



## **COUNCIL MEETING, FEBRUARY 21, 2006**

### **CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET**

Council met in Committee-of-the-Whole closed to the public at 6:30 p.m. and in open session at 7:40 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 (6:45 p.m.), M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora.

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

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:40 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri

General Manager of Human Resources R. Beaumont (until 7:30 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:40 p.m.)

Regional Councillor J. Mastroianni (7:40 p.m.)

**06-25** Moved by Dzugan and Belcastro 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; and
- b) labour relations or employee negotiations.

**CARRIED**

*(City Manager, Travers Fitzpatrick was not present during Committee-of-the-Whole discussions on a labour relations matter.)*

**06-25** Moved by Larouche and Chiochio that the Committee-of-the-Whole arise from its closed meeting at 7:30 p.m.

**CARRIED**

### **DELEGATIONS:**

**01-53** Stephen Butz, Chief Executive Officer, Niagara Centre YMCA updated Council on the new YMCA which is celebrating its 1<sup>st</sup> anniversary.

**04-91** John Mastroianni, Chair, Welland Historical Museum Board addressed Council regarding the move into the Carnegie Building (former Welland Public Library) on King Street. He also introduced John Robertson, new Manager/Curator as well as Museum Board members present.

### **BOARDS, AGENCIES, COMMISSIONS REPORT(S)**

**99-43** Ross Peever, President and CEO, and Tim Clutterbuck, Chair, Welland Hydro Electric Commission, addressed Council regarding a Commission vacancy and discussed hydro service interruptions in 2005.

### **THE FOLLOWING CORRESPONDENCE WAS READ:**

**98-62** City Mgr. T. Fitzpatrick – Highway 406/Woodlawn Road and Daimler Parkway intersection/ Interchange.

**98-90** City Solicitor G. Banks – Amendment to Intermunicipal Agreement between the Regional Municipality of Niagara and the twelve (12) Municipalities respecting the Provincial Court Transfer in Niagara.

**98-90** A By-law to authorize an amendment to the Intermunicipal Agreement between the Regional Municipality of Niagara and the twelve (12) area municipalities respecting the Provincial Court Transfer in Niagara, and to amend By-law 2000-66.

**99-43** A By-law to authorize the entering into a Lease Agreement with Welland Hydro-Electric System Corp. to permit the use of hydro facilities along the Welland Recreational Canal Lands and Welland River.

**04-48** City Mgr. T. Fitzpatrick – Dedication of a portion of Centre Street as a Public Highway.

**05-19** City Mgr. T. Fitzpatrick – Sale of former Seaway Lands abutting Memorial Park.

**05-81** Nora Reid, Secretary, Heritage Welland – Rehabilitation of the West Main Street bridge (Phase One) over the Old Welland Canal, Structure No. 0277220.

**05-94** Pam Gilroy, Regional Clerk, Regional Municipality of Niagara – Minimum Capital Program Funding.

**05-135** Ian Neville, Commissioner for Public Works, Region of Niagara – Re: Transfer of Sewage Pumping Stations and Associated Conveyance/Forcemain Pipes.

**05-164** William J. Kolasa, Director of Corporate Services/Clerk, Town of Lincoln – Bill 206, An Act to Revise the Ontario Municipal Employees Retirement System Act.

**06-1** 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 21<sup>st</sup> day of February, 2006.

**06-4** Pam Gilroy, Regional Clerk, Region of Niagara – Resolution respecting apportionment of Regional Taxes.

**06-21** Annette Loeffen, Secretary, Welland & Port Colborne ProLife – requesting permission to hold its “17<sup>th</sup> Annual Walkathon” on June 3, 2006.

**06-22** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Traffic Signal Operations – LED Conversion.

**06-22** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Request for waiving residential permit parking fee on State Street.

**06-47** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Region Water/Wastewater Sustainability Review.

**06-55** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Lease Agreement – Division Street Parking Lot.

**06-56** Cathy Vincelli, Executive Director, Paralympics Ontario – Hosting the 2006 Ontario Paralympic Summer Championships in London.

**06-63** Nora Reid, Secretary, Heritage Welland – designation of the Carnegie Building (former Welland Public Library) 140 King Street, as being of architectural and historical significance.

**06-1** Moved by Dzugan and Grenier that the Minutes of the Regular Council Meeting of February 7, 2006 and February 14, 2006 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**98-62** Moved by Alexander and Larouche

1. That the City of Welland request the Ministry of Transportation to modify the original agreement so as to provide an alternate interchange design at Woodlawn Road that would provide improved access to the Highlands development and Hunter’s Pointe Golf Course; and
2. That staff be authorized to negotiate with the developer and others relative to this matter.

**CARRIED**

**98-90** Moved by Alexander and Larouche that Council authorizes an amendment to the Inter-municipal Agreement with the Regional Municipality of Niagara and the twelve (12) Area Municipal Partners, with respect to the Provincial (POA) Court Transfer in Niagara.

**CARRIED**

**99-43** Moved by Belcastro and Larouche that the Welland Hydro Report to Council dated

February 21, 2006 by Tim Clutterbuck, Chair and Ross Peever, President and CEO concerning a Board of Directors vacancy as well as hydro service interruptions in 2005 be received for information.

**CARRIED**

**01-53** Moved by Fortier and Larouche that the presentation by Stephen Butz, Chief Executive Officer, YMCA regarding the celebration of the 1<sup>st</sup> anniversary and upcoming future plans be received for information.

**CARRIED**

**04-48** Moved by Fortier and Belcastro that the City of Welland dedicate a portion of Centre Street west of Harold Street as a Public Highway.

**CARRIED**

**04-91** Moved by Belcastro and Fortier that Council confirms its approval in principle to the Welland Historical Museum to re-locate to the former King Street library property and permits the Welland Historical Museum to begin renovations immediately with the following understandings:

1. The City and Museum will enter into a leasehold agreement for occupancy for museum purposes which will include City approval of all leasehold improvements.
2. The City approves expenditures to an upset limit of \$25,000 to be charged to the Building – Capital Improvement Reserve Fund to enable occupancy by March 31, 2006.
3. The Museum will undertake to fundraise as well as to apply for all eligible grants to offset City expenditures.
4. The Museum undertakes to vacate present location at Hooker Street no later than April 30, 2006.

**CARRIED**

**05-19** Moved by Grimaldi and Chiochio that Report CM 2006-10 concerning the sale of former St. Lawrence Seaway Authority lands adjacent to Memorial Park be received.

**CARRIED**

**(Councillor Fortier asked to be recorded as opposed to this resolution)**

**05-81** Moved by Alexander and Larouche that Council approves the recommendation from Heritage Welland regarding the plans for the proposed restoration work to the Main Street Bridge.

**CARRIED**

**05-94** Moved by Alexander and Larouche that Council supports the resolution from the Regional Municipality of Niagara with respect to minimum capital funding and that the Government of Ontario be requested to remove the obligation of funding the many social programs through the municipal property tax base.

**CARRIED**

**05-135** Moved by Grenier and Chiochio that the letter dated February 9, 2006 from the Region of Niagara requesting a resolution from Welland City Council to confirm the transfer of ownership of sewage pumping stations and associated conveyance/force main pipes be received and referred to staff for study and report to Council.

**CARRIED**

**05-164** Moved by Alexander and Larouche that Council endorses the resolution from the Town of Lincoln to not support the proposed changes to the OMERS pension fund contained in Bill 206 and requests that the Government of Ontario reconsider the advisability of proceeding with Bill 206 in its current form; and further:

That the City Clerk advise the appropriate authorities accordingly.

**CARRIED**

**06-4** Moved by Alexander and Larouche that the letter from Region of Niagara dated February 10, 2006 regarding resolution respecting apportionment of Regional Taxes be received and referred to staff for study and report.

**CARRIED**

**06-21** Moved by Alexander and Larouche that Council waives the requirement of liability insurance as provided for in Policy Number SER-017-0004 Road Use for Community Activities and approves the application from the Welland & Port Colborne Pro Life Association for its "*17th Annual Walk-a-thon*", to be held on Saturday, June 3, 2006, subject to the applicant's completion of all other conditions of the Policy.

**CARRIED**

**06-22** Moved by Alexander and Larouche that City Council approve the LED Traffic Signal Conversion Program in the amount of \$33,000.00 pending 2006 Current Budget approval.

**CARRIED**

**06-22** Moved by Alexander and Larouche that the request for waiving the fee for a Residential Parking Permit on State Street be denied.

**CARRIED**

**06-47** Moved by Grenier and Sharpe

1. That City of Welland petition the Minister of Public Infrastructure Renewal the Honourable David Caplan requesting that Recommendation 4.9 of the Watertight Report not be included in the consideration for the "White Paper" to be issued by the Province on the implementation of the Sustainable Water and Sewage Systems Act (SWSSA) and its regulations;
2. That Council support Staff in its initiative to work with other area municipalities in efforts to meet with Ministry of Public Infrastructure staff on the merits of continued delivery of water and wastewater services through the operations of local area municipalities pursuing best practice procedures, and exclusion of Watertight Recommendation 4.9 from the "White Paper" on SWSSA;
3. That Council is in support of the revised direction of the proposed Regional Water & Wastewater Services Organizational Sustainability Review study so that existing delivery of water and wastewater services through the local area municipalities would be the only focus of the review;
4. That Council support efforts to persuade Regional Council to advise the Minister of Public Infrastructure and Renewal that it is not in favour of Recommendation 4.9 of the Watertight Report. "
5. That Region of Niagara be advised that the City of Welland does not support the limited make up of the proposed Steering Committee for the Water and Wastewater Services Organizational Sustainability Review study;
6. That there should be better representation from the Area Municipalities on the Steering Committee, so that there could be an opportunity for a representative of every Area Municipality to be included; and
7. That there should be a Technical Panel of Area Municipal Staff and Regional Staff representatives to

review the findings and have input in the direction to any Consultant reporting to the Steering Committee.

**CARRIED**

**06-55** Moved by Alexander and Larouche that the City Solicitor be authorized to prepare a lease agreement with the Welland Tribune for the lease of the Division Street Parking Lot located at the intersection of Division and East Main Streets.

**CARRIED**

**06-56** Moved by Fortier and Dzugan that the letter from Paralympics Ontario inviting the City of Welland to host the 2007 Ontario Paralympic Summer Championships be received and referred to staff for study and report.

**LOST**

**06-63** Moved by Alexander and Larouche that the request from Heritage Welland to approve the processing of the structure and property referred to as the "Carnegie Building" at 140 King Street for heritage designation pursuant to the provisions of Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 be referred to staff for study and report to Council.

**CARRIED**

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

**05-158** Moved by Belcastro and Larouche

1. That the City of Welland declare some 32 acres +/- of land located on Woodlawn Road and Cambridge Road surplus to the needs of the City of Welland; and
2. That the land be appraised and offered for sale.

**CARRIED**

**06-24** Moved by Sharpe and Belcastro that the City Manager undertake a review to be completed by July, 2006 of the Corporate Services function with a view towards "unbundling" the Clerk's operation from Corporate Services and further, redefining the City Clerk's function to include potentially the functions of managing City Council services and possibly specific special projects.

**CARRIED**

### **BY-LAWS**

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

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

**99-43**

BYL 2006 – 13

A By-law to authorize the entering into a Lease Agreement with Welland Hydro-Electric System Corp. to permit the use of hydro facilities along the Welland Recreational Canal Lands and Welland River.

**98-90**

BYL 2006 – 14

A By-law to authorize an amendment to the Intermunicipal Agreement between the Regional Municipality of Niagara and the twelve (12) area municipalities respecting the Provincial Court Transfer in Niagara, and to amend By-law 2000-66.

...continued...

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

**06-1**

BYL 2006 – 15

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 21<sup>st</sup> day of February, 2006.

And that the same be now read a first time.

**CARRIED**

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

2. Moved by Alexander and Larouche 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, March 1, 2006 for inclusion on the next Regular Council Meeting of March 7, 2006.**

Council adjourned at 9:40 p.m.

These Minutes approved and adopted by Motion of Council this 7<sup>th</sup> day of March, 2006.

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**MAYOR**

**CLERK**