the entering into an Agreement with the YMCA of Niagara with respect to the contribution towards the New YMCA at Niagara College.
- 01-53** A By-law to authorize a Comprehensive Agreement with the Town of Pelham, the YMCA of Niagara and Niagara College respecting the development and operation of the new YMCA at Niagara College.
- 01-97** Mgr., Development Planning/Real Estate D. Thorpe – Request to release owner from an agreement respecting 606 First Avenue.
- 01-97** A By-law to authorize execution of an application to amend Register to Release the Registered owner of 606 First Avenue (Part 1, Plan 59R-11337) from an Agreement with the City of Welland.
- 01-118** A By-law to authorize the entering into an Agreement of Purchase and Sale for the sale of vacant land fronting on the south side of Larchwood Circle, being Parcel D-1, Section M-69, Block D, Plan M-69, to Vincent Policella Masonry Contractor Limited; and to accept a conveyance of one square foot of land fronting on Larchwood Circle; and to accept a conveyance of one square foot of Lot 1, Plan 59M-294; and to obtain an easement over Part "D", Plan 59R-2652 for sewer purposes.
- 01-154** Review of By-law from West Lincoln re sexual exploitation of children & child pornography.
- 02-4**
- 03-4** A By-law to establish Reserves and to establish Procedure for the use of Reserve Funds and to repeal By-law 2003-17.
- 02-15** Chief, Fire & Emergency Services P. Olah - Fire Response Statistics - 2002.
- 02-22** Request to prohibit parking of transport trucks at the Seaway Mall property.

- 02-82** John K. Bice, City Clerk, Corporation of the City of Thorold – Support of the Romanow Report entitled “Building on Values” The Future of Health Care in Canada.
- 02-98** A By-law to establish retail water rates for Water Haulage Stations.
- 02-120** Matter regarding the possibility of the City of Welland and the City of Cadereyta becoming twin cities.
- 02-166** Brian McMullan, Chair, Reshaping the Council of Regional Niagara Committee – Reshaping Regional Council.
- 03-1** 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 18th day of March 2003.
- 03-4** Thomas R. Hollick, Regional Clerk, The Regional Municipality of Niagara – Revenue Sharing with the Province.
- 03-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable Report – February 25, 2003 to March 10, 2003.
- 03-15** Request for the endorsing the establishment of a fire museum in the vintage 1920 firehall located at Hellems Avenue and Division St.
- 03-21** Angela Carter, Chair, Partners in Community Pride – update Council on the 2nd Annual Community Day on Saturday, June 7, 2003.
- 03-22** A By-law to amend Schedule "P" of Traffic and Parking By-law 89-2000.
- 03-37** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of Tender – Dain City Area Watermain Replacement – Phase 2 – Kingsway from Talbot Avenue to Haun Road.
- 03-39** Chief Building Official M. Mantesso – Proposed amendment to Building By-law 10230 concerning building without a permit.
- 03-57** A By-law to authorize the purchase of Lots 109 and 110, Plan 949, from Anna Di Cato, being vacant land on the west of the unopened Santone Avenue Road Allowance.
- 03-66** City Clerk C. Stirtzinger – 2003 Municipal Election Accu-Vote Tabulators.
- 03-66** City Clerk C. Stirtzinger – 2003 Municipal Elections.
- 03-75** Mike Kerkmann, Great White North Communications – Presentation regarding The Welland Dragon Boat Festival – July 4, 5 and 6, 2003 and The World Championship Bid – 2006.

03-1 Moved by Dzugan and Alakas that the Minutes of the Regular Council Meeting of March 4, 2003 be and the same are hereby approved and adopted as circulated.

CARRIED

96-48 Moved by Irvine and Dmytrow-Bilboe that the Treasurer's Statement attached to Report TR-2003-09, in accordance with the Development Charges Act and O.R. 104/98, be received and the City Clerk be instructed to forward a copy of this Statement to the Minister of Municipal Affairs within 60 days of giving this report to Council as per Section 43(3).

CARRIED

98-82 Moved by Mastroianni and Dmytrow-Bilboe

1. That the Mayor and Clerk be authorized to execute a Canadian Standard Form Agreement between client and architect for the Welland Civic Square Project with Carruthers Shaw & Partners Ltd., Architects and associate Architect Venerino V.P. Panici Architect Inc.;
2. That Council approve the retention of sub-consultants on the recommendation of Carruthers Shaw and subject to the further approval of two (2) of the three (3) following individuals: Councillor Mike Belcastro, Councillor John Irvine or City Manager Travers Fitzpatrick, for the provision of consulting services in the following areas at the following estimated cost: Municipal and Site Engineering \$15,000.00, Code Consultant \$5,000.00, Acoustics Consultant \$15,000.00, Micro-Climate Consultant \$5,000.00, Quantity Surveying \$28,000.00 and Audio-Visual Consulting \$20,000.00.; and
3. That Council approve the estimated Project cost of \$13.5 Million for the construction of the Civic Square Project, consisting of a new City Hall and Library.

CARRIED

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

NAYS: Councillors O'Dell, Eybel, Alakas, and Grenier.

99-43 Moved by Beaudoin and Irvine that the letter from the City of St. Catharines requesting support of its resolution regarding the strategic consolidation and partnerships of municipally-owned hydro electric utility corporations within Regional Niagara be again referred to staff and the Welland Hydro Electric Corporation for study and review.

CARRIED

2000-88 Moved by Beaudoin and Irvine that the letter from the Regional Municipality of Niagara regarding the approval of the recommendation of the Community and Health Services Committee on February 6, 2003 concerning the Children's Charter Update (Report PHD 10-2003/COM 05-2003) be received and referred to staff for study and review.

CARRIED

01-2 Moved by Beaudoin 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**01-53** Moved by Beaudoin and Irvine

1. That the Mayor and Clerk be authorized to execute an agreement with the YMCA of Niagara and concerning the City of Welland contribution of \$1,500,000.00 to the construction of a new YMCA facility on Woodlawn Road, City of Welland; and
2. That the Mayor and Clerk be authorized to execute a Comprehensive Agreement with the YMCA of Niagara, the Town of Pelham and Niagara College of Applied Arts & Technology concerning the City of Welland contribution of \$1,500,000.00 to the construction of a new YMCA facility on Woodlawn Road, City of Welland.

CARRIED**01-97** Moved by Beaudoin and Irvine

1. That Council authorize the execution of an Application to Amend the Register to release the Owner of 606 First Avenue (Part 1, Plan 59R-11337) from an Agreement with the City of Welland; and
2. That Staff be authorized to prepare the necessary By-law.

CARRIED**01-154** Moved by Beaudoin and Irvine that the Licensing By-law from West Lincoln regarding the sexual exploitation of children and the devastating effects of pornography on society be again referred to staff for review.**CARRIED****02-15** Moved by Fortier and Irvine that the report on Fire Response Statistics for 2002 be received for information purposes.**CARRIED****02-22** Moved by Beaudoin and Irvine that the request from S. Michael Belcastro on behalf of the Seaway Mall and Doral Holdings Limited regarding a By-law to prohibit parking of transport trucks on private property be again referred to staff for study and review.**CARRIED****02-82** Moved by Beaudoin and Irvine that Welland Council supports the resolution from the Corporation of the City of Thorold to endorse the Romanow Report entitled "Building on Values", The Future of Health Care in Canada; and
That the federal and related provincial governments be requested to implement the recommendations outlined in the Romanow Report expeditiously in order to improve health care for all Canadians;
and further
That the City Clerk advise the proper authorities accordingly.**CARRIED****02-120** Moved by Beaudoin and Irvine that the matter regarding the City of Cadereyta becoming twin cities with the City of Welland be again referred to staff for study and review.**CARRIED**

02-166 Moved by Dmytrow-Bilboe and Grenier that the letter from the Regional Municipality of Niagara requesting comments regarding the reshaping of Regional Council be received and referred to staff for study and review.

CARRIED

03-4 Moved by Irvine and Belcastro that the City of Welland supports an amended resolution from the Regional Municipality of Niagara to petition the provincial government to negotiate a new deal for revenue sharing with Ontario municipalities that will:

- a) recognize the regressive nature of property tax as a revenue source for Ontario municipalities
- b) provide Ontario municipalities access to other revenue streams
- c) provide access to the gas tax and zero rate PST & GST; and further

That the City Clerk advise the proper authorities accordingly.

CARRIED

03-7 Moved by Beaudoin and Mastroianni that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list accounts as follows:

1	25-Feb-03	1,703.00
2	26-Feb-03	18,574.21
3	27-Feb-03	52,381.68
4	28-Feb-03	214,577.26
5	03-Mar-03	1,017,269.13
6	05-Mar-03	174,138.66
7	06-Mar-03	29,727.57
8	10-Mar-03	<u>4,876,019.60</u>

Total \$ 6,384,391.11

CARRIED

03-15 Moved by Beaudoin and Irvine that the letter from Norm Sisler, Secretary, Fort Erie LaFrance Association endorsing the establishment of a fire museum in the vintage 1920 firehall located at Hellems Avenue and Division Street be again referred to staff for study and report as part of the Fire Department Review.

CARRIED

03-21 Moved by Spadafora and Belcastro that the presentation by Angela Carter and Jim Gillap, Partners in Community Pride regarding the "**2nd Annual Community Day**" on Saturday, June 7, 2003 be received for information.

CARRIED

03-37 Moved by Fortier and Mastroianni that Council accepts the tender of DeRose Bros. General Contracting Ltd. for the watermain replacement of Dain City Area - Phase 2, Kingsway from Talbot Avenue to Haun Road, as presented in report ENG 2003-10;

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 the tender price of \$282,026.71, plus applicable G.S.T.

That the revised estimated project cost, based on the low tender, in the amount of \$345,000.00 be funded from the approved 2003 Waterworks Capital Budget, Capital Contribution from Operating Budget.

CARRIED

03-39 Moved by Dzugan and Fortier that Section 4.6 of the Building By-law be amended to distribute the current fees collected for building without a Permit over a series of stages of construction.

CARRIED

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

03-66 Moved by Beaudoin and Irvine that Council approves, for the 2003 Municipal Elections, the purchase of 2 Accu-Vote touch screen voting tabulators complete with Audio Ballot at a price of \$4,495 each plus taxes from Diebold Election Systems ULC to be funded from the Election Reserve Fund.

CARRIED

03-66 Moved by Beaudoin and Irvine that the Clerk's Report on the 2003 Municipal Elections be received for information; and
That Council establishes a deadline of Friday, April 18, 2003 for submissions to Council for consideration of questions to be included on the ballot.

CARRIED

03-75 Moved by Dmytrow-Bilboe and Grenier that the presentation by Mike Kerkmann and Jim Farintosh, Great White North Communications, and Frank Rupcic, Venture Niagara regarding the Welland Dragon Boat Festival to be held on July 4, 5 and 6, 2003 and the World Championship Bid for 2006 be received for information; and further
That Welland City Council endorses the bid to host the 2006 World Club Crew Dragon Boat Championships in the City of Welland.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

03-17 Moved by Mastroianni and Beaudoin that Council ratifies the Memorandum of Settlement dated March 17, 2003 between the CAW Local 523 and the Corporation of the City of Welland.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

03-39

BYL 2003 - 31

A By-law to amend City of Welland Building By-law 10230.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:

98-82

BYL 2003 - 32

A By-law to authorize the entering into an agreement with Carruthers Shaw and Partners Limited, Architects, for the provision of architectural services for the proposed Welland Civic Square Project.

01-53

BYL 2003 - 33

A By-law to authorize the entering into an Agreement with the YMCA of Niagara with respect to the contribution towards the New YMCA at Niagara College.

01-53

BYL 2003 - 34

A By-law to authorize a Comprehensive Agreement with the Town of Pelham, the YMCA of Niagara and Niagara College respecting the development and operation of the new YMCA at Niagara College.

01-97

BYL 2003 - 35

A By-law to authorize execution of an application to amend Register to Release the Registered owner of 606 First Avenue (Part 1, Plan 59R-11337) from an Agreement with the City of Welland.

02-4

03-4

BYL 2003 - 37

A By-law to establish Reserves and to establish Procedure for the use of Reserve Funds and to repeal By-law 2003-17.

02-98

BYL 2003 - 38

A By-law to establish retail water rates for Water Haulage Stations.

03-57

BYL 2003 - 39

A By-law to authorize the purchase of Lots 109 and 110, Plan 949, from Anna Di Cato, being vacant land on the west of the unopened Santone Avenue Road Allowance.

03-22

BYL 2003 - 40

A By-law to amend Schedule "P" of Traffic and Parking By-law 89-2000.

03-1

BYL 2003 - 41

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 18th day of March 2003.

And that the same be now read a first time.

CARRIED

(Councillor Grenier asked to be recorded as opposed to By-law 2003-37)

(Councillors Grenier, O'Dell and Alakas asked to be recorded as opposed to By-law 2003-32)

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Dmytrow-Bilboe that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, as amended, 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

(Councillor Grenier asked to be recorded as opposed to By-law 2003-37)

(Councillors Grenier, O'Dell and Alakas asked to be recorded as opposed to By-law 2003-32)

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, March 26, 2003 for inclusion on the next Regular Council Meeting Agenda.

Council adjourned at 10:45 p.m.

These Minutes approved and adopted by Motion of Council this 1st day of April, 2003.

MAYOR

CLERK