



COUNCIL MEETING, OCTOBER 18, 2005

CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:20 p.m. and in open session at 7:45 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

The open meeting commenced with the playing of the National Anthem.

Members Present: Councillors D. Alexander, D. Beaudoin, P. Chiochio, M. Dzugan, P. Grenier, J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:45 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:45 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:45 p.m.)

General Manager of Planning and Development Services D. Thorpe

Regional Councillor J. Mastroianni (7:45 p.m.)

05-25 Moved by Dzugan and Grenier that Council meet in Committee-of-the-Whole, closed to the public at 6:20 p.m. to consider:

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

05-25 Moved by Grenier and Dzugan that the Committee-of-the-Whole arise from its closed meeting at 7:40 p.m.

CARRIED

CARRIED

DELEGATION:

02-157 Captain F.C. White, Operations Officer, Lincoln and Welland Regiment, Canadian Armed Forces addressed Council regarding a military exercise to be held in the City of Welland.

STATUTORY PUBLIC HEARING PURSUANT TO THE MUNICIPAL ACT

05-4 To consider an amendment to the 2005 Capital Budget.

The following people were present to speak on the proposed Budget.

- *No one spoke to the application.*

THE FOLLOWING CORRESPONDENCE WAS READ:

05-157 Letter from Captain F.C. White, Operations Officer, Lincoln and Welland Regiment, Canadian Armed Forces requesting permission to address Council a regarding military exercise in the City of Welland.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

99-125 A By-law to authorize the sale of 160 Dain Avenue to Lakeside Steel Corporation.

01-42

01-43 Gen. Mgr. of Planning and Development Services D. Thorpe –Request for Part Lot Control Exemption – Part 1, Plan 59R-12394 being Part of Lot 35, Plan 59M-299 – Part of Harvest Estates Subdivision.

01-42

01-43 A By-law to exempt certain lands from Part-Lot Control east side of Hillsdale Road, south of Southgate Street – Part of Lot 35, Plan 59M-299, City of Welland.

02-85

05-26 A By-law to authorize the sidewalk and curb-ramp improvements as recommended by the Welland Accessibility Committee.

02-85

05-26 A By-law to amend By-law 2005-104, being a By-law to accept the tender and to enter into a contract with A. Poulin Curb Construction Ltd. for the Sidewalk Repair and Replacement Program 2005.

02-157 A By-law to authorize the entering into an agreement with AWS Engineers & Planner Corp. to provide engineering services for the Quaker Road Storm Sewer from Niagara Street to west of Rice Road.

02-157 A By-law to authorize the entering into an agreement with Earth Tech Canada Inc. to provide engineering services for the Quaker Road Storm Water Management Facility.

04-120 A By-law to authorize an application to the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) to finance infrastructure improvement.

05-1 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 October, 2005.

05-7 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – September 28, 2005 to October 11, 2005.

- 05-22** A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland; and to repeal By-law 2005-18.
- 05-26** A By-law to authorize the retention of Infrastructure Data Services Inc. to perform sidewalk inspections and condition reports.
- 05-55** A By-law to authorize the purchase of lands abutting Memorial Park, being Part 15, Plan 59R-753, from Canada Lands Company CLC Limited; and to repeal By-law 2005-17.
- 05-98** A By-law to accept the quotation and the entering into a contract with Nexterra Substructures Incorporated for the Simpson Avenue Storm Sewer Repair.
- 05-131** A By-law to authorize the entering into a contract with Bob Robinson & Sons Construction for the CCTV Camera Inspection of Gravity Sewers.
- 05-132** A By-law to designate 342 Ontario Road in the City of Welland, known as the Ukrainian Labour Temple, of historic or architectural value or interest.
- 05-142** A By-law to authorize the acceptance and tender and the entering into a contract with V. Gibbons Contracting Ltd. for the Webber Road Trunk sanitary Sewer and Trunk Watermain Construction from Southgate Street to South Pelham Road.
- 05-142** A By-law to authorize retention of K.T. Howe Engineering Ltd. to provide engineering services for the Webber Road Trunk Sanitary Sewer and Trunk Watermain construction from Southgate Street to South Pelham Road.
- 05-143** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz - Award of Tender – Fitch Street Watermain Replacement.
- 05-153** Letter from Wally Mole – ENERGYCEL - improve fuel efficiency for City vehicles.
- 05-154** Letter from the Association of Municipalities of Ontario re: Bill 123 –Transparency in Public Matters Act.
- 05-155** Letter from Susan Greatrix, Acting City Clerk, City of Waterloo – Support the principles of the report titled “Watertight: The Case for Ontario’s Water and Wastewater Sector”.

05-1 Moved by Dzugan and Grenier that the Minutes of the Regular Council Meeting of October 4, 2005 and Special Council Meeting of October 11, 2005 be and the same are hereby approved and adopted as circulated.

CARRIED

01-42

01-43 Moved by Larouche and Dzugan

1. That Council grant an exemption to Part Lot Control for Part of Lot 35, Plan 59M-299 being Part 1, Plan 59R-12394 so that the subject lands can be merged in Title with Lot 59, Plan 59M-320; and further
2. That Staff be authorized to prepare the necessary By-law.

CARRIED

02-157 Moved by Spadafora and Sharpe that staff be directed to discuss with Regional Staff the expansion of the Quaker Road Storm Sewer Project to include up to Clare Avenue.

CARRIED

05-7 Moved by Larouche and Dzugan that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list of accounts as follows:

1	29-Sep-2005	\$	11,836,167.62
2	05-Oct-2005		387,643.92
3	11-Oct-2005		<u>450,653.92</u>
	Total	\$	12,674,465.41

CARRIED**05-143** Moved by Grenier and Sharpe

1. That Council accept the tender of Condotta Construction Limited for the Fitch Street Watermain Replacement from Prince Charles Drive to South Pelham Road, as presented in report ENG-2005-47; and
2. That the City Solicitor be directed to prepare all necessary by-laws to enter into a contract with the said contractor to execute the construction at the tender price of \$908,644.70; and further
3. That Robert Martin Engineering Inc. be retained to oversee the construction administration and inspection of the project at the estimated fees and disbursement of up to \$70,000 should field staff workload require the added assistance.

CARRIED

05-153 Moved by Larouche and Dzugan that the proposal from Wally Mole for the use of ENERGYCEL to improve fuel efficiency for City vehicles be received and referred to staff for study and report.

CARRIED

05-154 Moved by Alexander and Chiochio that the model resolution from the Association of Municipalities of Ontario (AMO) recommending endorsement to urge the Minister of Municipal Affairs and Housing to vote against Bill 123 "The Transparency in Public Matters Act" be received and referred to staff for solicitation of response from the MPP for Sarnia - Lambton, Ms. Di Cocco; and further That the City Solicitor be present to explain his understandings of this proposed legislation once that information is received.

CARRIED

05-155 Moved by Grenier and Sharpe that the letter from the City of Waterloo in support of principles for "Watertight: The Case for Ontario's Water and Wastewater Sector" be received and referred to staff for study and report.

CARRIED

05-157 Moved by Beaudoin and Dzugan that the presentation by Captain F.C. White, Operations Officer, Lincoln and Welland Regiment, Canadian Armed Forces regarding a military exercise to be held in the City of Welland be received for information.

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

01-96 Moved by Beaudoin and Sharpe

1. That Report PDS-2005-76 with respect to After Hours By-law Enforcement be received; and further
2. That Staff re-evaluate this staffing issue during the 2006 Budget Review.

CARRIED

01-109 Moved by Alexander and Sharpe

1. That Report 2005-75 from Planning and Development Services dated October 18, 2005 regarding the purchase of City-owned lands on the south side of Riverbank Street, west of Shotwell Street, east of 45 Riverbank Street (Part Lot 102, Plan 1649 (NP546)) be received; and
2. That Council reaffirms that lands along the Welland River, where there is potential to create a

continuous open space system, be maintained in public ownership in accordance with the intent of Official Plan Amendment Nos. 5 and 55 until such time as the Recreational Master Plan is complete; and

...continued...

01-109 cont'd.

3. That, until such time as the Recreational Master Plan is complete, City-owned lands, where there currently exists or where there is a potential to create a linked open space system, be maintained in public ownership; and further
4. That Ms Lessard be advised of Council's decision on the sale of City-owned lands on the south side of Riverbank Street, west of Shotwell Street, east of 45 Riverbank Street (Part Lot 102, Plan 1649 (NP546)).

CARRIED

01-109 Moved by Sharpe and Grenier that the lands on the south side of Riverbank Street, west of Shotwell Street, east of 45 Riverbank Street (Part Lot 102, Plan 1649 (NP546) be re-affirmed as being declared surplus by the City for sale to the adjoining owner under the previous conditions at the previously appraised price.

CARRIED

05-158 Moved by Larouche and Dzugan

1. That the City of Welland enter into an Agreement of Purchase and Sale with Erlscott Investments Limited for the purchase of Part of Lots 21 & 22, Concession 3, City of Welland, Region of Niagara being approximately 100 acres of land located at the southeast intersection of Woodlawn and River Roads in the City of Welland; and
2. That the purchase price of \$3,260,400 be funded by debenture and that the 2005 Capital Budget be amended accordingly; and
3. That the initial cash flow required to fund the purchase taken from the current fund accumulated surplus; and
4. That the ultimate debenture funding required to complete the transaction in May, 2007 be reduced by proceeds received from the sale of any of the lands in the intervening period; and
5. That the City Solicitor be directed to prepare all necessary by-laws to effect the transaction; and further
6. That the Mayor and Clerk be authorized to execute all necessary documents to effect the transaction.

CARRIED

(Councillors Beaudoin and O'Dell asked to be recorded as opposed to this resolution).

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

01-42

01-43

BYL 2005 - 144

A By-law to exempt certain lands from Part-Lot Control east side of Hillsdale Road, south of Southgate Street – Part of Lot 35, Plan 59M-299, City of Welland.

...continued...

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

02-85

05-26

BYL 2005 - 145

A By-law to authorize the sidewalk and curb-ramp improvements as recommended by the Welland Accessibility Committee.

02-85

05-26

BYL 2005 - 146

A By-law to amend By-law 2005-104, being a By-law to accept the tender and to enter into a contract with A. Poulin Curb Construction Ltd. for the Sidewalk Repair and Replacement Program 2005.

05-26

BYL 2005 - 147

A By-law to authorize the retention of Infrastructure Data Services Inc. to perform sidewalk inspections and condition reports.

02-157

BYL 2005 - 148

A By-law to authorize the entering into an agreement with AWS Engineers & Planner Corp. to provide engineering services for the Quaker Road Storm Sewer from Niagara Street to west of Rice Road.

02-157

BYL 2005 - 149

A By-law to authorize the entering into an agreement with Earth Tech Canada Inc. to provide engineering services for the Quaker Road Storm Water Management Facility.

04-120

BYL 2005 - 150

A By-law to authorize an application to the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) to finance infrastructure improvement.

05-22

BYL 2005 - 151

A By-law to appoint By-law Enforcement Officers of the Corporation of the City of Welland; and to repeal By-law 2005-18.

05-55

BYL 2005 - 152

A By-law to authorize the purchase of lands abutting Memorial Park, being Part 15, Plan 59R-753, from Canada Lands Company CLC Limited; and to repeal By-law 2005-17.

05-98

BYL 2005 - 153

A By-law to accept the quotation and the entering into a contract with Nexterra Substructures Incorporated for the Simpson Avenue Storm Sewer Repair.

...continued...

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

05-131

BYL 2005 - 154

A By-law to authorize the entering into a contract with Bob Robinson & Sons Construction for the CCTV Camera Inspection of Gravity Sewers.

05-132

BYL 2005 - 155

A By-law to designate 342 Ontario Road in the City of Welland, known as the Ukrainian Labour Temple, of historic or architectural value or interest.

05-142

BYL 2005 - 156

A By-law to authorize the acceptance and tender and the entering into a contract with V. Gibbons Contracting Ltd. for the Webber Road Trunk Sanitary Sewer and Trunk Watermain Construction from Southgate Street to South Pelham Road.

05-142

BYL 2005 - 157

A By-law to authorize retention of K.T. Howe Engineering Ltd. to provide engineering services for the Webber Road Trunk Sanitary Sewer and Trunk Watermain construction from Southgate Street to South Pelham Road.

99-125

BYL 2005 - 158

A By-law to authorize the sale of 160 Dain Avenue to Lakeside Steel Corporation.

05-1

BYL 2005 - 159

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 October, 2005.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Larouche 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

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, October 26, 2005 for inclusion on the next Regular Council Meeting Agenda of November 1, 2005.

04-61 Councillor Alexander gave Notice of Motion of the following issue to be presented to Council at the November 1st, 2005 Regular Council Meeting.

***That whereas the threat of a global crisis such as a pandemic concerns Canadians, especially in the wake of the SARS crisis;
That Welland Council (and other Niagara area municipalities) host a briefing on the state of preparedness and Plans for a local pandemic response; and
That the Federation of Canadian Municipalities co-ordinate a country wide Municipal review and forum on emerging globally-related health issues so that Canadian cities and communities can best prepare to manage a crisis.***

Council adjourned at 9:10 p.m.

These Minutes approved and adopted by Motion of Council this 1st day of November, 2005.

MAYOR

CLERK