



**SPECIAL COUNCIL MEETING, NOVEMBER 24, 2003**

**IN COMMITTEE-OF-THE-WHOLE  
TO DISCUSS LABOUR RELATIONS AND PROPERTY MATTERS  
AND  
IN OPEN SESSION  
TO CONSIDER THE ITEMS AS OUTLINED IN THE SPECIAL COUNCIL AGENDA.**

**CITY HALL, COUNCIL CHAMBERS  
411 East Main Street**

Council met in Committee-of-the-Whole at 6:35 p.m. and in open session at 7:00 p.m. on the above date.

Her Worship Mayor Cindy Forster in the Chair.

**Members Present:** Councillors R. Alakas, D. Beaudoin, M. Belcastro, N. Dmytrow-Bilboe, M. Dzugan, D. Grenier (7:00 p.m.), J. Irvine, J. Mastroianni, S. O'Dell, and J. Spadafora (7:00 p.m.).

**Members of the Staff and Others Present:**

City Clerk C.A. Stirtzinger

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah (7:00 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:00 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:00 p.m.)

Acting General Manager of Planning and Development Services D. Thorpe (7:00 p.m.)

Manager, Budgets & Financial Reporting/Deputy Treasurer S. Nagel

Manager, Economic Development & Tourism D. Degazio (7:00 p.m.)

**03-25** Moved by Mastroianni and Alakas that Council meet in Committee-of-the-Whole, closed to the public at 6:35 p.m. to consider:

- a) the security of the property of the municipality; and
- b) a proposed or pending acquisition of land for municipal purposes.

**CARRIED**

**03-25** Moved by Alakas and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 6:55 p.m.

**CARRIED**

**DISCLOSURE OF INTEREST:**

Councillor Dmytrow-Bilboe disclosed an interest in Ref. Nos. 03-185 and did not take part in the consideration and discussion of same, and refrained from voting thereon as she is employed by the Niagara Health System.

**PRESENTATIONS:**

Presentation of a cheque by the Paid Firefighters Calendar Committee to Mayor Forster for Community Living. Al Gabany, Board Member and Julie Goldhawk, Director of Residential and Family Services, Community Living will be in attendance to accept the cheque.

Presentation of a plaque to Mayor Forster by Jake Lobbezoo, Marg Ives and Karen Saint on behalf of Habitat For Humanity.

**DELEGATIONS:**

**03-114** Frank DeLuca addressed Council regarding the Sale of Trufal Avenue Laneway.

**THE FOLLOWING CORRESPONDENCE WAS READ:**

**03-114** Letter from Frank DeLuca requesting to appear as a delegation regarding the disposition of the closed Trufal Avenue Laneway if the Council recommendation is not favourable.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

**93-103** Review of Sign By-law to eliminate the posting of advertisements on utility poles.

**94-35** A By-law to authorize the entering into an extension agreement with Centre de Sante Communautaire Hamilton-Wentworth/Niagara.

**99-95**

**04-4** Cost estimates to build a gravel parking lot in the former plant properties in Dain City.

**99-43** Welland Hydro Corporation – Amended and Restated Promissory Note.

**99-99** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Award of Quotation – Miscellaneous Drainage Works on Canal Lands.

- 99-99** A By-law to authorize the entering into an agreement with C.R.L. Campbell Construction & Drainage Ltd. for the Canal Lands Drainage Works adjacent to properties fronting onto Melissa Crescent between Hilda Street and Woodlawn Road.
- 99-95**
- 04-4** Cost estimates to build a gravel parking lot in the former plant properties in Dain City.
- 2000-43**
- 2000-83** Review of the City's Lot Grading & Drainage for Subdivisions Policy SER-007-004 to provide for improved enforcement procedures .
- 2000-88** Thomas R. Hollick, Regional Clerk, Regional Municipality of Niagara - Children's Charter.
- 02-22** Reducing the speed limit from the present 50 kilometers in the downtown BIA area to 40 kilometers.
- 02-87** Thomas R. Hollick, Regional Clerk, Regional Municipality of Niagara - Niagara Water Quality Protection Strategy.
- 03-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – October 15, 2003 to November 12, 2003.
- 03-4** A By-law to amend By-law 2003-37, being a By-law to establish reserves and to establish procedure for the use of reserve funds.
- 03-22** A By-law to amend Schedule "C" of By-law 89-2000, being a By-law regulating Traffic and Parking on City Street (No parking areas).
- 03-22** A By-law to appoint By-Law Enforcement Officers of the Corporation of the City of Welland, to enforce the provisions of the Handicapped By-law 9840 and the Fire Route By-law 10011 at the Welland County General Hospital, and to repeal By-law 2002-77.
- 03-22** Petition from home owners of 35, 39 and 43 Shotwell Street exemption to By-law 89-2000 to allow parking on the side of the street during the months of November to April.
- 03-125** Petition under Section 11 of the Local Improvement Act for roadway construction on Empress Avenue from Lincoln Street to Harrison Avenue.
- 03-158** Kenneth R. Todd, Director of Corporate Support Services, City of St. Catharines requesting support of its resolution regarding proposed site for combined St. Catharines General and Hotel Dieu Hospital Site.
- 03-158** John K. Bice, City Clerk, Corporation of the City of Thorold requesting support of its resolution regarding proposed site for St. Catharines –Thorold General-Hotel Dieu Hospital Site.
- 03-160** Debbie Zimmerman, Regional Chair, Regional Municipality of Niagara - Thanking Mayor Forster and Members of Council for their support on regional issues, projects and programs and extending best wishes to the new Council.

**93-103** Moved by Dzugan and Belcastro that Council be again directed to review its sign by-law for the purposes of eliminating the posting of advertisements on utility poles and public places (unless designated) and providing for the location of designated signage facilities for public expression in areas such as:

- City Transit Terminal
- City walkway(s) near Niagara College and Seaway Mall
- Canal Trails

**CARRIED**

**99-43** Moved by Spadafora and Irvine that the Corporation of the City of Welland acknowledges and receives the Amended and Restated Promissory Note for \$13,499,953 dated as of December 31, 2002 issued by the Welland Hydro Electric System Corp. to the Corporation of the City of Welland pursuant to

City By-law 2000-91 which promissory note constitutes partial payment of the consideration for the Distribution Assets transferred by the City to the Corporation pursuant to the said By-law.

**CARRIED**

**99-95**

**04-4** Moved by Dzugan and Belcastro that Staff be again requested to prepare a report with cost estimates to build a gravel parking lot in the former fertilizer plant properties in Dain City to facilitate parking for rowing events; and

That this be included for Council's consideration in the 2004 Budget.

**CARRIED**

**99-99** Moved by Dzugan and Belcastro that Council accepts the price quotation of C.R.L. Campbell Construction & Drainage Ltd. for the proposed Canal Lands Drainage Works adjacent to properties fronting onto Melissa Crescent between Hilda Street and Woodlawn Road, as presented in Report ENG-2003-63;

That the General Manager, Engineering, Public Works and Transportation Services be authorized to proceed with the works at the submitted quotation of \$32,520.20, plus applicable G.S.T.;

That the estimated project cost, based on the low tender, be set at \$47,000.00, and be funded from the approved 2003 Welland Recreational Canal Corporation Budget allocation;

That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

**CARRIED**

**2000-43**

**2000-83** Moved by Dzugan and Belcastro that staff be again directed to review the City's Lot Grading & Drainage for Subdivisions Policy SER-007-0004 to provide for improvement enforcement procedures; and

That Council again direct staff to review the need to deal with lot grading and drainage issues with new and existing subdivisions.

**CARRIED**

**2000-88** Moved by Dzugan and Belcastro that Welland City Council adopt and endorse the Children's Charter as endorsed by the Regional Municipality of Niagara in accordance with its report PHD 70-2003/COM 49-2003 dated October 27, 2003.

**CARRIED**

**02-22** Moved by Dzugan and Belcastro that staff be again directed to prepare a report on the implementation of reducing the speed limit from the present 50 kilometers in the Downtown BIA area to 40 kilometers for the safety of pedestrians and motorists in the BIA area, said reduction speed to be implemented as soon as possible.

**CARRIED**

**02-87** Moved by O'Dell and Alakas that the Niagara Water Quality Protection Strategy approved by the Regional Municipality of Niagara on November 6, 2003 be received for information.

**CARRIED**

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

1	15-Oct-03	\$ 242,717.73
2	16-Oct-03	204,854.41
3	17-Oct-03	1,896.31
4	20-Oct-03	1,204,662.79
5	21-Oct-03	197,459.81
6	27-Oct-03	3,856.00
7	29-Oct-03	156,161.41
8	30-Oct-03	316,734.58
9	03-Nov-03	261,420.75
10	10-Nov-03	341,934.75
11	12-Nov-03	<u>300,451.34</u>
	<b>Total</b>	<b>\$ 3,232,149.88</b>

**CARRIED**

**03-22** Moved by Dzugan and Belcastro that the petition from home owners of 35, 39 and 43 Shotwell Street, requesting an exemption to By-law 89-2000 to allow parking on the side of the street during the months of November to April be received and referred to staff for study and report.

**CARRIED**

**03-114** Moved by Dzugan and Belcastro that the presentation by Frank DeLuca regarding the Trufal Avenue Laneway be received for information.

**CARRIED**

**03-125** Moved by Dzugan and Belcastro that the petition under Section 11 of the Local Improvement Act for the construction of a roadway with concrete curbs and gutters, asphalt pavement and driveway entrances, and sodded boulevards on Empress Avenue from Lincoln Street to Harrison Avenue, be again referred to Operational Services staff for study and report.

**CARRIED**

**03-158** Moved by O'Dell and Dzugan that the letters from the Cities of St. Catharines and Thorold regarding proposed sites for the new hospital be received for information.

**CARRIED**

**03-160** Moved by Dzugan and Belcastro that the letter from Debbie Zimmerman, Regional Chair, Regional Municipality of Niagara thanking Mayor Forster and Members of Council for their support on regional issues, projects and programs and extending best wishes to the new Council, be received for information.

**CARRIED**

**BUSINESS ARISING COMMITTEE-OF-THE-WHOLE**

**02-137** Moved by Belcastro and Irvine

1. That Council direct Planning and Development Services Staff to offer for sale the south side of Ross Street north of Almond Street (Lots 4 to 11, Part Lots 12 and 13, Plan 58 (NP 606)) to interested area residents as lot additions for the values identified in the Appraisal Report prepared by D.J. Penwarden Appraisals Limited for the subject lands plus apportioned costs incurred by the City in selling the property as outlined in Report 2003-88; and
2. That Council, subsequent to the confirmation from interested parties regarding the purchase of the lands on the south side of Ross Street north of Almond Street (Lots 4 to 11, Part Lots 12 and 13, Plan 58 (NP 606)), direct Planning and Development Services Staff to have a reference plan prepared for the subject lands.

**CARRIED**

**03-23** Moved by Irvine and Dmytrow-Bilboe that Council approve the Employee Suggestion Policy as attached to Report HR-03-03.

**CARRIED**

**03-114** Moved by Alakas and O'Dell

1. That the northerly 2.128± x 31.547± metres of closed Trufal Avenue being part of Part 3, Plan 59R-12186 be offered to the Owner of 134 Broadway at a value of \$3.00 per square foot plus a proportionate cost of the Appraisal and the full cost of any additional Reference Plan subject to the lands merging in Title with 134 Broadway;
2. That should the Offer for the lands in #1 above not be accepted, the lands shall be offered to the Owners of 170 Broadway;
3. That the remainder of closed Trufal Avenue being Part 3 and part of Part 2, Plan 59R-12186 be offered to the Owners of 170 Broadway at a value of \$3.00 per square foot plus a proportionate cost of the Appraisal, subject to an Easement over Part 2 in favour of the City. As well, the Owners shall provide the City with an Easement over Part 1 for the existing underground services; and
4. That the net proceeds from the sale of the subject lands be credited 10% to the M.I.G. Fund and 90% to the Civic Square Reserve Fund.

**CARRIED**

**03-137** Moved by Irvine and Belcastro that Council approve the amended Policy FIN-003-0001 for City Vehicles, Use, Colours, etc.

**CARRIED**

**BY-LAWS**

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

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

**94-35**

BYL 2003 – 177

A By-law to authorize the entering into an extension agreement with Centre de Sante Communautaire Hamilton-Wentworth/Niagara.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:****99-99**

BYL 2003 - 178

A By-law to authorize the entering into an agreement with C.R.L. Campbell Construction & Drainage Ltd. for the Canal Lands Drainage Works adjacent to properties fronting onto Melissa Crescent between Hilda Street and Woodlawn Road.

**03-4**

BYL 2003 - 179

A By-law to amend By-law 2003-37, being a By-law to establish reserves and to establish procedure for the use of reserve funds.

**03-22**

BYL 2003 - 180

A By-law to amend Schedule "C" of By-law 89-2000, being a By-law regulating Traffic and Parking on City Street (No parking areas).

**03-22**

BYL 2003 - 181

A By-law to appoint By-Law Enforcement Officers of the Corporation of the City of Welland, to enforce the provisions of the Handicapped By-law 9840 and the Fire Route By-law 10011 at the Welland County General Hospital, and to repeal By-law 2002-77.

And that the same be now read a first time.

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

2. Moved by Mastroianni and Dzugan 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**

Council adjourned at 7:30 p.m.

---

**MAYOR**

---

**CLERK**