



## **COUNCIL MEETING, APRIL 4, 2006**

### **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 7:35 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

**Members Present:** Councillors D. Alexander, 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:**

Acting City Manager C.A. Stirtzinger

Acting City Clerk B. Gallaccio

City Solicitor G. Banks (6:45 p.m. – 9:30 p.m.)

Chief, Fire & Emergency Services P. Olah (6:25 p.m. – 6:40 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (6:55 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri

General Manager of Parks and Recreation B. LaPlante (6:40 p.m.)

Records Clerk C. Viger (7:35 p.m.)

General Manager of Planning and Development Services D. Thorpe (6:40 p.m.)

Deputy Fire Chief K. Roach (until 6:40 p.m.)

Employment Services Coordinator R. Mantesso (until 6:40 p.m.)

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

**CARRIED**

**06-25** Moved by Belcastro and Chiocchio that the Committee-of-the-Whole arise from its closed meeting at 7:15 p.m. without report.

**CARRIED**

### **PRESENTATIONS:**

Councillor Alexander presented the Silver Award on behalf of United Way to Mayor Goulbourne and Acting City Manager Craig Stirtzinger in recognition of the fundraising efforts by City employees.

### **DELEGATIONS:**

**06-6** Cheryl Mancuso, Principal and student Dustin Gibson of Eastdale Secondary School, Patrice Johnson, Principal and student Joseph Morris of Empire School addressed Council regarding activities planned for April 2006 and requested the month of April be declared "**Education Month**" on behalf of the District School Board of Niagara.

**06-88** Jocelyn Baker, Niagara Peninsula Conservation Authority addressed Council regarding the Yellow Fish Road Program.

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

**05-118**

**06-6** Councillor Grenier on behalf of the Water Conservation and Efficiency Program Committee updated Council on the Committee's activities and requested the week of May 14 to May 20, 2006 be declared as "Conservation Week" in the City of Welland.

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

**06-3** Application from Canadian Tire Financial Services Employees' Charity Trust requesting a license to hold a raffle.

**06-3** Letter from the Multiple Sclerosis Society – NPCH requesting to sell raffle tickets in the City of Welland.

### **THE FOLLOWING CORRESPONDENCE WAS DELETED:**

**04-48** A By-law to Lay Out, Establish and Name Centre Street.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 01-46** A By-law to Lay Out, Establish and Name Block 15, Plan 59M-342, being a 0.3 metre reserve for the City of Welland as part of Enterprise Drive.
- 03-132** Gen. Mgr. Planning and Development Services D. Thorpe – Extension of Interim Control By-law 2005-52 – Lots 108,109,118,119,120 and 121, Plan 618 – northeast corner of Birchmount Avenue and Home Street.
- 03-132** A By-law to Amend By-law 2005-52 being a By-law to designate certain lands known municipally at 163 First Avenue as an area of Interim Control.
- 04-48** A By-law to Lay Out, Establish Centre Street.
- 05-15** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Installation of Actuated Traffic Signal – Fire Hall – East Main Street.
- 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 4<sup>th</sup> day of April, 2006.
- 06-6** Cheryl Mancuso, Principal and student Dustin Gibson of Eastdale Secondary School, Patrice Johnson, Principal and student Joseph Morris of Empire Elementary School - to advise of activities planned for April 2006 and to request Council to declare the month of April as **“Education Month”**.
- 06-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Accounts Payable – March 16 , 2006 to March 29, 2006.
- 06-13** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Extension of Student Pass Agreement – Brock University Student Union.
- 06-13** A By-law to authorize the entering into an agreement with Brock University Students Union for Universal Transit Ridership.
- 06-17** A By-law to authorize the entering into a Collective Agreement with the National Automobile, Aerospace, Transportation and General Workers Union of Canada C.A.W. Local 523 for the period of January 1, 2006 to December 31, 2008.
- 06-20** Robert (Bert) Roy, Captain Welland Volunteer Fire Company #4 - requesting Special Occasion Permit to host its Annual Chicken BBQ and outdoor Dance on June 3<sup>rd</sup>, 2006.
- 06-21** Ken Hancock – requesting permission to hold the **“Annual Niagara Region Walk against Male Violence”** to be held on April 26, 2006.
- 06-21** Dave Auger, Cycle the Circle Committee, Habitat for Humanity Niagara – requesting permission to hold a “Cycle the Circle Fundraiser” on June 10<sup>th</sup>, 2006.
- 06-22** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Administrative Update – Traffic and Parking Operations.
- 06-85** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – River Road – Safety Concerns.
- 06-86** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Engineering Consultant Services for East Main, Cross, and Denistoun Street Watermains.
- 06-88** Jocelyn Baker, Niagara Peninsula Conservation Authority – Yellow Fish Road Program.
- 06-89** John MacDonald, Vineyard Cycle Tour Committee Member – inviting Mayor, Councillors and Citizens of Welland to participate in the 7<sup>th</sup> Annual Vineyard Cycle Tour, Sunday, May 28, 2006.

**06-1** Moved by Dzugan and Sharpe that the Minutes of the Regular Council Meetings of March 21 and March 28, 2006 and Special Council Meeting of March 27, 2006 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**98-152** Moved by Grenier and Alexander that the Remuneration By-law with respect to Councillors attendance at meetings be amended as follows:

1. If a Councillor is absent for two consecutive meetings of Council, that Councillor's stipend will be reduced by 10% for the following calendar year.
2. If a Councillor is absent for two consecutive meetings another time throughout the same calendar year, that Councillor's stipend will be reduced by 25% for the remainder of the year.

Exemptions for above with respect to illness or circumstance remain as currently defined in the Remuneration By-law.

**LOST**

**YEAS:** Councillors Sharpe, Alexander, Grenier, Chiocchio and Larouche.

**NAYS:** Councillors O'Dell, Grimaldi, Dzugan, Fortier, Belcastro, Spadafora and Mayor Goulbourne.

**03-132** Moved by Sharpe and Chiocchio that Interim Control By-law 2005-52 which currently applies to Lots 108, 109, 118, 119, 120 and 121, Plan 618 (north-east corner of Birchmount Avenue and Home Street) be amended to extend the period of time during which the Interim Control By-law will be in effect for one (1) additional year to April 19, 2007.

**CARRIED**

**05-15** Moved by Dzugan and Grenier

1. That City Council approve the expenditure for the installation of an Actuated Traffic Signal at Fire Hall Station 1, located on East Main Street at the Welland Hydro Commission building at an approximate cost of \$50,000; and further
2. That the General Manager of Finance, be directed to release the funds for the completion of this project from the Fire and Emergency Services Reserve Fund.

**CARRIED**

**05-118**

**06-6** Moved by Grenier and Alexander that the Mayor declares the week of May 14 to May 20, 2006 as "**Conservation Week**" in the City of Welland.

**CARRIED**

**06-3** Moved by that Dzugan and Grenier that a Lottery License be granted to the following: Canadian Tire Financial Services Employees' Charity Trust - Raffle.

**CARRIED**

**06-3** Moved by that Dzugan and Grenier that permission is hereby granted to the Multiple Sclerosis Society – NPCH to sell raffle tickets in the City of Welland under authority of Lottery License M501663; subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

**06-6** Moved by that Grimaldi and Spadafora that the presentation by the District School Board of Niagara Principals Cheryl Mancuso and Patrice Johnson, and students Dustin Gibson and Joseph Morris

representing all DSBN Schools in Welland to report on activities ongoing for Education Month April 2006 be received for information; and further

That the Mayor declare the month of April as "**Education Month**" in the City of Welland as requested by the District School Board of Niagara.

**CARRIED**

**06-7** Moved by Dzugan and Grenier that the Accounts Payable Report – Summary be received and the City Treasurer be instructed to pay the list of accounts as follows:

1	17-Mar-2006	\$	221,622.25
2	20-Mar-2006		1,181,217.53
3	21-Mar-2006		144,796.25
4	23-Mar-2006		18,609.08
5	24-Mar-2006		48,186.37
6	28-Mar-2006		3,380,451.73
7	29-Mar-2006		<u>300,210.05</u>
	<b>Total</b>	<b>\$</b>	<b>5,295,093.26</b>

**CARRIED**

**06-13** Moved by Dzugan and Chiocchio that Council authorizes the extension of the Brock University Students Union (BUSU), service presently provided to Brock University, in accordance with the terms and conditions set out in Report TRANS-2006-03.

**CARRIED**

**06-20** Moved by Dzugan and Grenier that Welland City Council has no objection to the issuance of a Special Occasion Permit to Welland Volunteer Fire Company #4 for its Annual Chicken BBQ and outdoor dance on June 3rd, 2006 at the Volunteer Fire Co. No. 4 Fire Hall on Schisler Road, subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits.

**CARRIED**

**06-21** Moved by Dzugan and Grenier that Welland City Council approves the application for the "**Annual Niagara Region Walk Against Male Violence**" to be held on April 26, 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 Grenier that Welland City Council approves the application of Habitat for Humanity Niagara to hold the "**Cycle the Circle Fundraiser**" on June 10th, 2006 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**06-22** Moved by Alexander and Grenier

1. That the City Solicitor be directed to prepare a By-law to amend Traffic and Parking Bylaw 89-2000 as follows:

i) DELETING the following:

"disabled permit" means a disabled person parking permit issued by the Ministry of Transportation pursuant to the Highway Traffic Act and the regulations made there under, or a permit, numbered plate, or other marker or device, issued by another jurisdiction and recognized under said Act;

"disabled person" means a person who has been issued a permit by the Province of Ontario, or other jurisdiction;

3.4.1.1 No person shall park a vehicle in a designated parking space in a public parking area, unless a valid disabled permit is properly displayed,

- (a) affixed to the sun visor on the driver's side of the vehicle with the visor turned down;  
or,
- (b) on the driver's side of the dashboard of the vehicle;

...continued...

**06-22...CONT'D.**

- 3.4.1.3 No public parking area owner or operator shall authorize any person to park a vehicle which does not properly display a valid disabled permit in a designated parking space;
- 3.4.1.5 A disabled sign shall be mounted on a permanent post one or two (2) meters in height to the bottom of the sign, which post is to be located at the end of the designated parking space at the point marking the midpoint in width of the parking space and shall not be located so as to block vehicular access to the designated parking space;

11.2 Removal of Vehicles

A Police Officer, upon discovery of any vehicle parked or standing in contravention of this by-law, of any vehicle apparently abandoned or of any vehicle without proper number plates on a highway, may cause such vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon such vehicle, which may be enforced in the same manner provided in the Repair and Storage Liens Act.

ii. ADDING the following:

"Accessible Parking Permit" means a person with a disability parking permit issued by the Ministry of Transportation pursuant to the Highway Traffic Act and the regulations made there under, or a permit, numbered plate, or other marker or device, issued by another jurisdiction and recognized under said Act;

"Person with a disability" means a person who has been issued a permit by the Province of Ontario, or other jurisdiction;

"Public Parking Area" is a structure or open area other than a street or highway, to which the public has access, whether on payment of a fee or otherwise;

- 3.4.1.1 No person shall park a vehicle in a designated parking space in a public parking area, unless a valid accessible parking permit is properly displayed,
  - (c) affixed to the sun visor on the driver's side of the vehicle with the visor turned down;  
or,
  - (d) on the driver's side of the dashboard of the vehicle;
- 3.4.1.3 No public parking area owner or operator shall authorize any person to park a vehicle which does not properly display a valid accessible parking permit in a designated parking space;
- 3.4.1.5 A disabled sign shall be permanently mounted as follows:
  - a) on a post located at the front end of a designated on-street parking space, or
  - b)** on a post located at the point marking the midpoint in width of the parking stall;
- 4.11 Subsection (viii) any vehicle that has the symbol of a "poppy" on the license plate, designating that vehicle as a veteran of the Canadian military.

11.2 Removal of Vehicles

An Officer, upon discovery of any vehicle parked or standing in contravention of this by-law, of any vehicle apparently

abandoned or of any vehicle without proper number plates on a highway, may cause such vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon such vehicle, which may be enforced in the same manner provided in the Repair and Storage Liens Act.

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**06-22...CONT'D.**

ii) By ADDING to Schedule I Municipal/Private Property:

SKETCH No.	LOCATION	COMMON NAME
A – 24	60 East Main Street	City Hall

iii) By ADDING the following to Schedule II Permit Parking Snow Clearing:

COLUMN 1	COLUMN 2	
HIGHWAY	FROM	TO
Bruce Street (north side)	River Road	Ross Street
Burgar Street (west side)	Randolph Street	Young Street
Burgar Street (west side)	Hagar Street	Victoria Street
Cozy Street (north side)	Crowland Avenue	Duncan Street
Duncan Street (east side)	Caddy Street	Welland Street
Hellems Ave (west side)	Division Street	Groove Street
John Street (north side)	Margery Road	River Road
McCormick Street (north side)	Aqueduct Street	East termination
River Road (east side)	John Street	Kennedy Street
Ross Street (west side)	John Street	McMaster Avenue
Shotwell Street (west side)	Fitch Street	Merritt Street West

iv) By DELETING from Schedule V No Parking:

COLUMN 1 STREET	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES\DAY)
		FROM	TO	
Third Street	North Side	Plymouth Road	King Street	AT NO TIME
Page Drive	East Side	North Limit House #99 (n/w corner of Lot 29, Plan M-50)	South Limit House #113 (s/w corner of Lot 31, Plan M-50)	AT NO TIME
Page Drive	East Side	East	Trelawn Parkway	AT NO TIME
Poplar Cr.	West Side	Eastwood Drive	Lot 14	AT NO TIME
Poplar Cr.	South Side	Lot 14	Lot 8	AT NO TIME
Poplar Cr.	East Side	Lot 8	Eastwood Drive	AT NO TIME

...continued...

**06-22...CONT'D.**

v) By ADDING to Schedule V No Parking:

COLUMN 1 STREET	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES\DAY)
		FROM	TO	
Page Drive	East Side	West Limit of Trelawn Parkway	South Limit of Wellandvale Drive	AT NO TIME
Poplar Crescent	East/West/South odd house numbers	Eastwood Drive	Eastwood Drive	AT NO TIME

vi) By ADDING to Schedule XV Loading Zones:

COLUMN 1 HIGHWAY	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 TIMES/DAYS	AMENDING BY-LAW NO.
		FROM	TO		
King Street	East	Approximately 16.0 metres south of Regent Street	Approximately 24.1 metres south of Regent Street	8 AM to 6PM	
King Street	East	Approximately 34.9 metres south of State Street	Approximately 43.0 metres south of State Street	8 AM to 6PM	
King Street	West	Approximately 30.2 metres north of Ontario Road	Approximately 45.7 metres north of Ontario Road	8 AM to 6PM	

vii) By DELETING the existing Schedule XVII and ADDING the following to Schedule XVII:

Schedule "XVII" pg. 1

Lot #	Lot Name	Control	Rate	Time of Day	Maximum Stay
1 Area A	Court House Parking Lot	Permit Parking Only		Monday to Friday 8am to 6pm	10 Hours
Area B Centre Stalls		Ticket Dispenser	\$0.25/hour	Monday to Friday 8am to 6pm	10 Hours
Area B Perimeter Stalls		Monthly Permit	\$25.00/month	Monday to Friday 8am to 6pm	10 Hours
Area C Civic Square/Library		Ticket Dispenser	\$0.25/hr	Monday to Friday 8am to 6pm	10 Hours

Area D		City Vehicles Only – Permit		Monday to Sunday	24 Hours
Area E		Authorized Permit Parking Only		Monday to Friday 7am to 6pm	12 Hours
2 Area A	Market Square Parking Lot	Ticket Dispenser	\$0.25/hr	Monday to Friday Excluding Wednesday 8am to 6pm	10 Hours
		Ticket Dispenser	\$0.25/hr	Wednesday 1pm to 6pm	5 Hours
Area B		Ticket Dispenser	\$0.25/hr	Monday to Friday Excluding Wednesday 8am to 6pm	10 Hours
		Ticket Dispenser	\$0.25/hr	Wednesday 1pm to 6pm	5 Hours
		Monthly Permits	\$15.00/month	Monday to Friday 8am to 6pm	12 Hours
Area C			FREE	Monday to Friday 7am to 6pm	12 Hours
Area D		Parking Meter	\$0.25/hr	Monday to Friday 8am to 6pm	5 Hours
3	King Street Parking Lot	Parking Meter	\$0.25/hr	Monday to Friday 8am to 6pm	10 Hours
4	Frazer Street Parking Lot	Ticket Dispenser	\$0.25/hr	Monday to Friday 8am to 6pm	10 Hours
		Monthly Permit	\$15.00/month	Monday to Friday	10 Hours
5	Park Street Parking Lot	Ticket Dispenser	\$0.25/hour	Monday to Friday 8am to 6pm	10 Hours
		Monthly Permit	\$15.00/month	Anytime	24 Hours
6 Area A	Fire Hall Parking Lot	Ticket Dispenser	\$0.25/hr	Monday to Friday 8am to 6pm	10 Hours
		Monthly Permit	\$15.00/month	Monday to Friday 8am to 6pm	10 Hours
Area B		Parking Meter	\$0.25/hour	Monday to Friday 8am to 6pm	10 Hours
7	Division Street Parking Lot			Monday to Friday 8am to 6pm	2 Hours
8	Plymouth Road Parking Lot	Ticket Dispenser	\$0.25/hour	Monday to Friday 8am to 6pm	10 Hours
9	Churchill Avenue Parking Lot	Monthly Permit	\$10.00/month	Monday to Friday 8am to 6pm	12 Hours

viii) By ADDING to Schedule XXI Yield Signs:

<b>COLUMN 1 HIGHWAY</b>	<b>COLUMN 2 AT</b>	<b>COLUMN 3 FACING TRAFFIC</b>	<b>AMENDING BY-LAW NO.</b>
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The Boardwalk	Cross Street	West	

ix) By ADDING to Schedule XXIV One Way:

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	AMENDING BY-LAW NO.
HIGHWAY	FROM	TO	TRAFFIC DIRECTION	
The Boardwalk	East Main Street	Cross Street	Northbound	

**06-22...CONT'D.**

x) By ADDING to Schedule XXXIV Parking Permits:

COLUMN 1	COLUMN 2	
HIGHWAY	FROM	TO
Third Street (north side)	Plymouth Road	King Street

**CARRIED**

**06-85** Moved by Chiocchio and Grimaldi that City Council approves the installation of a guard rail system through the curved section of River Road between McMaster Avenue and Evan Street on the west side of the roadway in the amount of \$4,494.00.

**CARRIED**

**06-86** Moved by Dzugan and Grenier

1. That the General Manager, Engineering, Public Works & Transportation Services be authorized to retain Totten Sims Hubicki Associates to carry out the preliminary and detailed design for the watermain replacement on Cross Street between East Main Street and Division Street and on Denistoun Street between Lincoln Street and East Main Street, for the watermain abandonment on East Main Street between Hellems Avenue and Cross Street, including the obtaining of a Ministry of Environment Certificate of Approval as required, tender review, and award, at an estimated fee of \$13,666 plus GST, as presented in REPORT ENG-2006-13; and
2. That funding for the engineering services be drawn from the 2006 Water and Sanitary Sewer Capital Budget; and further
3. That the City Solicitor be authorized to prepare all necessary and appropriate by-laws to execute same.

**CARRIED**

**06-88** Moved by Alexander and Dzugan that the presentation by Jocelyn Baker, Watershed Restoration Coordinator, Niagara Peninsula Conservation Authority be received and that Welland City Council endorses the request from the Niagara Peninsula Conservation Authority regarding the Yellow Fish Road Program.

**CARRIED**

**06-89** Moved by Dzugan and Grenier that the letter from the Vineyard Cycle Tour Committee regarding the "**7<sup>th</sup> Annual Vineyard Cycle Tour**" to be held on Sunday, May 28<sup>th</sup>, 2006 on behalf of Heart Niagara be received for information.

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

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

**01-46**

BYL 2006 - 39

A By-law to Lay Out, Establish and Name Block 15, Plan 59M-342, being a 0.3 metre reserve for the City of Welland as part of Enterprise Drive.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:****03-132**

BYL 2006 - 40

A By-law to Amend By-law 2005-52 being a By-law to designate certain lands known municipally at 163 First Avenue as an area of Interim Control.

**06-13**

BYL 2006 - 41

A By-law to authorize the entering into an agreement with Brock University Students Union for Universal Transit Ridership.

**06-17**

BYL 2006 - 42

A By-law to authorize the entering into a Collective Agreement with the National Automobile, Aerospace, Transportation and General Workers Union of Canada C.A.W. Local 523 for the period of January 1, 2006 to December 31, 2008.

**06-1**

BYL 2006 - 43

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 4th day of April, 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 Grenier that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, as amended 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, April 12, 2006 for inclusion on the April 18, 2006 Regular Council Meeting.**

Council adjourned at 10:05 p.m.

These Minutes approved and adopted by Motion of Council this 18<sup>th</sup> day of April, 2006.

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**MAYOR**

**ACTING CLERK**