



COUNCIL MEETING, MARCH 7, 2006

CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:05 p.m. and in open session at 7:30 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

(During discussion on a motion introduced by Mayor Goulbourne, the Mayor vacated the Chair and Vice Mayor Alexander assumed the Chair).

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

Members Present: Councillors D. Alexander, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi (6:50 p.m.), J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora (6:30 p.m.)

Members of the Staff and Others Present:

Acting City Manager/City Clerk C.A. Stirtzinger

City Solicitor G. Banks (6:20 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:30 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:30 p.m.)

General Manager of Human Resources R. Beaumont

General Manager of Parks and Recreation B. LaPlante

General Manager of Planning and Development Services D. Thorpe

Records Clerk C. Viger (7:30 p.m.)

06-25 Moved by Dzugan and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:05 p.m. to consider:

- a) the security of the property of the municipality;
- b) labour relations or employee negotiations; and
- c) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED

Mayor Goulbourne excused himself for a portion of the Committee-of-the-Whole discussions and Councillor Spadafora assumed the chair.

(Councillors Grenier and Spadafora were not present during Committee-of-the-Whole discussions on a security of property matter.)

(Councillor Grimaldi was not present during Committee-of-the-Whole discussions on a labour relations matter.)

06-25 Moved by Belcastro and Dzugan that the Committee-of-the-Whole arise from its closed meeting at 7:20 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Grenier disclosed an interest in Ref. No. 05-43 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his father owns property adjacent to the subject property.

Councillor Grimaldi disclosed an interest in Ref. No. 06-16 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as her husband is a member of CUPE Local 1115 and an employee of the City of Welland.

DELEGATIONS:

06-6 Janice Gardner-Spierce and Ryan Duemo, Ambassador, Easter Seals addressed Council regarding the Easter Seals fundraising and awareness campaign and requested the month of March be declared as "**Easter Seals Month**" in the City of Welland.

06-70 Ron Boyer, Director, Mines Action Canada (MAC) addressed Council regarding the significance to Canada.

BOARDS, AGENCIES, COMMISSIONS REPORT(S)

05-118 Councillor Grenier addressed Council regarding the Water Conservation Program.

THE FOLLOWING CORRESPONDENCE WAS DELETED:

- 06-6** Lisa Root, Manager of the Problem Gambling Program at Niagara Alcohol & Drug Assessment Service informing Council that she will not be in attendance this evening to address Council regarding ***“Gambling Awareness Month”*** and the local services available throughout the Region.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 01-35** Gen. Mgr. Engineering, Public Works & Transp. Serv./City – Engineer D. Shantz – Renaming of Highway 140 as an extension of Highway 406.
- 04-111** A By-law to authorize a Lease Agreement with 1683095 Ontario Inc. to lease 225 East Main Street, Suite A.
- 04-124** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of Tender – Municipal Water Meter Reading – 2006 to 2009.
- 05-23** City Clerk Craig Stirtzinger - Public Sector Salary Disclosure 2005.
- 05-142** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Contract extension – Watermain construction South Pelham Road to Webber Road to 200M Northerly.
- 05-142** A By-law to amend By-law 2005 - 156, by extending the existing contract with V. Gibbons Contracting Ltd. to include the construction of watermain on South Pelham Road, from Webber Road to the dead-end watermain north of Webber Road.
- 05-152** Gen. Mgr. Planning and Development Services D. Thorpe- Semi-Annual Subdivision Status Report – December 31, 2005.
- 06-1** A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the 27th day of February and 7th day of March, 2006.
- 06-3** Leah LaPlante, Alzheimer Society of Niagara Region – request to sell bazaar tickets in the City of Welland.
- 06-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Properties Eligible for Tax Registration.
- 06-6** Janice Gardner-Spice and Ryan Duemo, Ambassador, Easter Seals - request Council to declare the month of March as ***“Easter Seals Month”***.
- 06-6** Lisa Root, Manager of the Problem Gambling Program at Niagara Alcohol & Drug Assessment Service – March 2006 is ***“Problem Gambling Awareness Month”*** – update on campaign and local services throughout the Region.
- 06-21** Rejeanne Robichaud, Parent Council President, Ecole Saint-Francois - requesting permission to hold a walk-a-thon on Thursday, May 18th, 2006 (rain date May 19th, 2006).
- 06-21** Tim Lefebvre, President, St. Catharines Cycling Club, organizer of the Great Lake to Lake Cycling Event – requesting permission to hold the ***“Great Lake to Lake Mountain Bike Race”*** on June 18th, 2006.
- 06-22** A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000 at Seaway Mall; and to repeal By-law 2005-168.
- 06-49Z** A By-law to amend Zoning By-law 2667 (Lea Silvestri Investments Ltd. – File 2005-15) 740 Thorold Road.
- 06-55** A By-law to authorize a Lease Agreement with the Welland Tribune to lease the Division Street parking lot.
- 06-70** Ron Boyer, Mines Action Canada, Board of Directors – Significance of Mines Action Canada of Canada.
- 06-71** Gen. Mgr. Planning and Development Services D. Thorpe – Planning and Development Services Annual Report for 2005.

06-1 Moved by Dzugan and Grenier that the Minutes of the Regular Council Meeting of February 7, 2006 and February 14, 2006 and Special Council Meeting of February 28, 2006 be and the same are hereby approved and adopted as circulated.

CARRIED

01-35 Moved by Dzugan and Larouche

1. That the Corporation of the City of Welland supports the resolution of the Corporation of the City of Port Colborne to ask that the Ministry of Transportation rename Highway 140 to Highway 406 and include the Highway 140 route for the Highway 406 extension in the Environmental Assessment that is to be done for the Niagara to GTA corridor;
2. That the Corporation of the City of Welland requests the Ministry of Transportation to develop Highway 140 (to be renamed Highway 406) as an Arterial Road Design with a 4 lane cross-section and permitting at-grade intersections for arterial and collector roads in the same way as outlined in the original 1981 Ministry of Transportation Environmental Assessment (Highway 406, south of East Main Street); and
3. That the Corporation of the City of Welland ask the Ministry of Transportation to abandon or remove the designation for a future extension of Highway 406 corridor on the lands south of East Main Street to Townline Road west of the "new" canal."

CARRIED

03-82 Moved by Dzugan and Belcastro that Council give direction to staff to contact the owner of the property (formerly known as the Atlas Hotel) on Southworth Street due to the displeasure of Council in the lack of progress on the said property, to determine the owners intentions concerning site plan, building permits and any other permits pertaining to the said property and to establish a working time line concerning the future of the property.

CARRIED

04-48 Moved by Mayor Goulbourne and Belcastro that, in light of the default in payment of monies owed by Centre Properties (Welland) Ltd. for the Altas Steels properties, Council directs staff to review the 2006 Budget draft to prepare an austerity program to cover the potential tax write offs of approximately \$2.7 million; with the following parameters:

- A balanced use of reserves
- 4% upset tax limit
- no additional debenturing
- an aggressive examination of available properties for sale
- an examination of current capital projects.

CARRIED

(During discussion on this matter, Mayor Goulbourne vacated the Chair and Vice Mayor Alexander assumed the Chair).

04-124 Moved by Sharpe and Alexander

1. That Council accept the tender of Collective Utility Services Inc. for municipal water meter reading services for the period 2006 to 2009, as presented in Report ENG-2006-05;
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 contract at the tender price of \$108,480.50 which covers meter reading from 2006 to 2009 inclusively, with the 2006 portion of the cost estimated to be \$23,872.25; and
3. That payment for the work in 2006 be financed through the 2006 Waterworks Operating Budget, and subsequently through the 2007, 2008 and 2009 Waterworks Operating Budgets.

CARRIED***(Councillors Fortier, O'Dell and Grimaldi asked to be recorded as opposed to this Resolution).***

05-23 Moved by Dzugan and Larouche that the Record of Employees' Salaries and Benefits for the year 2005, dated March 7, 2006 and made in accordance with the Public Sector Salary Disclosure Act 1996, be received, noted and filed in the City Clerk's Office for the information of the public; and That a copy of this record be filed with the Ministry of Municipal Affairs and Housing as well as the City's Auditors, as required.

CARRIED**05-142** Moved by Sharpe and Grenier

1. That Council approve extension of the existing contract with V. Gibbons Contracting for the construction of a 250mm (10"Ø) watermain on South Pelham Road from Webber Road to the existing dead-end watermain, 200m north of Webber Road; and
2. That Council authorize staff to prepare an agreement to provide a credit against Development Charges with Lea Silvestri Investments Ltd. to a total value of \$58,991.55 for the Webber Estates Subdivision.

CARRIED

05-152 Moved by Dzugan and Larouche that the Semi-Annual Subdivision Status Report as of December 31, 2005 be received for information.

CARRIED

06-3 Moved by Dzugan and Larouche that permission is hereby granted to the Alzheimer Society of Niagara Region to sell bazaar tickets in the City of Welland under authority of Lottery License M501532; subject to the receipt of a \$25.00 administration fee for processing this request.

CARRIED**06-4** Moved by Fortier and Chiocchio

1. That the delinquent tax accounts (3 years in arrears) listed in Schedule 'A' and attached to Report FIN-06-03 be placed under tax registration.
2. That the delinquent tax accounts (3 years in arrears) listed in Schedule 'B' and attached to Report FIN-06-03, having commenced repayment agreements, not be placed under tax registration at this time.
3. That any accounts listed in Schedule 'B' be placed under tax registration upon default of their repayment agreement.

CARRIED

06-5

06-70 Moved by O'Dell and Spadafora that Council donate \$500.00 to Mines Action Canada (MAC) to assist its cause.

CARRIED

06-6

Moved by Fortier and Spadafora that the presentation by Janice Gardner-Spiece and Ryan Duemo, Ambassador, the Easter Seals Society regarding the Easter Seals fundraising and awareness campaign be received for information; and further That the Mayor declare the month of March as "***Easter Seals Month***" in the City of Welland as requested by the Easter Seals Society, Ontario.

CARRIED

06-21

Moved by Dzugan and Larouche that Welland City Council approves the application of Ecole Saint-Francois to hold a walk-a-thon on Thursday, May 18th, 2006 (rain date May 19th, 2006) subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

06-21

Moved by Dzugan and Larouche that Welland City Council approves the application of Great Lake to Lake Events Inc. to hold the "***Great Lake to Lake Mountain Bike Race***" on June 18th, 2006 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

06-24

Moved by Fortier and Chiochio that Council appoints Craig Stirtzinger, Acting City Manager until the recruitment process for the City Manager is complete in accordance with terms and conditions set out.

CARRIED

06-24

Moved by Dzugan and Larouche that Council appoints Barbara Gallaccio, Acting City Clerk, in the absence of Craig Stirtzinger, in accordance with terms and conditions set out.

CARRIED

06-70

Moved by Grenier and Spadafora that the presentation by Ron Boyer, Director, Mines Action Canada (MAC) regarding the significance to Canada be received for information.

CARRIED

06-71 Moved by Dzugan and Larouche that Report PDS-2006-16 with regard to Planning and Development Services Annual Report for 2005 be received for information.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

05-15

05-166 Moved by Dzugan and Chiocchio

1. That Report 2006-19 from Planning and Development Services dated March 7, 2006 regarding the offer to purchase a portion of the City-owned Firehall Parking Lot # 6 on the east side of King Street north of Ontario Road (at the rear of the Blue Star Restaurant on King Street) be received;
2. That all of Firehall Parking Lot #6 on the east side of King Street, north of Ontario Road be retained by the City; and,
3. That Mr. Moreau be advised of Council's decision regarding the sale of a portion of the City-owned Parking Lot known as Firehall Parking Lot #6 on the east side of King Street, north of Ontario Road.

CARRIED

05-43 Moved by Belcastro and Larouche

1. That Report PDS 2006-17 from Planning and Development Services dated March 7, 2006 regarding City-owned lands known municipally as 58 Sixth Street on the north side of Sixth Street, west of Patsy Avenue (Part Lot 170, Plan 565, City of Welland) be received;
2. That Council declare surplus to the City's needs lands known municipally as 58 Sixth Street;
3. That any subsequent sale of lands known municipally as 58 Sixth Street, be carried out in accordance with the Municipal Act, City Policy and in the manner described in this Report PDS 2006-17; and
4. That the net proceeds from any sale of land be deposited in the Municipal Incentive Grant Fund.

CARRIED

05-96 Moved by Belcastro and Chiocchio

1. That Report 2006-18 from Planning and Development Services dated March 7, 2006 regarding the offer to sell City-owned lands on the east side of Trufal Avenue south of Broadway (Part Lot 27, Concession 7, Township of Crowland, now City of Welland) be received;
2. That Council decline all offers from the owners of 59, 55, and 51 Trufal Avenue to purchase the City-owned lands on the east side of Trufal Avenue south of Broadway (Part Lot 27, Concession 7, Township of Crowland, now City of Welland); and
3. That Council remove the City-owned lands on the east side of Trufal Avenue south of Broadway (Part Lot 27, Concession 7, Township of Crowland, now City of Welland) from the list of surplus lands.

CARRIED

06-16 Moved by Belcastro and Sharpe that Council ratify the Memorandum of Settlement between the City of Welland and its CUPE Local 1115 employees for the period January 1, 2006 to December 31, 2009.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

04-111

BYL 2006 - 19

A By-law to authorize a Lease Agreement with 1683095 Ontario Inc. to lease 225 East Main Street, Suite A.

06-49Z

BYL 2006 - 20

A By-law to amend Zoning By-law 2667 (Lea Silvestri Investments Ltd. – File 2005-15) 740 Thorold Road.

05-142

BYL 2006 - 21

A By-law to amend By-law 2005 - 156, by extending the existing contract with V. Gibbons Contracting Ltd. to include the construction of watermain on South Pelham Road, from Webber Road to the dead-end watermain north of Webber Road.

06-22

BYL 2006 - 22

A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000 at Seaway Mall; and to repeal By-law 2005-168.

06-55

BYL 2006 - 23

A By-law to authorize a Lease Agreement with the Welland Tribune to lease the Division Street parking lot.

06-1

BYL 2006 – 24

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the 27th day of February and 7th day of March, 2006.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan 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

06-25 Moved by Dzugan and Spadafora that Council meet in Committee-of-the-Whole, closed to the public at 9:05 p.m. to consider:

a) personal matters about an identifiable individual, including municipal employees.

CARRIED

06-25 Moved by Grimaldi and Larouche that the Committee-of-the-Whole arise from its closed meeting at 9:50 p.m.

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

06-24 Moved by Grimaldi and Dzugan that the Human Resources Committee enlist a search firm to recruit a replacement for the position of City Manager.

CARRIED

06-24 Moved by Grimaldi and Dzugan that Resolution 06-24 passed by Council on February 21, 2006 be amended by deleting "City Manager" and inserting "Human Resources Committee" so that the motion will read as follows:

"That the Human Resources Committee 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

06-24 Moved by Grimaldi and Dzugan that Council approve the recommendation from the Human Resources Committee meeting of Tuesday, February 28, 2006 to establish a proposed Interim Management Structure.

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 15, 2006 for inclusion on the next Regular Council Meeting Agenda of March 21, 2006.

Council adjourned at 9:55 p.m.

These Minutes approved and adopted by Motion of Council this 21st day of March, 2006.

MAYOR

CLERK