



## **COUNCIL MEETING, APRIL 18, 2006**

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

Council met in Committee-of-the-Whole closed to the public at 6:50 p.m. and in open session at 7:40 p.m. and again in Committee-of-the-Whole at 10:35 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

(During discussion on Reference Number 06-43, Mayor Goulbourne vacated the Chair and Vice Mayor Alexander assumed the Chair).

**Members Present:** Councillors D. Alexander, D. Beaudoin, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora (7:00 p.m. to 10:05 p.m.)

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

Acting City Manager C. Stirtzinger

Acting City Clerk B. Gallaccio

City Solicitor G. Banks (until 9:30 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz

General Manager of Parks and Recreation B. LaPlante (7:20 p.m.)

Records Clerk C. Viger (7:40 p.m.)

General Manager of Planning and Development Services D. Thorpe

Acting Mgr. Budgets & Fin. Rprt./Dept. Treas. K. Douglas (7:40 p.m.)

Facilities Manager P. Inman (7:40 p.m.)

Community Recreation Coordinator-Seniors C. Pym (7:40 p.m.)

**06-25** Moved by Dzugan and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:50 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**

**06-25** Moved by Belcastro and Dzugan that the Committee-of-the-Whole arise from its closed meeting at 7:35 p.m.

**CARRIED**

### **DISCLOSURE OF INTEREST:**

Councillor Sharpe disclosed an interest in Ref. No. 06-43 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Niagara College.

Mayor Goulbourne disclosed an interest in Ref. No. 06-43 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Niagara College.

### **PRESENTATIONS:**

Mayor Goulbourne and Councillor Dzugan presented Community Involvement Recognition plaques to the following: Ines Mauro, Tom Marshall, Maria Mauro-Marshall, Andrea Marshall and Elizabeth Marshall.

Laury Nadeau, Promotions Co-ordinator and Laura Tait, Advertising Director of the Welland Tribune presented plaques to the following winners of the 2005 Winter Lighting Contest: 1<sup>st</sup> Place: Brad & Larry Taylor – 307 David Street; 2<sup>nd</sup> Place: Damiano Morrone – 62 Strathmore Crescent and 3<sup>rd</sup> Place: Don Reid – 31 Wallace Avenue.

George Chipman, Chair, Rose City Seniors Centre presented flowers to Claire Pym, Community Recreation Coordinator-Seniors, in recognition of her retirement.

### **DELEGATIONS:**

**06-84** George Chipman, Chair, Rose City Seniors Centre Foundation and Chonee Dennis, Consultant addressed Council regarding the expansion of the Centre.

**06-95** Alastair Davis, C.A.O, Habitat for Humanity Niagara addressed Council regarding activities and needs of the organization.

### **THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

**98-82** Gen. Mgr. Parks & Recreation B. LaPlante – City Hall Server Room HVAC.

**04-91** A By-law to authorize a Lease Agreement with the Welland Historical Museum Board of Management to lease 140 King Street.

**05-89** Endorse the nomination bid of Councillor David Alexander for the position of Provincial Board Director – Ontario for the Federation of Canadian Municipalities.

**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 18<sup>th</sup> day of April, 2006.

**06-3** Deputy City Clerk B. Gallaccio – Lottery License.

**06-6**

**06-13**

**06-20**

**06-21**

**06-27** Keith A. Levere, 1<sup>st</sup> Vice President, Welland Rose Festival Inc. – requesting permission for the following:

- Declaration of June 2006 as **“Welland Rose Festival Month”**
- Special Occasion Permits for various events in June and designation as Community Festivals.
- Road closures for: Days in Downtown Welland – June 9-11, 2006, and Welland Rose Festival Grande Parade – June 11, 2006.
- Exemption from City of Welland Noise By-law for “Days in Downtown Welland”.
- Waiving of all permit fees for Rose Festival events.
- Use of the Civic Square for the Baby Show on June 10, 2006.
- Provision of insurance to the City in the amount of \$2,000,000.00 instead of \$5,000,000.00.
- Cost sharing with Welland Transit for bus shuttle service during **“Days in Downtown Welland”** and the Grand Parade.
- The use of the Sports Complex for parking purposes.

**06-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Accounts Payable – March 30, 2006 to April 7, 2006.

**06-13** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Purchase of a Specialized Handi-Trans Bus.

**06-13** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Transfer of Agreement – Welland Transit – Confectionery Store.

**06-13** A By-law to accept the termination of Philip Gamsby and to enter into a new Service Provider Agreement with Lisa Letourneau-Penney for the Welland Transit Confectionery Store.

**06-16** A By-law to authorize the entering into a Collective Agreement with the Canadian Union of Public Employees, Local 1115, for the period January 1, 2006 to December 31, 2009.

**06-20**

**06-21** Dolores Fabiano, Welland Dragon Boat Festival – requesting the following: A Special Occasion Permit for its **“5<sup>th</sup> Annual Welland Dragon Boat Festival”** and a Road closure of Colborne Street North during the **“Welland Dragon Boat Festival”** to be held June 17, 2006.

**06-43** Alastair Davis, C.A.O, Habitat for Humanity Niagara - Activities and needs of the organization.

**06-58** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Sanitary Sewer Service Lateral Cured-In-Place (CIPP) Rehabilitation Program 2006.

**06-84** George Chipman, Chair, Rose City Seniors Centre Foundation and Chonee Dennis, Consultant – Expansion of the Centre.

**06-94** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Engineering Consultant Services for Welland Development Park Servicing south of Woodlawn Road east of River Road.

**06-1** Moved by Dzugan and Larouche that the Minutes of the Regular Council Meetings of April 4 and April 11, 2006 be and the same are hereby approved and adopted as circulated.

**CARRIED**

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

**98-82** Moved by O'Dell and Belcastro that Council approves capital expenditures of \$5,000 in 2006, and directs staff to include \$20,000 in the 2007 Capital submission for approval in 2007 to provide reliable temperature control for the Server Room at City Hall.

**CARRIED**

**05-89** Moved by Grenier and Belcastro that Welland City Council endorse the nomination bid of Councillor David Alexander for the position of Provincial Board Director – Ontario for the Federation of Canadian Municipalities (F.C.M.).

**CARRIED**

***(Councillor O'Dell asked to be recorded as opposed to this Resolution).***

**06-3** Moved by Alexander and Chiochio that a Lottery License be granted to the following:  
Princess Elizabeth School - Raffle.

**CARRIED**

**06-6**

**06-13** Moved by Alexander and Sharpe that the Mayor declares the month of June as "**Welland**  
**06-20** **Rose Festival Month**" in the City of Welland as requested by the Welland Rose Festival;

**06-21** and

**06-27** That Welland City Council has no objection to the issuance of Special Occasion Permits to Welland Rose Festival Inc. for the following events:

- Lobsterfest XVIII - June 3, 2006
- Days in Downtown Welland - June 9-11, 2006; and designates these events as Community Festivals, subject to the completion of the Municipal Application for Community Festivals and Special Occasion Permits; and

That Welland City Council approves the applications of the Welland Rose Festival Inc. to hold "**Days in Downtown**" on June 9, 10, and 11, 2006 and the "**45th Annual Welland Rose Festival Parade**" on June 11, 2006; subject to the Applicant's completion of all conditions of the Policy of Road Use for Community Activities; and further

That the request for road closures, services-in-kind, exemption from the Noise By-law, waiving of all permit fees, insurance coverage, use of parking lot at the Sports Complex, cost sharing with Welland Transit for shuttle services for the "**Days in Downtown**" and the "**Annual Rose Festival Parade**", and the use of the Civic Square for the Baby Show be received and referred to staff for study and report.

**CARRIED**

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

1	30-Mar-2006	\$	130,574.37
2	31-Mar-2006		253,534.17
3	03-Apr-2006		2,237.76
4	04-Apr-2006		91,291.44
5	05-Apr-2006		123,779.42
6	06-Apr-2006		<u>567,895.18</u>
	<b>Total</b>	<b>\$</b>	<b>1,169,312.34</b>

**CARRIED**

**06-13** Moved by Chiocchio and Sharpe that Council authorizes the purchase of a 2006 specialized Handi-Trans Transit bus from City View Bus Sales, as per the quotation for \$95,198.15 (taxes included).

**CARRIED**

**06-13** Moved by Alexander and Chiocchio

1. That Council approves the transfer of agreement for the operation of the Welland Transit – Confectionery Store from Mr. Phil Gamsby to one of his current staff members, Ms. Lisa Letourneau-Penney; and
2. That the City Solicitor be directed to establish a new service provider contract for a four year term maintaining all the present financial remuneration amounts to the City.

**CARRIED**

**06-20**

**06-21** Moved by Fortier and Grenier that Welland City Council has no objection to the issuance of a Special Occasion Permit for the **“5th Annual Welland Dragon Boat Festival”** to be held on June 17, 2006; subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits; and designates the event as a Community Festival; and further That upon approval of the Welland Recreational Canal Corporation, Welland City Council has no objection for the temporary closure of the Canal Service Road north of Townline tunnel during the “Welland Dragon Boat Festival” to be held on June 17, 2006, subject to the applicant’s completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**06-43** Moved by Fortier and Beaudoin that the presentation by Alastair Davis, C.A.O., Habitat for Humanity Niagara regarding the needs of the organization be received for information.

**CARRIED**

**06-43** Moved by Fortier and Beaudoin that the City of Welland supports the partnership of Habitat for Humanity Niagara and Niagara College for a long term plan to build five affordable houses within the City of Welland boundary over the next five years, with one house being built in 2006 and considers exemption of fees for building permits and development charges.

**NOT PUT**

**06-43** Moved by Spadafora and Belcastro that motion 06-43 regarding Habitat for Humanity Niagara’s request for the donation of lots on Martin Street and the exemption of building permit fees and city development charges be referred to staff for study and report to the May 16<sup>th</sup> Regular Council Meeting.

**CARRIED**

**06-58** Moved by Fortier and Sharpe

1. That Council accepts the tender of Pipeflo Contracting Corporation of Stoney Creek, Ontario for the Sanitary Sewer Service Lateral Cured-In-Place Pipe (CIPP) Rehabilitation Program 2006 Utility Cut Final Reinstatement 2005, as presented in report ENG-2006-17”; and
2. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into a contract with the said contractor, to execute the construction, at the tender price of \$119,025.00, plus applicable taxes; and
3. That Council further authorizes staff to undertake supplementary CIPP rehabilitation of sanitary sewer service laterals as required, at the unit price bid without exceeding the allocation in the approved Capital Budget of \$200,000.00, conditional to the successful completion of the tender prescribed work program; and further

4. That financing of the project in the amount of \$200,000.00 be in accordance with the approved 2006 Sanitary Sewer Capital Budget.

**CARRIED**

**06-84** Moved by Spadafora and Dzugan that the presentation by George Chipman, Chair, Rose City Seniors Centre Foundation and Chonee Dennis, Consultant, regarding the expansion of the Centre be received for information.

**CARRIED**

**06-94** Moved by Grimaldi and Dzugan

1. That the General Manager, Engineering, Public Works & Transportation Services be authorized to retain Kerry T. Howe Engineering Limited to carry out the preliminary design for the Servicing of Sanitary, Storm, Watermain and Storm Water Management in the area south of Woodlawn Road and east of River Road at an estimated fee of \$18,040.00 plus GST, as presented in report ENG-2006-16; and
2. That funding for the engineering services be drawn from the Municipal Incentive Grant (MIG); and further
3. That the City Solicitor be authorized to prepare all necessary and appropriate by-laws to execute same.

**CARRIED**

*(Councillor Grimaldi and Fortier asked to be recorded as opposed to this Resolution).*

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

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

1. That Council accepts the offer for lands on the south side of Ross Street north of Almond Street (Lots 7 and 8, Plan 58 (NP 606)) from Carole and Leonard Eybel as a lot addition for a total selling price of \$4,138.78 with the net proceeds being deposited to the Tax Write-Off Reserve Fund; and
2. That the City Solicitor be authorized to prepare an Offer of Purchase and Sale and associated By-law to complete this transaction.

**CARRIED**

**06-93** Moved by Belcastro and Alexander that the City of Welland advise the Conseil scolaire de district du Centre-Sud-Ouest that it is not interested in acquiring Rosario Tanguay School located at 160 Wallace Avenue.

**CARRIED**

## **BY-LAWS**

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

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

**04-91**

BYL 2006 - 48

A By-law to authorize a Lease Agreement with the Welland Historical Museum Board of Management to lease 140 King Street.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:****06-13**

BYL 2006 - 49

A By-law to accept the termination of Philip Gamsby and to enter into a new Service Provider Agreement with Lisa Letourneau-Penney for the Welland Transit Confectionery Store.

**06-16**

BYL 2006 - 50

A By-law to authorize the entering into a Collective Agreement with the Canadian Union of Public Employees, Local 1115, for the period January 1, 2006 to December 31, 2009.

**06-1**

BYL 2006 - 51

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 April, 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 Chiocchio 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 Grenier and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 10:35 p.m. to consider:

a) the security of the property of the municipality.

**CARRIED**

**06-25** Moved by Fortier and Grimaldi that the Committee-of-the-Whole arise from its closed meeting at 11:10 p.m.

**CARRIED**

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

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

1. That the City of Welland advise the Ontario Minister of Transportation that the City of Welland and the affected property owners will be financially responsible for the cost to upgrade the Woodlawn/Daimler Parkway interchange of Highway 406 so that it can be included in the final design of the highway for construction; and
2. That Council and the affected property owners will commit for the provision of sufficient funds in a reserve account to pay for extra costs to provide the upgraded interchange. The City will ensure that one-time payments will be secured from the affected property owners as contribution for these extra costs which will have the effect of reducing the City's financial contribution.
3. That Council authorizes Staff to negotiate one-time payments from the affected property owners to secure the funds required to be placed in the reserve for the interchange upgrade construction.

**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 26, 2006 for inclusion on the May 2<sup>nd</sup>, 2006 Regular Council Meeting Agenda.**

**06-37** Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the May 2<sup>nd</sup>, 2006 Regular Council Meeting:

***That under the current by-law, the owner or investor is responsible for the use and/or the misuse of water consumption of tenants.***

***In order that the owner not be held responsible for tenant's water consumption, this notice of motion suggests that the Corporation of the City of Welland investigate a method of discerning the difference in water consumption per tenant and billing each tenant individually wherever possible, as do other utilities such as Hydro, Cable, Gas, Phone, etc.***

***The intent is to provide fairness and equity to all.***

Council adjourned at 11:15 p.m.

These Minutes approved and adopted by Motion of Council this 2<sup>nd</sup> day of May, 2006.

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**MAYOR**

**ACTING CLERK**