



GENERAL COMMITTEE MEETING

Tuesday, March 25th, 2003
7:00 P.M.
COUNCIL CHAMBERS - CITY HALL

Meeting Number G.C. 2003 - 05

Members present: Mayor Cindy Forster

Councillors:

R. Alakas	D. Fortier
D. Beaudoin	D. Grenier (7:10 p.m.)
N. Dmytrow-Bilboe	J. Irvine
M. Dzugan	J. Mastroianni
T. Eybel	S. O'Dell

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 and Transportation Services D. Shantz
General Manager, Parks and Recreation I. Smith
General Manager Financial and Corporate Services / Treasurer B. Silvestri
Manager, Environmental and Traffic Services D. Cook
Manager, Development Planning / Real Estate D. Thorpe
Recording Secretary, Games Licensing Clerk S. Stirling

Others Present:

03-80

Roy Kirkup, Kirkup & Ure Surveying Ltd., agent on behalf of applicant MAC-BRI Developments Inc.
Re: Application for Draft Plan of Subdivision Approval and Rezoning Amendment – MAC-BRI Developments Inc. – Riverside West Subdivision (File 26T-14-02003 and 2002-15)
(PDS-2003-17)

03-80

Yvette Ward, 216 Riverside Drive, Welland L3C 5E4
Re: Application for Draft Plan of Subdivision Approval and Rezoning Amendment – MAC-BRI Developments Inc. – Riverside West Subdivision (File 26T-14-02003 and 2002-15)
(PDS-2003-17)

03-80

Wayne Brown, 47 Waterview Court, Welland L4C 7J1



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Re: Application for Draft Plan of Subdivision Approval and Rezoning Amendment – MAC-BRI Developments Inc. – Riverside West Subdivision (File 26T-14-02003 and 2002-15)

(PDS-2003-17)

03-80

Jeff Yeager, Engineer, Kerry T. Howe Engineering

Re: Application for Draft Plan of Subdivision Approval and Rezoning Amendment – MAC-BRI Developments Inc. – Riverside West Subdivision (File 26T-14-02003 and 2002-15)

(PDS-2003-17)

03-79

Dan Grocholsky, owner, 404 Ontario Road

Re: Proposed amendment to the Official Plan and Zoning by-law 2667 – Dan Grocholsky – 404 Ontario Road (File 2003-01).

(PDS-2003-18)

02-22

Dr. Ralph L. Saari, Optometrist

Re: Request for installation, Handicapped Parking Space at 20 Cross Street.

(TRAF-2003-04)

03-2

Deborah Fuller, D & B Fries

Re: Request of D & B Fries for use of three (3) parking stalls, eastside of Cross Street.

(TRAF-2003-10)

Mayor Forster called the General Committee Meeting to order at 7:00 p.m.

1. ADDITIONS/DELETIONS TO AGENDA:

(A) **CORPORATE SERVICES**

Clerk's Division

02-166 - Reshaping the Council of Regional Niagara Committee.

(CLK-2003-13)

Moved by Councillor Dmytrow-Bilboe

That Welland City Council should respond to the following questions posed by the Reshaping the Council of Regional Niagara Committee:

- a) Should Mayors continue to be members of Regional Council?
- b) Should Regional Councillors be directly elected from Regional Wards?
- c) Should the election of Regional Councillors be based on representation by population?
- d) Should the total numbers of members of Council be less than 30?; and

That individual members of Council respond to these questions to the City Clerk by April 1.

CARRIED



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2. DISCLOSURE OF INTEREST: NIL

3. ADOPTION OF MINUTES OF GENERAL COMMITTEE MEETING OF FEBRUARY 25th, 2003

Moved by Councillor Alakas that the Minutes of the General Committee Meeting of February 25th, 2003 be and the same are hereby approved and adopted as circulated.

CARRIED

4. (A) Mayor Forster recessed the General Committee Meeting to convene the Special Council Meeting at 7:15 p.m. for Statutory Public Hearings, chaired by Councillor Irvine, pursuant to The Planning Act.

(B) The Special Council Meeting adjourned at 8:05 p.m. to re-convene the General Committee Meeting. The Minutes of the Special Council Meeting are recorded separately and filed with the Clerk.

5. BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS: NIL

6. DELEGATIONS: NIL

7. STAFF REPORTS:

(A) **COMMUNITY SERVICES** - Councillor J. Irvine, Chair

Parks & Recreation Department

**02-19 - Letter of Understanding – City of Welland and District School Board of Niagara
(CSD-03-5)**

Mr. Smith explained that the Letters of Understanding have been prepared for the last four or five projects of this kind the City has undertaken. These letters clearly state what is expected of each party and what their responsibilities are. Councillor Beaudoin inquired as to what cost to the City there is for the liability insurance coverage the City must carry for this agreement. The City Clerk explained that there is no extra cost to the City and that a certificate is provided by the City's insurance carrier to whoever needs it. Councillor Alakas concluded the discussion by stating that he is content in discovering that if a school is



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closed the Board is responsible, and not the City, for moving the equipment to another location where those children would be able to use it.

Moved by Councillor Alakas

1. That Council approve the partnership with Matthews School to assist with a play ground equipment project on school property and
2. That the assistance be capped at 1/3 of the project cost to a maximum of \$10,000.00.
3. That the Mayor and City Clerk be authorized to sign the Letter of Understanding attached as Schedule 'A' between the Niagara District School Board and the City of Welland ensuring public access to the play equipment and school property during non-school hours.

CARRIED

99-99 - Secondment of staff to the Welland Recreation Canal Corporation. (P&R-03-06)

Moved by Councillor Dmytrow-Bilboe

That Council approve the request from the Welland Recreation Canal Corporation (WRRC) for the secondment of three (3) City staff to perform management, administrative and operational functions on behalf of the WRCC for 2003.

CARRIED

2000-88 - Comments on proposed Niagara Children's Charter. (P&R-03-07)

Councillor Eybel inquired as to how this charter would be communicated to the public. Mayor Forster responded that, as this is a Regional initiative, the Region of Niagara would include this information on its website and that brochures and pamphlets would be distributed to school and day care centres in the Region. Councillor Fortier acknowledged his concerns regarding who would sit on this board. He indicated that he would like to see a composite board made up of people of all different races and colours. Mr. Fitzpatrick added that this is a draft charter and this recommendation contains the City of Welland's comments on what it believes is important to children and how the City of Welland feels about it in respect to the charter.

Moved by Councillor Eybel



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That Schedule 'A', "Proposed Niagara Children's Charter", to Report P&R-03-07 be approved by Welland City Council and forwarded to the Region of Niagara as Welland's comments on a proposed Niagara Children's Charter.

CARRIED

Planning and Development Services

Planning Division

**03-80 - Application for Draft Plan of Subdivision Approval and Rezoning Amendment – MAC-BRI Developments Inc. – Riverside West Subdivision (File 26T-14-02003 and 2002-15)
(PDS-2003-17)**

Moved by Councillor Mastroianni

That report PDS-2003-17 concerning Applications for Rezoning and Draft Plan of Subdivision for the Riverside West Plan of Subdivision be received for information.

CARRIED

**03-79 - Proposed Amendment to the Official Plan and Zoning By-law 2667 – Dan Grocholsky – 404 Ontario Road (File 2003-01)
(PDS-2003-18)**

Moved by Councillor Mastroianni

1. That the City of Welland adopt Official Plan Amendment No. 111 respecting part of Lot 24, Plan 931 known municipally as 404 Ontario Road from Commercial to Residential to permit the subject lands to be used for residential purposes; and
2. That Zoning By-law 2667, as amended, be further amended for 404 Ontario Road (part of Lot 24, Plan 931) from the existing C1 Zone to a Site Specific RM2 Zone to permit a lot for a semi-detached dwelling to have a minimum frontage of 17.6 metres and to permit the garage(s) to be used for the storage of household goods and those goods normally incidental to residential use by the Owner of the property or residential tenants of the property.

CARRIED

03-78 - Annual Report – Planning and Development Services – Planning Division.



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(PDS-2003-19)

Moved by Councillor Dmytrow-Bilboe

That Report PDS-2003-19 with respect to the 2002 Annual Report for Planning and Development Services – Planning Division be received.

CARRIED

(B) CORPORATE SERVICES - Councillor D. Fortier, Chair

City Manager

01-35 - Mid-Peninsula Corridor. (Oral Update)

The City Manager updated Council and staff on the Mid-Peninsula Corridor by indicating that the Ministry of Transportation has extended the time for comments to the end of April. He mentioned that there is support for the Mid-Peninsula Corridor but that no particular route has been decided on. He indicated that staff will prepare an additional report to be brought back to Council for its comments at the second meeting in April. Mr. Fitzpatrick stated that Mr. Dennis Donovan indicated that it was important to the economic wellbeing of the City of Welland and the Region of Niagara that transportation corridors be improved. The Mayor explained that Councillor Irvine and herself attending a meeting this afternoon and the Region passed a resolution that included support for a more southerly route. Councillor O'Dell inquired as to what kind of barriers or conditions would be set in to take care of the noise for the residents near this new highway. Mr. Fitzpatrick responded that there would be an environmental assessment process and a noise analysis will be done in respect to the corridor.

Moved by Councillor Dmytrow-Bilboe

That the oral report from the City Manager regarding the Mid-Peninsula Corridor be received.

CARRIED

Clerk's Division

03-03 - Order of the Sons of Italy request to use gaming proceeds for capital cost renovations. (CLK-2003-10)

Moved by Councillor Dmytrow-Bilboe



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That Welland City Council grants, to the end of December 2006, the request by the Order of the Sons of Italy, Dante Lodge No. 19, Welland to use its gaming proceeds for the capital cost renovations proposed for the Dante Lodge as noted in its request received March 5th, 2003.

CARRIED

(C) OPERATIONAL SERVICES - Councillor Beaudoin, Chair

Engineering, Public Works and Transportation Services

Traffic Division

**02-22 - Request for installation, Handicapped Parking Space at 20 Cross Street,
Dr. Ralph L. Saari, Optometrist.
(TRAF-2003-04)**

A discussion took place in regards to the necessity of a handicapped parking space in front of Dr. Saari's office. Mr. Cook explained that persons with a handicapped parking permit may park at any meter free for up to three hours. Dr. Saari was in attendance and he indicated to Council and staff that his office is one of only a very few in the City of Welland that have access for wheelchairs. He mentioned that the four parking spots in front of his office often are not available and patients with wheelchairs must park down the street. He stressed that he sympathizes with his patients on this matter, especially in the snow and bad weather, and would like to have a spot for them right in front of his office. Mr. Cook responded by saying that handicapped permits are issued by the Provincial government to people who can walk without an assistive device and he cannot promise or guarantee to Dr. Saari that a handicapped parking space in front of his office would be strictly used by people in wheelchairs. Dr. Saari stated that the legislation indicates that a person must be able to walk 200 m in 8 minutes. Councillor O'Dell indicated that this was a reasonable request by Dr. Saari and that Council should grant his request. Councillor Alakas also added that Dr. Saari is one of only a few offices in Welland that is accessible so many people go to him and offering one spot for handicapped permits is the right thing for Council to do. Councillor Grenier mentioned that she felt it was inappropriate for Council to deny Dr. Saari's request since there are no spots in the downtown core that are marked for handicapped permits. Councillor Fortier stressed that if this handicapped parking space is approved today all the businesses in the downtown core will be requesting handicapped spaces in front of their locations and there is still no guarantee that the people using this spot are going to Dr. Saari's office. He concluded by saying that he did not feel this will resolve Dr. Saari's problem. He suggested that a loading and unloading zone in front of his office instead would guarantee that his patients could be dropped off and picked up right in front of his office.



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Moved by Councillor Dmytrow-Bilboe

That the request by Dr. Ralph L. Saari, Optometrist for the installation of a 'Handicapped' parking space in the vicinity of 20 Cross Street be approved.

CARRIED

**02-22 - Request of Steve Starfield and John Falvo to reinstate parking on the north side of Lincoln Street between Camrose and Scholfield Avenues, reconsideration of By-law 2002-143.
(TRAF-2003-05)**

Councillor O'Dell offered that he felt this zone should be marked as one hour parking all along it and that this would facilitate the businesses and do away with the long term parking of transports. Councillor Dzugan stressed that his concern is for the safety of the children arriving at and leaving Princess Elizabeth School. Mayor Forster asked if the situation could be resolved by making the area no parking from 5:00 p.m. to 8:00 a.m. Mr. Cook responded that Mr. Starfield intends to convert his property to a convenience store and would prefer that parking be allowed up to 10:00 p.m. for his customers. Mr. Cook indicated that the problem in this area is parking through the night and into the next day. He added that one hour permissive parking is very hard to enforce and he would prefer an enforceable no parking zone. Mayor Forster asked Councillor Dzugan if two parking spots on the north side from 5:00 p.m. to 8:00 a.m. would be suitable. He responded that he would prefer no parking at all but could support 2 spots directly in front being enforced.

Moved by Councillor O'Dell

That Council modify parking restrictions on Lincoln Street between Camrose and Scholfield Avenue by establishing times of the day when 'No Parking' would be in effect by requesting the Solicitor to prepare a By-law to amend Schedule 'C' of By-law 89-2000 by:

i) DELETING the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Period Times/Day
Lincoln Street	North Side	Camrose Avenue	Scholfield Avenue	At No Time

ii) ADDING the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Period Times/Day
Lincoln Street	North Side	Camrose Avenue	Scholfield Avenue	5:30 p.m. to 8:00 a.m.

and that the Manager, Environmental & Traffic Services review with the City Solicitor all applicable Schedules required to be amended to address parking issues with respect to this matter which limit the parking zone to two (2) spaces.

CARRIED



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03-20

03-21

**03-49 - Temporary Road Closure, Niagara Food Festival, September 26 to 28, 2003.
(TRAF-2003-06)**

Moved by Councillor Dmytrow-Bilboe

That the City Solicitor be requested to prepare a By-law for the 'Temporary Closure' of the following roadways

COLUMN 1 HIGHWAY	COLUMN 2		COLUMN 3 DURATION
	FROM	TO	
Boardwalk	East Main Street	Cross Street	September 26 to 28, 2003
Court House Lane	Cross Street	Dorothy Street	September 26 to 28, 2003
Cross Street	East Main Street	Courthouse Lane	September 26 to 28, 2003

to facilitate the orderly movement of pedestrians, shuttle buses, and 'Emergency' vehicles to Merritt Island during the Niagara Food Festival, as requested by Tourism Welland Niagara (TOWN) provided all criteria as outlined in City Policy SER-017-0004 are met, including the erection Traffic Control Devices as required under Regulation 599 as Amended.

CARRIED

**03-22 - Request of Jocelyne Ouellet dated February 26, 2003 on behalf of residents at 64, 66, 70 McMaster Avenue for exemption to Section 205-01-11 of By-law 89-2000 'No Parking' on a Highway between 12:01 A.M. and 7:00 A.M., November 1st to April 30th of the following year.
(TRAF-2003-08)**

Moved by Councillor Dmytrow-Bilboe

- 1) That the City Solicitor be requested to prepare a By-law to amend Schedule 'C1' of By-law 89-2000 as follows:
ADD:

COLUMN 1 HIGHWAY	COLUMN 2	
	FROM	TO
McMaster Avenue	River Road	Easterly Termination

- 2) That the City Solicitor be requested to prepare a By-law to establish 'Permit Parking' on City streets, or an amendment to By-law 89-2000 to allow the establishment of 'Permit Parking' on City streets.

CARRIED



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03-22

**03-77 - Retention of Consultants, Intersection Improvements and Traffic Signal Installation, Quaker Road at Rice Road.
(TRAF-2003-09)**

Councillor Beaudoin inquired as to whether Wiebe Engineering or Delcan were contacted in regards to this project. He indicated that he would have preferred to see more proposals than just this one. Mr. Cook replied that it is difficult to obtain proposals from companies for a project of this size because it would cost the company between 4 and 5 thousand dollars to prepare a proposal. He added that the cost of the proposal is added to the total cost of the work. He mentioned that other companies were not approached on this project and this company only was called for a price. Mr. Shantz then indicated that

the proposed cost of this job is similar to other projects of this kind. He added that only this company was contacted because the City wishes to spread the work around and ensure that more than one or two firms are available to provide services to the City. He indicated that the City would like to get some experience in dealing with this company in addition to Wiebe Engineering and Delcan which it has dealt with many times in the past.

Moved by Councillor Fortier

- 1) That the firm of Totten Sims Hubicki Associates (TSH) be retained by the City of Welland, to undertake the preparation of an Environmental Assessment Study, Functional Design and Tender Documents, for 'Intersection Improvements and Traffic Signals at the intersection of Quaker Road at Rice Road,' as outlined in an Engineering Proposal dated February 25, 2003, at an estimated cost of \$38,500.00 plus applicable taxes.'
- 2) That the City Solicitor be requested to prepare a By-law to authorize the Mayor and Clerk to sign the 'Authorization to Proceed', which is attached to 'Letter Proposal' received from Totten Sims Hubiki Associates dated February 25, 2003.

CARRIED

03-2 – Request of D & B Fries for use of three (3) parking stalls, eastside of Cross Street.

(TRAF-2003-10)

Councillor O'Dell requested clarification that Parking Lot C would be eliminated when the Civic project was completed in the Downtown area. He then indicated his concern that when Merritt Island is being used these spots are occupied and the chip wagon would take away another three parking spots. He inquired as to whether there was a more suitable spot for this chip wagon so it would not eliminate any parking spots. Mayor Forster clarified that there has been a change in the design of the Civic Square and the parking lot is not being lost. She indicated her concern that the City was not charging enough for these three parking spots it is giving up. She added that this is a profitable business venture and perhaps the City could negotiate a better price. Councillor Mastroianni



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stressed that it is difficult to find any spots that comply with the City's By-law which states that the chip wagon must be a certain distance from any eating establishment. The three spots selected are the closest to Main Street that the By-law would allow. He added that the owners are open to any other suggestions Council or staff may have and that this location was not their first choice. Councillor Mastroianni suggested that perhaps it would be better to move the location closer to Merritt Island after bridge reconstruction is complete. He also offered that the owners are open to negotiations in regards to the rental amount for these three parking spaces. He added that the \$25.00 per month per space is the standard fee charged for a parking stall by the City. Councillor Dmytrow-Bilboe offered her support for the chip wagon but also felt the rental fee was too low for a profit making venture. She suggested that this matter be referred to staff to negotiate a more suitable fee. Councillor Fortier then asked Mrs. Fuller how she would obtain power and how she would dispose of the waste. Mrs. Fuller

explained that she has approval to hook into the hydro lines and that she would pay for this. She added that she would be responsible for disposing of the waste water and garbage and that the grease would be picked up by a company that recycles it. Councillor Dzugan also agreed that the rental fee was too low but he did not want to discourage business in the Downtown core. He offered that perhaps it would be best to pass the recommendation as it is and then negotiate the fee next year. Councillor Grenier warned that Councillor would be setting a precedent by renting these parking spaces and could be selling parking permits to someone who wishes to park at these meters instead.

Moved by Councillor Eybel

That the request of Deborah Fuller, D & B Fries requesting the use of three (3) parking spaces on Cross Street to operate a 'Chip Wagon' be referred to the April 15th Council Meeting.

CARRIED

8. NEW BUSINESS:

(A) OPERATIONAL SERVICES

03-22 - Doug Todd, 50 Riverside Drive email regarding parking ticket received at the Seaway Mall in December.

Councillor O'Dell stated that he sympathizes with Mr. Todd. He indicated that he realizes the parking by-law must be enforced but if the owner does not mark the parking areas with posts it is unfair to ticket cars. He mentioned that Mr. Todd did not purposely park in a no parking zone and the area should have been more clearly defined. Mayor Forster indicated her concern that staff from the parking department did not respond to Mr. Todd's note attached to his payment of the ticket. Mr. Cook explained that there are no beginning



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or end markers of the parking areas at the mall and there are no islands or delineation of where the parking is. He indicated that he has had difficulty in locating Mr. Todd to discuss this situation. Staff was directed to contact Mr. Todd and discuss this situation with him.

Moved by Councillor Dmytrow-Bilboe

That the email from Doug Todd, 50 Riverside Drive regarding a parking ticket he received at the Seaway Mall in December be received and that staff be directed to review this matter further and discuss the situation with Mr. Todd to evaluate his issues.

CARRIED

03-22 - Anonymous Petition regarding the elimination of parking meters from the Downtown area.

Moved by Councillor Dzugan

That the anonymous petition regarding the elimination of parking meters from the Downtown area be received for information and that the City Clerk be directed to file all further petitions received with respect to this matter.

CARRIED

A report from the Regional Municipality of Niagara was distributed to Council and staff regarding Regional Wastewater Billing Error Respecting City of Welland. Mr. Fitzpatrick indicated that, according to the report, there was a mistake by the Region in billing for wholesale wastewater flows charged to the City of Welland from October 1997 to December 2001. He explained that sewage flows from Pelham were not subtracted and the Region owes the City of Welland \$3.7 million. He added that staff has requested more information on this matter and verification that all the data and billings now being received are correct. Mayor Forster added that a resolution was passed by the Public Works Department at the Region today regarding this matter. Councillor O'Dell inquired as to whether this money, when received, would be returned to the water / sewer budget and the Mayor replied that it would.

Mr. Cook announced that there would be a Public Liaison Committee meeting at the Croatian National Home on March 26th from 6:00 to 9:30 p.m. There will also be a Public Information Meeting at Gordon School on April 2nd from 6:00 to 8:00 p.m. regarding construction on Thorold Road at Clare and, on the same date, a meeting at Niagara College, Library Foyer regarding the Woodlawn Environmental Assessment Study.

Councillor O'Dell requested information on the spraying for mosquitoes. He inquired as to whether the Region or the municipality would do it and who would pay for it. Mayor Forster explained that the costs would be split between the Region and the Province although the Region is suggesting that the Province cover all costs associated with the spraying. She explained that a 3 tier plan will start in April and that she will include copies of this plan in the next packages that Council receives.



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Councillor Beaudoin announced that a By-law regarding spring clean up would be presented to Council on Tuesday April 1st. He added that people should contact Tony Gallaccio and staff will be instructed to pick up piles in front of residents' yards.

Mayor Forster mentioned that a virtual reality tour of the Canal and Civic Square proposal has been arranged at the Glendale Campus and that a tour of available industrial properties would take place the same day. It was agreed that both events would take place on April 22nd at 4:00 p.m.

Councillor Fortier mentioned a letter he received regarding landlords being responsible for tenants not paying their water bills and inquired as to whether this issue would be addressed in the near future. Mr. Fitzpatrick responded by indicating that he is meeting with Bruno Silvestri next week and a report will then be brought back to Council.

9. The General Committee Meeting adjourned at 9:45 p.m.