



COUNCIL MEETING, MAY 16, 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.

Vice Mayor Alexander assumed the Chair from 8:05 p.m. to 8:20 p.m.

Members Present: Councillors D. Alexander (6:35 p.m.), M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi (6:45 p.m.- 10:06 p.m.), J. Larouche, S. O'Dell (6:40 p.m.), and B. Sharpe.

Members of the Staff and Others Present:

Acting City Manager C. Stirtzinger

Acting City Clerk B. Gallaccio

City Solicitor G. Banks (6:40 p.m. – 9:30 p.m.)

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

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

General Manager of Parks and Recreation B. LaPlante (7:40 p.m.)

Deputy Clerk C. Mintoff (7:40 p.m.)

General Manager of Planning and Development Services D. Thorpe

Mgr. Budgets & Fin. Rprt./Deputy Treasurer K. Douglas (7:40 p.m.)

Employment Services Coordinator R. Mantesso (until 7:30 p.m.)

Transit Manager D. Stuart (7:40 p.m.)

Regional Councillor J. Mastroianni

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

CARRIED

(Councillor Sharpe and Mayor Goulbourne were not present during Committee-of-the-Whole discussions on a security of property matter).

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

CARRIED

PRESENTATIONS:

Presentation of plaque by Councillor Alexander to Mayor Goulbourne in recognition of National Day of Mourning for workers injured on the job.

Presentation of plaques by the Water Conservation and Efficiency Program Committee: Councillor Paul Grenier, Chair; Giulia Forsythe, Gary King, Margaret Moroz; Councillor Mike Belcastro; David Goodman, Enbridge Gas; Kelly Maidens and Paul Joli, Caisse Populaire to the winners of the Children Education Contest: **Individual Winners:** Jordan Labonte, Jeromy Hopkins, Lindsay Miller, Brett Handley, Mitchell Guglielmi, Bailey Papp and Shelby Loveless; **Group Winners:** Primary Group Award Winner – Alexander Kuska Catholic Elementary School, Grade 1 class; Primary Group Award Winner - Ecole elementaire catholique de Saint-Francois-d'Assise, Kindergarten; Junior Group Award Winner – St. Andrew Catholic Elementary School, Grade 5 class; Intermediate Group Award Winner – Alexander Kuska Catholic Elementary School, Grade 7 class; **Educator Awards:** Mrs. Ianniello, Grade 1 teacher, Alexander Kuska Catholic Elementary School; Mrs. L. Brown, Grade 5 teacher, St. Andrew Catholic Elementary School; Ms. Tracy Delgaty, Kindergarten teacher, Ecole elementaire catholique du Saint-Francois-d'Assise.

BOARDS, AGENCIES, COMMISSIONS REPORT(S):

05-118 Councillor Paul Grenier addressed Council regarding scheduled events of the Water Conservation and Efficiency Program Committee.

06-13 Dave Stuart, Transit Manager, addressed Council regarding bus schedules changes due to East Main Bridge construction.

06-27 Councillor Sharpe addressed Council regarding the Rose Festival Committee's insurance requirements.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

02-137 A By-law to authorize the sale of city-owned lands located on the south side of Ross Street, north of Almond Street to Leonard Eybel and Carole Eybel.

04-124 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Water Meter Installation Process.

05-129 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Horses Unlimited – Lease Agreement.

- 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 16th day of May, 2006.
- 06-6**
- 06-13**
- 06-20**
- 06-21**
- 06-27** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Rose Festival Parade/Days in Downtown.
- 06-3** Acting City Clerk B. Gallaccio – Lottery License.
- 06-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Accounts Payable – April 25, 2006 to May 8, 2006.
- 06-19** Gen. Mgr. Parks and Recreation B. LaPlante – Request for Qualifications for Arena Infrastructure Renewal and Recreation Facility Development.
- 06-21** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – World Cultural Festival and Parade.
- 06-21** Todd Eybel, President, Royal Canadian Legion Branch 4 – requesting permission to hold an **“Decoration Day Parade and Service”** on Sunday, June 4, 2006 and road closure of Morningstar Avenue.
- 06-22** A By-law to amend By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland.
- 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 2006-22.
- 06-63** Gen. Mgr. Planning and Development Services D. Thorpe – Request by Heritage Welland to designate the structure and property referred to as the “Carnegie Building” known municipally as 140 King Street.
- 06-84** Gen. Mgr. Parks and Recreation B. LaPlante – Seniors Activity Centre Roof Replacement.
- 06-86** A By-law to authorize the retention of Totten Sims Hubicki Associates to provide Engineering Services 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; and the Watermain abandonment on East Main Street between Hellems Avenue and Cross Street.
- 06-92** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of Tender – Utility Cut Final Reinstatement 2006.
- 06-97** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Broadway Avenue Area Inflow/Infiltration Study.
- 06-101** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Proposed Road Exchange with the Region.

06-1 Moved by Dzugan and Larouche that the Minutes of the Regular Council Meetings of May 2, 2006 and May 9, 2006 be and the same are hereby approved and adopted as circulated.

CARRIED

04-124 Moved by Belcastro and Alexander that Council receive for information REPORT ENG-2006-23 regarding the process for facilitating water meter installations.

CARRIED

YEAS: Councillors Dzugan, Sharpe, Alexander, Grenier, Larouche, Belcastro and Mayor Goulbourne.

NAYS: Councillors O'Dell, Grimaldi, Chiochio and Fortier

05-129 Moved by Fortier and Belcastro

1. That City Council approves the request to install a gate across the unopened Schisler Road Allowance pending agreement of the terms outlined in report TRAF-2006-15 re: Horses Unlimited - Lease Agreement; and
2. That the gate be locked with a lock provided by the Corporation of the City of Welland and keys be provided to the Fire Department, Niagara Regional Police, and the Seaway Lands Authority to permit access at anytime; and
3. That the City Solicitor prepares the appropriate road closing by-law.

CARRIED**06-3** Moved by Belcastro and Larouche that a Lottery License be granted to the following: Heart Niagara - Nevada.**CARRIED****06-6****06-13****06-20****06-21****06-27** Moved by Sharpe and Larouche

1. That City Council approves the requested road closures as outlined from June 9 to June 11, 2006, and, Welland Rose Festival Inc. be required to obtain a Road Occupancy Permit from the City for such purpose (at a cost of \$25 to festival organizers).
2. That Council supports the motion, which was initiated by a request from the Welland Rose Festival Committee to provide bus shuttle service on Sunday, June 11th, 2006 for the "45th Annual Rose Festival Parade", and that the City financial expenditure of approximately \$240 be approved for Welland Transit to provide a shuttle service during the Rose Parade (at a cost of \$240 to the City).
3. That Council exempt Welland Rose Festival Inc. from the provisions of the City Noise By-law during the 2006 festival, pursuant to section 3.(a) of the by-law for the purpose of the festival, including "Days in Downtown" and the "45th Annual Rose Festival Parade".
4. That Council exempt Welland Rose Festival Inc. from the requirement to obtain City Licenses and Permits for the 2006 festival, unless specifically required by resolution, provided that all tents, displays, events, and vendors comply with the applicable health and safety provisions in the Licensing By-law and other applicable legislation, and the food vendors comply with Niagara Regional Public Health Department requirements for the storage, preparation and serving of food (at a cost of approximately \$1000 to the City).
5. That, notwithstanding the exemption for certain permits and licenses, Welland Rose Festival Inc. be required to provide liability insurance in the amount of \$2,000,000.00 (two million dollars).
6. That Council consider requiring payment of 50% of the costs estimated at \$6000 for road closures outlined in this report until such time as costs of this nature are addressed in the operating budget (at an estimated cost of approximately \$3000 for both the City and festival organizers).
7. That Council direct Staff to develop processes and budgetary considerations to deal with future requests for "in-kind" services and costs.

CARRIED

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

1	26-Apr-2006	\$	407,575.17
2	27-Apr-2006		19,348.90
3	28-Apr-2006		127,925.01
4	01-May-2006		56,976.72
5	03-May-2006		6,737,940.62
6	05-May-2006		24,199.93
7	08-May-2006		<u>375,117.52</u>
	Total	\$	7,749,083.87.

CARRIED

06-19 Moved by Larouche and Sharpe

1. That Council approves Report P&R-2006-06; and
2. That staff be directed to proceed with a 'Request for Qualifications' (RFQ) for Arena Infrastructure Renewal and Recreation Facility Development' as outlined in Report P&R-2006-06; and
3. That Council appoints the Mayor, Chairman of the Community Services Committee, City Manager, Manager of Economic Development, and the General Manager of Parks and Recreation as an Ad Hoc Committee to review and evaluate the RFQ submissions.

CARRIED

06-21 Moved by Belcastro and Larouche

1. That City Council approves the requested road closures for the "**World Cultural Festival**" and "**Parade**" on July 15, 2006; and
2. That the organizers be informed that all the appropriate Permits, Liability Insurance, and Setup Costs, be covered by the Welland Heritage Council and Multicultural Centre as per City of Welland By-laws.

CARRIED

06-21 Moved by Belcastro and Larouche that Welland City Council approves the application from the Royal Canadian Legion Branch 4 for the "**Annual Decoration Day Parade and Service**" to be held on Sunday, June 4, 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 closure between 1:00 p.m. to 2:00 p.m. on Morningstar Avenue be approved.

CARRIED

06-63 Moved by Belcastro and Larouche

1. That the City of Welland approve the processing of the structure and property referred to as the "Carnegie Building", known municipally as 140 King Street for heritage designation pursuant to the provisions of Part IV of the Ontario Heritage Act, 2005 Chapter 6; and

2. That the "Reasons for Designation" as submitted by Heritage Welland be amended by deleting the last line concerning the mural.

CARRIED

06-84 Moved by Belcastro and Larouche that Council accepts the proposal from Baron Roofing & Siding Limited for the tendered price of \$32,043 plus applicable taxes, for replacement of the shingled roof on the Seniors Activity Centre located at 145 Lincoln Street, Welland.

CARRIED

06-92 Moved by Belcastro and Larouche

1. That Council accepts the tender of A-1 Asphalt Maintenance Ltd. of Burlington for the Utility Cut Final Reinstatement 2006, as presented in report ENG-2006-22; 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 \$167,035.28 plus applicable G.S.T.; and
3. That detail financing of the project in the amount of \$210,000 be in accordance with the approved 2006 Sanitary Sewers and Waterworks Operating Budgets.

CARRIED

06-97 Moved by Larouche and O'Dell that the General Manager, Engineering, Public Works and Transportation Services be authorized to proceed with retaining XCG Consultants Limited to undertake the Broadway Avenue Area Inflow/Infiltration Study; and.

That the City Solicitor be directed to prepare all necessary and appropriate By-laws to execute same.

CARRIED

06-101 Moved by Alexander and Chiocchio

1. That Welland City Council supports the initiative from the Town of Pelham in conjunction with the Region of Niagara and the City of Welland to upload from area municipal jurisdictions in the Town of Pelham and City of Welland to the Region of Niagara, the domain of Rice Road in exchange for the downloading of South Pelham Road with further recognition from the City of Welland that the Region will assume additional area municipal roadways in the City of Welland including but not limited to Quaker Road between Rice Road and Niagara Street which is intended to create a balanced exchange between all parties; and
2. That Welland City Council recognizes that to meet the Town of Pelham's immediate needs and in further recognition of the additional complexities involved with the City of Welland's component of the exchange with the Region of Niagara, that a phasing between local municipalities of these road transfers will occur to achieve a balanced impact resulting from the exchange; and with further recognition of the need for the Region to upgrade roads and infrastructure subject to transfer to agreed standards prior to transfer of Regional roads to area municipalities; and
3. That Welland Council direct staff to enter into an agreement with the Region of Niagara to exchange the roads as well as the phasing components.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

06-24 Moved by Larouche and Belcastro that Council approves for Non-Union staff:
- effective January 1, 2006 a 2% increase.

- effective January 1, 2007 a 2.75% increase.
- effective January 1, 2008 a 3.25% increase.
- effective January 1, 2009 a 3% increase; and further

In recognition of increased hours to be worked and to maintain economic integrity between other employee groups that a 3.7% grid adjustment be phased into the Non-Union salary structure as follows; 1.85% effective July 1, 2006 and 1.85% effective January 1, 2007; and further

That benefit improvements be made to match those negotiated with CUPE Local 1115.

CARRIED

06-24 Moved by Sharpe and Larouche that Council approves the proposed increases to monthly car allowances as submitted in staff report HR-2006-05.

CARRIED

06-102 Moved by Alexander and Belcastro

1. That the request by the Hope Centre to use City-owned lands on the south side of Ross Street, north of Almond Street for the purposes of a garden be approved;
2. That the City of Welland enter into a Pleasure Lease with the Hope Centre at an annual rate of \$1.00 for the use the City-owned lands on the south side of Ross Street, north of Almond Street as shown on the Location Map attached to this Report;
3. That the City Solicitor be authorized to prepare the Pleasure Lease with all legal costs associated with the preparation and/or registration of the Pleasure Lease being waived by the City; and
4. That Mr. Heaton be advised of Council's decision regarding the use of the City-owned lands on the south side of Ross Street, north of Almond Street.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

02-137

BYL 2006 - 64

A By-law to authorize the sale of city-owned lands located on the south side of Ross Street, north of Almond Street to Leonard Eybel and Carole Eybel.

06-22

BYL 2006 - 65

A By-law to amend By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland.

06-22

BYL 2006 - 66

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 2006-22.

06-86

BYL 2006 - 67

A By-law to authorize the retention of Totten Sims Hubicki Associates to provide Engineering Services for the Watermain Replacement on Cross Street between East Main Street and Division Street; and on Denistoun Street between Lincoln

Street and West Main Street; and the Watermain abandonment on East Main Street between Hellems Avenue and Cross Street.

06-1

BYL 2006 - 68

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 16th 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 Belcastro 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, May 31, 2006 for inclusion on the next Regular Council Meeting Agenda of June 6, 2006.

Council adjourned at 10:30 p.m.

These Minutes approved and adopted by Motion of Council this 6th day of June, 2006.

MAYOR

ACTING CLERK