



GENERAL COMMITTEE MEETING

Tuesday, September 9th, 2003
7:00 P.M.
COUNCIL CHAMBERS - CITY HALL

Meeting Number G.C. 2003 - 06

Members present: Mayor Cindy Forster

Councillors:

R. Alakas	D. Fortier
D. Beaudoin	D. Grenier (7:15 p.m.)
M. Belcastro	J. Irvine
N. Dmytrow-Bilboe	J. Mastroianni
M. Dzugan	S. O'Dell

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger
City Manager T. Fitzpatrick
Chief, Fire & Emergency Services P. Olah
Manager, Leisure Services R. Morwald
General Manager Financial and Corporate Services/Treasurer B. Silvestri
Recording Secretary, Vital Statistics Clerk Steno II Laura Bubanko

Others Present:

02-4

Thane MacKenzie of Grant Thornton Chartered Accountants
Re: City of Welland Auditor's Presentation of 2002 Year End Statements.

03-22

Guy Lamarre, 54 Watt Avenue, Welland L3B 1J3
Re: address a disputed parking ticket.

Mayor Forster called the General Committee Meeting to order at 7:05 p.m.



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1. ADDITIONS/DELETIONS TO AGENDA:

The following correspondence was added:

(A) CORPORATE SERVICES

City Manager

99-110- Proposed East Side Trail. (CM-2003-21)

Councillor O'Dell questioned what would happen without separation of the trail and whether we would have to build an additional trail. Mr. Fitzpatrick explained that there is a natural separation already on the trails, but we do not want a liability situation; ie. a horse and motor vehicle on the same trail. He also explained that Thorold and Port Colborne have agreed on separating uses of the trails with signage and that the Region has asked now for separate trails to separate motorized uses from non-motorized uses, perhaps with a fence in between. Councillor Alakas asked what the rationale was to allow motorcycles and snowmobiles, but not ATV's. Councillor Beaudoin shared the same concerns as Councillor Alakas regarding the exclusion of ATV's and stated that the list of user groups is not current. Councillor Dmytrow-Bilboe also questioned why ATV's are excluded and suggested that Council receive further analysis on that issue. Mayor Forster replied that Council will have an answer at next week's Council meeting. Councillor Irvine asked if other municipalities are banning ATV's and Mr. Fitzpatrick advised that Thorold and Port Colborne are. Councillor Grenier asked when the trail would be opening and Mr. Fitzpatrick stated that opening of the trail would be next spring.

Moved by Councillor O'Dell

That the City of Welland agrees to open the proposed East Side Trail subject to
a. a separation of motorized uses from non-motorized uses and that two trails be established, save and except where convergence to one trail is required, to cross the tunnels in the City of Welland or other obstacles.

b. that the proposed agreement between the original Municipality of Niagara, the Cities of Thorold, Port Colborne and Welland and user groups be modified to clearly indicate the separation of uses; and

That staff inquire to the East Side Trail Committee as to why ATV's are being banned.

CARRIED

(B) OPERATIONAL SERVICES

Traffic Division

03-22 – Memo from David Ferguson, C.E.T., Manager, Traffic & Parking Operations



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regarding Parking Infraction – Watt Avenue.

Mr. Guy Lamarre explained that he is new to the area, and is renovating his house. He is using a trailer for supplies and clearing out his garage. He parked his trailer on the road for a few days before he was able to take the contents to the landfill site. During this time, he received a parking ticket for being parked on the street for more than twelve hours. No one had approached him before this to move the trailer. There are no signs advising him of the parking by-laws. He later found out that a neighbour had made the complaint and that she just wanted him to move the trailer; not get a ticket. She was unsure of how he would react as a new neighbour, so she went through the proper channels. He questioned why by-law officers do not contact the owner first to warn of an infraction similar to what they do for a noise complaint. Councillor Grenier agreed with Mr. Lamarre. Councillor Fortier commented that having the by-laws on our website would be advantageous so the public would have easy access to the information. Mayor Forster stated that perhaps a warning system for first time offenders can be addressed in the by-law. Councillor Beaudoin is not in support of canceling the ticket, as he feels it would set a precedent for all new residents to have parking tickets cancelled. He advised that Mr. Shantz is preparing a report for Council that will address the warning issue. Councillor Dzukan stated this is a touchy issue since it regards a new resident; however, he agrees with Councillor Beaudoin that everyone will want to have their ticket cancelled. Councillor O'Dell stated that the \$20 parking fee is not the issue and gave the previous Blue Star parking issue as an example, where at the end of the day, the fine was paid. He agrees that a bad precedent would be set by canceling the ticket since if you are unaware of the law, you still get a ticket. He agreed with the suggestion that the by-law officer should give notice instead of issuing a ticket the first time (when they mark the road). Councillor Dmytrow-Bilboe has mixed feelings on the issue and she suggested that a vehicle be tagged on the first visit, and a ticket issued the second time. Councillor Grenier questions why Council would not dismiss the ticket and that if we accept the unfairness of this ticket, we should amend the by-law to have notice given the first time with a ticket issued the second time. She stated that most communities have signs on every street of the parking rules. She suggested not waiting for a staff report and canceling the ticket now.

Moved by Councillor O'Dell

That the request by Guy Lamarre to forgive parking ticket #146370 be denied but that the late fee be waived for seven working days; and further

That staff be requested to review the ticket issuance process to consider improved notification processes such as signage as well as posting warnings for first time problems.

CARRIED

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

2. DISCLOSURE OF INTEREST: NIL

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

The Minutes of the General Committee Meeting of March 25th, 2003 took place at the April 15th, 2003 Council Meeting.



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4. BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS: NIL
5. PUBLIC HEARINGS: NIL
6. DELEGATIONS:

02-4 - Thane MacKenzie of Grant Thornton, City of Welland Auditor's Presentation of 2002 Year End Statements.

Mr. MacKenzie reviewed the 2002 Year End Statements.

Moved by Councillor Dmytrow-Bilboe

That the Auditor's Report covering the Consolidated Balance Sheet and Statement of Operations for the fiscal year ending December 31, 2002 be received for information.

CARRIED

7. STAFF REPORTS:

(A) COMMUNITY SERVICES - Mayor Forster, Acting Chair

Parks & Recreation Department

**95-36 - Purchase of the City Hall telephone system.
(P&R-2003-16)**

Moved by Councillor Dzugan

That Council authorizes staff to purchase the existing telephone system located in the City Hall for the price of \$5,217.38 plus applicable taxes.

CARRIED

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

City Manager

**03-21- Welland County Motorcycle Club Annual "Fall Mud Run".
(CM-2003-20)**

Moved by Councillor Dzugan

That the City of Welland grants, on a one-time basis, approval to the Welland County Motorcycle Club for the use of the Welland Canal East-Side Trail to conduct its "Fall Mud Run" on Saturday, October 18, 2003, between the hours of 12:00 p.m. and 4:00 p.m., as set out in Mr. Jamie Schooley's letter of August 21, 2003, subject to the club providing proof of insurance in the amount of \$5,000,000.00 and that said insurance shall list the Corporation of the City of Welland as a named insured.



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CARRIED

Finance Division

03-4

03-37 – Regional Sewage Treatment Overbilling. (FIN-2003-20)

Mr. Silvestri advised that there was a Regional billing error pointed out in April, 2003 of an overbilling resulting in a debt to the City of \$3 million in principal dating back to 1997. Later information determined that the error occurred in mid 1994 with a total of \$5.1 million owed in principal. There has been no agreement yet on how much interest will be paid back. The Mayor reported that at the last Public Works Meeting, Public Works sought legal opinion regarding the payment of interest on the debt. The CAO was asked to negotiate the interest portion with Welland so we should be hearing from the Region tomorrow. Councillor Fortier asked if the Niagara Regional Waste Water Management Team has been fair coming forth with information. Mr. Silvestri responded that he was not involved with initial discussions. Mayor Forster stated there was some reluctance and that the process was long. Councillor Grenier asked how the error was discovered. Mayor Forster said she was told about the billing error by a City of Welland employee who had been talking to a couple of regional employees. The Mayor inquired at the Region and was first told there were no problems. Our employee then came back and confirmed it; the City Manager raised it with regional staff, who then did advise us of the error. Regarding the report, Councillor O'Dell requested clarification on recommendation 2; spending the reserve fund as he would rather direct the money to capital projects. Mr. Silvestri advised that it means any expense in the Sewer Budget; operating and capital. Councillor Mastroianni agreed that we should set aside funds for capital projects, not for softening an expected increase in sewage rates from the Region. Councillor Dmytrow-Bilboe asked what interest was paid on the first \$3 million. Mr. Silvestri replied that they used the interest that their investments were generating at the time, month to month. Councillor Grenier asked when the Budget deliberation would be and Mr. Silvestri replied that the water/sewer figures have just come in and perhaps deliberation would be around September 30. The Mayor advised it would not be set before the election. Councillor Dmytrow-Bilboe suggested that "Capital" be added in the recommendation for use of the surplus. Councillor Fortier stated that we are over budgeted for 2003 and in fairness we should at least reduce the rate for 2004. He previously understood that was the plan and that the additional \$1.4 million surplus would go to Capital expenditures with a rebate in 2004.

Moved by Councillor Mastroianni

1. That all repayments to the City of Welland by the Region of Niagara for sewage treatment over-billing, for the additional estimated \$1.4 million plus interest, be transferred to a separate Sanitary Sewer Reserve Fund, Regional Niagara Sewage Credit Charge (RNSCC);
2. That the above-mentioned reserve fund only be used to fund sanitary sewer Capital related expenditures;
3. That any 2003 surplus in Account # 56023 – sewage flow treatment budgeted at \$8,120,695 be used to offset sewage Capital costs;



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4. That sewage treatment flow data for previous years be revised to reflect the corrected volumes as determined through an external audit by the Accounting Firm KPMG.

CARRIED

03-4 – A comparison of property tax, water, sewer and hydro bills throughout the Region of Niagara.
(FIN-2003-21)

Councillor O'Dell commented that a fairer comparison would result if the figures were based the same with \$120,000 home in each city. Mr. Silvestri responded that the report strives to show the average person's costs between municipalities. Mayor Forster stated that she often hears that Welland has the highest tax rate in the Region. This report means that 50% of the houses are higher assessments and 50% of the houses are lower assessments. The exercise shows what is paid out of pocket. Councillor Mastroianni thanked Mr. Silvestri and staff for the well written report and added that 50% of the sewer and transit systems are paid from taxes. Councillor Fortier stated that the report demonstrates that many home values are under assessed. This shows a fair comparison and further demonstrates that Welland does not have the highest taxes in the Region. Councillor Dmytrow-Bilboe commented that it costs less to operate a house in Welland than Pelham. Mayor Forster stated that we need to start talking positively about the city instead of negatively. Councillor Fortier advised that several real estate agents will be using the report to bring people to the city.

Moved by Councillor Dzugan

That Report FIN 2003-21 comparing property tax, water, sewer and hydro billings throughout the Region of Niagara be received for information.

CARRIED

(C) OPERATIONAL SERVICES - Councillor Beaudoin, Chair

Engineering, Public Works and Transportation Services

Public Works Division

03-32 - Purchase of leased mini-van for use by arena foreman.
(ENG-2003-57)

Moved by Councillor Mastroianni

That Council authorize staff to exercise the purchase option for one 2000 mini-van presently on lease to October 1, 2003 from Al Slattery Ford Ltd. for \$13,082.45 plus tax.

CARRIED



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9. The General Committee Meeting adjourned at 9:10 p.m.