



## COUNCIL MEETING, MAY 2, 2006

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

Council met in Committee-of-the-Whole closed to the public at 6:35 p.m. and in open session at 7:35 p.m. and again in Committee-of-the-Whole at 8:15 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

**Members Present:** Councillors D. Alexander, D. Beaudoin, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier (until 9:20 p.m.), 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. Stirtzinger

Acting City Clerk B. Gallaccio

City Solicitor G. Banks

Chief, Fire & Emergency Services P. Olah

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:35 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:35 p.m.)

General Manager of Parks and Recreation B. LaPlante (7:35 p.m.)

Deputy Clerk C. Mintoff (7:35 p.m.)

General Manager of Planning and Development Services D. Thorpe (7:35 p.m.)

Employment Services Co-ordinator-Human Resources R. Mantesso

**06-25** Moved by Dzugan and Grenier that Council meet in Committee-of-the-Whole, closed to the public at 6:35 p.m. to consider:

- a) personal matters about an identifiable individual, including municipal employees; and
- b) labour relations or employee negotiations.

**CARRIED**

**06-25** Moved by Belcastro and Beaudoin that the Committee-of-the-Whole arise from its closed

meeting at 7:15 p.m.

**CARRIED**

**PRESENTATIONS:**

**Community Involvement Recognition**

Presentation of plaques by Mayor Goulbourne and Councillor Dzugan to Mr. Bruno Galat and Mrs. Gitka Galat.

**Making Welland Accessible Award**

First Recipient acknowledgement to Jeff and Jocelyn Bennett, the owners of The Venice Café and Ristorante by Councillor Grimaldi and Ross Findlay, Chair, Accessibility Committee on behalf of the City of Welland and the Accessibility Committee.

**DELEGATIONS:**

**06-28** Narges Dardarian, LBC Coordinator Niagara Region, addressed Council regarding Voice Print Canada and their work with other organizations to reduce barriers to information for vision and print restricted Canadians.

**04-4**

**04-37**

**04-124** John Parisee, Welland resident, addressed Council and submitted a petition requesting to have a referendum question on the ballot for the November 13, 2006 Municipal Election regarding  
**06-36** installation of water meters in residential homes.

**PUBLIC HEARING PURSUANT TO SECTION 357 – TAX WRITE-OFFS**

- No one was present to speak to this matter.

There being no submissions the hearing was concluded.

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

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

**THE FOLLOWING CORRESPONDENCE WAS READ:**

**06-98** Report from Regional Councillor John Mastroianni – Niagara Region Report.

**99-99**

**02-85** Report from B. LaPlante, General Manager of Parks and Recreation – Merritt Island Accessibility Improvements – Phase 1.

**06-19** Letter from Janice Makepeace, Community Recreation Coordinator, Parks and Recreation Department, City of Welland – requesting to waive the permit fee for a fireworks display to be

held at the Welland Baseball Stadium, on Monday, May 22, 2006.

- 05-15** A By-law to authorize a Lease Agreement with the Welland Hydro-Electric System Corporation for the Welland Fire and Emergency Services.
- 06-22** Councillor Chiocchio presented a petition on behalf of residents of Aqueduct Street North requesting to install traffic calming methods on Aqueduct Street.

**THE FOLLOWING CORRESPONDENCE WAS DELETED:**

- 06-37** Councillor Fortier withdrew his Notice of Motion regarding tenants water consumption and billing.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

**04-4**

**04-37**

**04-124**

**06-36** John Parisee, Welland resident – requesting to have a referendum question on the ballot for the November 13, 2006 Municipal Election regarding installation of water meters in residential homes.

**04-114** Gen. Mgr. Planning and Development Services D. Thorpe- Proposed Subdivider's Agreement with Laurent Viger Construction Limited – Promenade Subdivision (File: 26T-14-05002)-north of Promenade Richelieu, east of Wellington Street.

**04-114** A By-law to authorize the signing of a Subdivider's Agreement with Laurent Viger Construction Limited with respect to the development of Promenade Subdivision.

**05-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Application for Tax Write-Offs – Section 357.

**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 2<sup>nd</sup> day of May, 2006.

**06-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – April 8, 2006 to April 24, 2006.

**06-13** A By-law to authorize the purchase of a 2006 specialized handi-trans transit bus from City View Bus Sales.

**06-20**

**06-21** A By-law to authorize the temporary road closure of Colborne Street for the Welland Dragon Boat Festival.

**06-21** Sean Neamtu, Teacher, Eastdale Secondary School – requesting permission to hold its annual **“Stride for Pride Walk-a-Thon”** on Friday, May 19<sup>th</sup>, 2006.

**06-21** Claire Masswohl, Welland Multicultural Centre – requesting permission to hold its **“World Cultural Festival”** and **“Parade”** event on July 15<sup>th</sup>, 2006, and requesting street closures for the events in honour of the 30<sup>th</sup> Anniversary of the Welland Heritage Council and Multicultural Centre.

**06-24** A By-law to authorize the appointment of an Interim Deputy Clerk of the Corporation of the City of Welland.

**06-28** Narges Dardarian, LBC Coordinator Niagara Region, Voice Print Canada – Introduce Service.

**06-58** A By-law to authorize the acceptance of tender and entering into a contract with Pipeflo Contracting Corporation for the Sanitary Sewer Service Lateral Cured-In-Place Pipe (CIPP) Rehabilitation Program 2006 and the Utility Cut Final Reinstatement 2005.

**06-60** A By-law to authorize the granting of an easement over Part 6, Plan 30R-11442 to the Regional Municipality of Niagara for Sanitary Forcemain and Watermain.

**06-61** Tim Clutterbuck, Chair, Welland Hydro-Electric Holding Corporation – Ontario Clean Air Alliance Report.

**06-94** A By-law to authorize the retention of Kerry T. Howe Engineering Limited to provide engineering services for the servicing of sanitary, storm, watermain and storm water management in the

area south of Woodlawn Road, East of River Road.

**06-25** Moved by Spadafora and Larouche that Council meet in Committee-of-the-Whole, closed to the public at 8:15 p.m. to consider:

- a) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED**

**06-25** Moved by Beaudoin and Larouche that the Committee-of-the-Whole arise from its closed meeting at 8:30 p.m. without report.

**CARRIED**

**06-1** Moved by Dzugan and Chiochio that the Minutes of the Regular Council Meeting of April 18, 2006 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**99-99**

**02-85** Moved by Grimaldi and Grenier that Council approves capital expenditures of \$20,000 for accessibility improvements around the outside of Merritt Island Building.

**CARRIED**

**04-4**

**04-37**

**04-124**

**06-36** Moved by Spadafora and Grenier that the presentation and petition submitted by John Parisee, Welland resident, requesting to have a referendum question on the ballot for the November 13, 2006 Municipal Election with respect to whether all households should be on a metered water system or remain on a flat rate system be received.

**CARRIED**

**04-4**

**04-37**

**04-124**

**06-36** Moved by O'Dell and Beaudoin that a question be put on the ballot in November as to whether the citizens of Welland wish to continue with the water meter program.

**RULED OUT OF ORDER**

*(Councillor Sharpe rose to a point of order citing that Councillor O'Dell's motion was out of order and that a reconsideration motion must be put prior to discussion.)*

*(Mayor Goulbourne ruled Councillor O'Dell's motion out of order and indicated that a motion to reconsider must be put first.)*

*(Moved by Beaudoin and Grimaldi that the Mayor's ruling on Councillor Sharpe's point of order regarding a reconsideration motion be challenged.*

**IN SUPPORT OF THE MAYOR'S RULING:**

**YEAS:** Councillors Sharpe, Alexander, Grenier, Chiochio, Larouche, Belcastro, Spadafora and Mayor Goulbourne.

**NAYS:** Councillors O'Dell, Grimaldi, Dzugan, Fortier and Beaudoin.

**CARRIED)**

*(Mayor Goulbourne outlined the process regarding the reconsideration of the original resolution passed at the February 3, 2004 Council Meeting and noted those Councillors who voted on the prevailing side of the original resolution of February 3, 2004 regarding water meters were permitted to move the reconsideration motion.)*

*(Councillor Grimaldi rose on a point of order with respect to the Mayor's explanation of the eligible Councillors who were allowed to move a motion to reconsider the original resolution passed at the February 4, 2004 Council Meeting regarding water meters.)*

*(Moved by Grimaldi and Fortier that the Mayor's ruling on Councillor Grimaldi's point of order regarding eligible Councillors who were permitted to move a reconsideration motion with respect to water meters be challenged.*

**IN SUPPORT OF THE MAYOR'S RULING:**

**YAYS:** Councillors O'Dell, Fortier, Sharpe, Beaudoin, Alexander, Grenier, Chiochio, Larouche, Belcastro, Spadafora and Mayor Goulbourne.

**NAYS:** Councillors Grimaldi and Dzugan.

**CARRIED)**

**FOLLOWING THE VOTES ON THE PROCEDURAL MATTERS, THE RECONSIDERATION MOTION WAS THEN CONSIDERED AS FOLLOWS:**

**04-4**

**04-37**

**04-124**

**06-36**

Moved by Beaudoin and Fortier that Council reconsider Item No. 2 contained in Resolution 04-4/04-37 which was passed by Council on February 3, 2004 with respect to mandatory water meters.

**LOST**

2/3 MAJORITY REQUIRED

**YEAS:** Councillors O'Dell, Grimaldi, Dzugan, Fortier and Beaudoin.

**NAYS:** Councillors Sharpe, Alexander, Grenier, Chiochio, Larouche, Belcastro, Spadafora and Mayor Goulbourne.

**04-114** Moved by Grenier and Grimaldi

1. That the City of Welland enter into a Subdivider's Agreement with Laurent Viger Construction Limited with respect to the development of an eight (8) lot residential subdivision (Nathalie Court) located north of Promenade Richelieu, east of Wellington Street (File: 26T-14-05002);
2. That the Mayor and Clerk be pre-authorized to execute all necessary documents associated with the Subdivision; and,
3. That the Mayor be authorized to sign the Final Plan of Subdivision to allow the Plan to be registered once all Conditions of Draft Approval have been met and the Plan has been checked for conformity.

**CARRIED**

**05-4** Moved by Belcastro and Larouche that pursuant to Section 357 of the Municipal Act, 2001, Council approve the write off of taxes in the amount of \$1,949.79 as contained in Report FIN-06-07 as amended listing the reasons for reduction or cancellation and assessment values.

**CARRIED**

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

1	01-Apr-2006	\$	994,186.20
2	13-Apr-2006		42,748.53
3	18-Apr-2006		113,973.22
4	19-Apr-2006		357,627.08
5	21-Apr-2006		137,937.91
6	24-Apr-2006		<u>124,990.00</u>
	<b>Total</b>	<b>\$</b>	<b>3,009,462.94.</b>

**CARRIED**

**06-19** Moved by Grenier and Grimaldi that Council approves the application from the Welland Parks and Recreation Department to hold a fireworks display for Victoria Day at the Welland Baseball Stadium on Monday, May 22, 2006 subject to the applicant's completion of all conditions of the City of Welland's Fireworks By-law 2003-127; and  
That staff be directed to ensure that all fireworks used in the City sponsored display be purchased according with City Policy SER-015-0003.

**CARRIED**

**06-21** Moved by Grenier and Grimaldi that Welland City Council approves the application of Eastdale Secondary School to hold a "***Stride for Pride Walk-a-Thon***" on Friday, 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 Grenier and Grimaldi that the letter from the Welland Multicultural Centre requesting permission to hold a “**World Cultural Festival**” and “**Parade**” on July 15th, 2006, and street closures of East Main Street from Hellems Avenue to King Street and Cross Street for its 30th Anniversary Celebrations be received and referred to staff for study and report.

**CARRIED**

**06-22** Moved by Grenier and Belcastro that for the duration of the rehabilitation construction project on the Main Street Bridge, the City of Welland not enforce parking fees at city meters (9:30 a.m. to 5:00 p.m.), within the designated Business Improvement Area, and that all spaces in the Market Square parking lot also be without charge Monday through Friday during the Bridge construction period in 2006, and that this be reviewed for the 2007 and 2008 construction periods on a year-to-year basis.

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**06-22** Moved by Beaudoin and Alexander that the motion regarding the matter of not enforcing parking fees, in the designated Business Improvement Area during the Bridge reconstruction be referred to staff for study and report to the May 16, 2006 Regular Council Meeting.

**LOST**

**06-22** Moved by Dzugan and Spadafora that the motion regarding the matter of not enforcing parking fees in the designated Business Improvement Area be divided for the purpose of considering the downtown area and Market Square separately.

**LOST**

***FOLLOWING THE VOTE ON THE REFERRAL MOTION AND THE MOTION TO DIVIDE,  
THE MAIN MOTION WAS THEN PUT IN ITS ORIGINAL FORM AND ..... CARRIED***

**YEAS:** Councillors Grimaldi, Sharpe, Alexander, Grenier, Chiochio, Larouche and Belcastro.

**NAYS:** Councillors O'Dell, Dzugan, Beaudoin, Spadafora and Mayor Goulbourne.

**06-28** Moved by Alexander and Grenier that the presentation by Narges Dardarian, LBC Coordinator Niagara Region, regarding Voice Print Canada and their work with other organizations to reduce barriers to information for blind, vision or print restricted Canadians be received for information.

**CARRIED**

**06-61** Moved by Alexander and Sharpe that Council endorses the recommendations from the Welland Hydro-Electric Holding Corporation as per the Board's letter of April 24, 2006 regarding the Ontario Clean Air Alliance Report Meeting Ontario's Electricity Needs: A Critical Review of the Ontario Power Authority's Supply Mix Advice Report".

**CARRIED**

**06-98** Moved by Belcastro and Spadafora that the Niagara Region report submitted by Regional Councillor Mastroianni be received for information.

**CARRIED**

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

**06-15** Moved by Dzugan and O'Dell that Council ratify the Memorandum of Settlement between the City of Welland and the Welland Volunteer Firefighters Steel Workers Local 1-1000 (IWA Council) for the period January 1, 2006 to December 31, 2010.

**CARRIED**

### **BY-LAWS**

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

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

**04-114**

BYL 2006 – 52

A By-law to authorize the signing of a Subdivider's Agreement with Laurent Viger Construction Limited with respect to the development of Promenade Subdivision.

**06-13**

BYL 2006 – 53

A By-law to authorize the purchase of a 2006 specialized handi-transit bus from City View Bus Sales.

**06-20**

**06-21**

BYL 2006 - 54

A By-law to authorize the temporary road closure of Colborne Street for the Welland Dragon Boat Festival.

**06-24**

BYL 2006 – 55

A By-law to authorize the appointment of an Interim Deputy Clerk of the Corporation of the City of Welland.

**06-58**

BYL 2006 – 56

A By-law to authorize the acceptance of tender and entering into a contract with Pipeflo Contracting Corporation for the Sanitary Sewer Service Lateral Cured-In-Place Pipe (CIPP) Rehabilitation Program

2006 and the Utility Cut Final Reinstatement 2005.

**06-60**

BYL 2006 – 57

A By-law to authorize the granting of an easement over Part 6, Plan 30R-11442 to the Regional Municipality of Niagara for Sanitary Forcemain and Watermain.

...continued...

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

**06-94**

BYL 2006 – 58

A By-law to authorize the retention of Kerry T. Howe Engineering Limited to provide engineering services for the servicing of sanitary, storm, watermain and storm water management in the area south of Woodlawn Road, East of River Road.

**05-15**

BYL 2006 – 59

A By-law to authorize a Lease Agreement with the Welland Hydro-Electric System Corporation for the Welland Fire and Emergency Services.

**06-1**

BYL 2006 – 60

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 2<sup>nd</sup> day of May, 2006.

And that the same be now read a first time.

**CARRIED**

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

2. Moved by Grenier and Grimaldi 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, May 10, 2006 for inclusion on the May 16, 2006 Regular Council Meeting Agenda.**

Council adjourned at 10:10 p.m.

These Minutes approved and adopted by Motion of Council this 16<sup>th</sup> day of May, 2006.

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**MAYOR**

**ACTING CLERK**