



## **COUNCIL MEETING, DECEMBER 21, 2004**

### **CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET**

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

His Worship Mayor Damian Goulbourne in the Chair.

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

**Members Present:** Councillors D. Alexander, D. Beaudoin, M. Belcastro, P. Chiocchio, M. Dzugan (6:45 p.m.), D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell (7:10 p.m.), B. Sharpe and J. Spadafora (6:50 p.m.).

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

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah (7:40 p.m.)

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

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:40 p.m.)

General Manager of Planning and Development Services D. Thorpe

General Manager of Parks and Recreation B. LaPlante

Regional Councillor J. Mastroianni (7:40 p.m.)

Purchasing Clerk S. Demers (7:40 p.m.)

Vital Statistics Clerk Steno II L. Bubanko (7:40 p.m.)

R. Peever, President & C.E.O. of Welland Hydro, was present during Committee-of-the-Whole discussions on a matter authorized under the Corporations Act.

**04-25** Moved by Belcastro and Larouche that Council meet in Committee-of-the-Whole, closed to the public at 6:35 p.m. to consider:

- a) the security of the property of the municipality;
- b) personal matters about an identifiable individual, including municipal employees;
- c) a matter in respect of which a council, board, committee or other board has authorized a meeting to be closed under another Act.

**CARRIED**

**04-25** Moved by Larouche and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 7:30 p.m.

**CARRIED**

### **PRESENTATIONS:**

Presentation of a plaque by Councillor Alexander on behalf of United Way South Niagara to the City of Welland in recognition of 2004 Best Event – Barbeques.

Presentation by the City Manager of 25 year service watches to the following employees:  
Peter Santone – John Olah – Maria Kearney – Donald Thorpe – Debbie Cronshaw and Tony Celi.

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

**97-58** Festival of Arts – Murals

**98-82** City Mgr. T. Fitzpatrick – Award of Civic Garden and Parking Area - Welland Civic Square.

**98-82** City Mgr. T. Fitzpatrick – Update on Civic Square Project.

**2000-43**

**2000-83** Review of the City's Lot Grading and Drainage for Subdivisions Policy SER-007-0004 to provide for improved enforcement procedures.

**03-88** A By-law to authorize amendment to the contract with Ellis Engineering Inc. to complete a Feasibility Study Report for the structure replacement on Colbeck Drive and Drapers Creek Restoration.

**03-100** A By-law to authorize amendment to the contract with Vic Vatr Contracting Limited for additions to the Summit Avenue Area Watermain Replacement Phase 2 (Linwood Drive to Laughlin Place).

**04-1** 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 21<sup>st</sup> day of December, 2004.

**04-4** A By-law to authorize RBC Royal Bank to provide banking services to the City of Welland for a three (3) year term.

**04-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – November 10, 2004 to November 29, 2004.

**04-14** Matter of conferences and review of current regulating of By-law.

**04-15** Ted Arnott, MPP, Waterloo-Wellington – Reaffirming its position on Double Hatter legislation proposed in Bill 52, the Volunteer Fire Fighters Employment Protection Act.

**04-22** Matter regarding transport vehicles being parked in residential areas.

**04-22** Designated Truck Routes.

**04-82** Matter regarding poor road conditions and recommendation to prevent roads from further deterioration.

**04-120** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – COMRIF (Canada-Ontario Municipal Rural Infrastructure Fund) Application for the Fitch Street Road Reconstruction and Watermain Replacement Project.

**04-120** A By-law to authorize an amendment to the contract with Robert Martin Engineering Inc. to provide additional Engineering Services for the Fitch Street Watermain Replacement.

**04-120** A By-law to authorize an application to the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) to Finance Infrastructure Improvement.

**04-142** A By-law to authorize the acceptance of quotations of Vancor Supply, Evans Supply Ltd., and Emco Supply, for the supply of water and sewer materials.

**04-124** Report from Council dealing with the matter of providing refunds to individuals who were required to pay for the installation of a water meter prior to January, 2004.

**04-153** Municipal Performance Measurement Program for the year 2003.

**05-4** Temporary Borrowing 2005.

**05-19** Gen. Mgr. Parks & Recreation B. LaPlante – Written Requests for Price Quotations for the Printing of the 2005 Spring/Summer & 2005/06 Fall/Winter Leisure Guides.

**05-50** A By-law to change the name of the Local Architectural Conservation Advisory Committee to Welland Heritage Committee.

**05-51** A By-law to establish and adopt a policy with respect to the procurement of goods and services; and to repeal By-law 10264.

**05-51** Proposed New Purchasing Policy for the Corporation of the City of Welland.

**05-54** Gen. Mgr. of Planning and Development Services D. Thorpe – City owned lands – 37 Wavell Court – Part of Parcel D, Plan 973, Parts 1, 2, 3, 4, 5 and 6, Plan 59R-10546.

**05-56** Gen. Mgr. Parks & Recreation B. LaPlante – 2005 North American Crew Club 'Dragon Boat' Championships.

**05-57** Gen. Mgr. Engineering, Public Works & Transp. Serv. / City Engineer D. Shantz – Government Drain Sanitary Sewer Emergency Repair.

**05-58** Gen. Mgr. Parks & Recreation B. LaPlante – Tender for containerized waste removal at city-owned facilities.

**05-59** Venture Niagara-Welland Arts and Culture Study.

**05-59** Process Plan for an Arts and Culture Policy - City of Welland.

**04-1** Moved by Larouche and Dzugan that the Minutes of the Regular Council Meeting of December 7, 2004 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**97-58** Moved by Belcastro and Chiocchio that the issue with regard to the murals be resolved by the February 22, 2005 Council Meeting.

**CARRIED**

**98-82** Moved by Belcastro and Chiocchio

1. That Council award the Civic Garden and Parking Area tender to Rankin Construction Inc., in the amount of \$704,350, plus G.S.T. being the lowest of six (6) tenders submitted;
2. That the project be funded from the approved 2003 and 2004 Capital Budgets;
3. That the Mayor and Clerk be authorized to execute the necessary documents;
4. That the Solicitor be directed to prepare the necessary by-laws.

**CARRIED**

**98-82** Moved by Belcastro and Chiocchio that Report CM 2004-44 being an update report on the Civic Square project be received.

**CARRIED**

**2000-43** Moved by Belcastro and Chiocchio that staff be again directed to review the City's Lot Grading & Drainage for Subdivisions Policy SER-007-0004 to provide for improved enforcement procedures; and That Council again direct staff to review the need to deal with lot grading and drainage issues with new and existing subdivisions.

**CARRIED****02-160**

**05-22** Moved by O'Dell and Spadafora that Council waive the rules of the Procedural By-law to address an urgent resolution with respect to downtown parking.

**CARRIED**

**04-7** Moved by Belcastro and Chiocchio that the Accounts Payable Report – Summary be received and the City Treasurer be instructed to pay the list of accounts as follows:

1	01-Dec-04	\$	494,505.74
2	02-Dec-04		45,287.79
3	06-Dec-04		1,268,730.64
4	08-Dec-04		295,776.96
5	10-Dec-04		4,984,941.92
6	14-Dec-04		<u>1,690,556.62</u>
	<b>Total</b>	<b>\$</b>	<b>7,516,298.66</b>

**CARRIED**

**04-14** Moved by Belcastro and Chiocchio that the matter of Conferences, including the number of conferences to be attended, any special considerations for City representation on association executives, the current regulating by-law be again referred to the Human Resources Committee for review and report to Council.

**CARRIED**

**04-15** Moved by Grenier and Sharpe that Welland City Council re-affirm its position on Double Hatter Legislation proposed in Bill 52, the Volunteer Fire Fighters Employment Protection Act, as passed on August 17, 2004 with resolution as follows:

That Council support the resolution from North Grenville requesting support for Bill 52 which is "An Act to amend the Fire Protection and Prevention Act, 1997", protecting two hatter fire fighters" and

That this resolution be forwarded to the Premier of Ontario, the Minister of Community Safety & Correctional Services and the local MPP"; and further

That this resolution be forwarded to the appropriate authorities and well as to Peter Kormos, MPP for his support.

**NOT PUT**

**04-15** Moved by O'Dell and Beaudoin that the matter of re-affirming Council's position with respect to Bill 52, Volunteer Firefighters Protection Act, be referred to the January 11<sup>th</sup>, 2005 General Committee Meeting.

**CARRIED**

**04-22** Moved by Belcastro and Chiocchio that Report TRAF-2004-31 regarding the designation of truck routes be referred to the January 11<sup>th</sup>, 2005 General Committee Meeting.

**CARRIED**

**04-22** Moved by Belcastro and Chiocchio that staff be directed to investigate and report to Council on the issue of transport vehicles being parked in residential areas; and to:

1. Investigate a site in our community where trucks/trailers may park.
2. Investigate a possible permit parking policy to allow trucks to stay at their residences in between runs.

**CARRIED**

**04-82** Moved by Belcastro and Chiocchio that the matter regarding poor road conditions and recommendation to prevent roads from further deterioration be again referred to the Public Works staff for report to Council.

**CARRIED**

**04-120** Moved by Grenier and Sharpe that the Fitch/Diffin Watermain and the Fitch Street Road Reconstruction Project is recognized by Council as being the municipality's highest priority new project; That the General Manager, Engineering, Public Works and Transportation Services be authorized to proceed with an application for COMRIF funding for the Fitch/Diffin Watermain and the Fitch Street Road Reconstruction Project;

That the General Manager, Engineering, Public Works and Transportation Services be authorized to proceed with the extension of the current contract with Robert Martin Engineering Inc. of Niagara Falls, to include additional engineering services for the final design and preparation of the M.O.E. application for the remaining sections of the Fitch Street Watermain Replacement as presented in report ENG-2004-59;

That the Fitch Street watermain replacement (Prince Charles Drive to South Pelham Road) also include the replacement of the watermain on Diffin Drive from Fitch Street to Colbeck Drive; and

That the City Solicitor be directed to prepare all necessary by-laws to execute same.

**CARRIED**

**04-124** Moved by Belcastro and Chiocchio that staff be again directed to prepare a report for Council dealing with the matter of providing refunds to individuals who were required to pay for the installation of a water meter prior to January, 2004.

**CARRIED**

**04-153** Moved by Belcastro and Chiocchio that the results of the City of Welland 2003 Municipal Performance Measurement Program be received and posted on the City's internet site to comply with Provincial publication requirements.

**CARRIED**

**05-4** Moved by Belcastro and Chiocchio

1. That Council authorize the Treasurer to borrow on an interim basis up to \$6,000,000 to meet current and capital expenditures for the year 2005 while awaiting permanent funding by way of taxation, Provincial and Federal grants and Regional debentures.
2. That the City Solicitor be instructed to prepare the necessary by-law.

**CARRIED**

**05-19** Moved by Belcastro and Chiocchio that Council accepts the quotation from Hamilton Web Printing for the printing of the 2005 Spring/Summer & 2005/06 Fall/Winter Leisure Guides at a cost of \$15,664.48 plus applicable taxes, this being the lowest of three quotations received that meet the required specifications.

**CARRIED**

**05-22** Moved by Spadafora and O'Dell that Council waive the enforcement of parking downtown during the Christmas season.

**CARRIED**

**05-23** Moved by Alexander and Larouche that the award to the City of Welland and its employees for its contribution to the United Way be received with gratitude expressed to staff.

**CARRIED**

**05-51** Moved by Belcastro and Chiocchio that the new Purchasing Policy for the Corporation of the City of Welland (attached to Report FIN-04-32) be adopted to comply with the Procurement Requirements of Section 271 of the Municipal Act, 2001, S.O. 2001, Chapter 25 and that By-law 10264 be repealed, and That Section 68 - Legal Claims be removed from the draft, and the remaining sections be numbered accordingly.

**CARRIED**

**05-54** Moved by Belcastro and Chiocchio that Report PDS 2004-70 of the Planning and Development Services dated December 21, 2004 regarding 37 Wavell Court be received for information.

**CARRIED**

**05-56** Moved by Alexander and Chiocchio

1. That Council accept in principle the recommendation from the Welland Recreation Canal Corporation (WRCC) that the City of Welland host the 2005 North American Crew Club 'Dragon Boat' Championships (NACCC);
2. That this issue be referred to the WRCC and staff to negotiate an agreement with the International Dragon Boat Federation (IDBF) and report to Council; and further
3. As part of the agreement an 'Organizing Committee' be formed to facilitate the administration and operation of this event.

**CARRIED**

**05-57** Moved by Belcastro and Chiocchio that the General Manager, Engineering, Public Works and Transportation Services be authorized to fund the Government Drain Sanitary Sewer Emergency Repair cost to 2004 Sanitary Sewer Capital Budget Contingency in the amount of \$75,587.32 as presented in report ENG-2004-61.

**CARRIED**

**05-58** Moved by Beaudoin and Chiocchio that Council authorizes staff to enter into a three year agreement with Modern Landfill Inc. for the removal of containerized waste at City-owned facilities in accordance with the terms specified in the tender issued by the Niagara Public Purchasing Committee (NPPC), at a total cost of \$35,055.77 plus applicable taxes.

**CARRIED**

**05-59** Moved by Belcastro and Chiocchio that the presentation by Frank Rupcic, General Manager, Venture Niagara at the December 14th, 2004 General Committee Meeting regarding the Welland Arts & Culture Study be received for information.

**CARRIED**

**05-59** Moved by Belcastro and Chiocchio that staff be directed to prepare a process plan for the development of an Arts & Culture Policy for review in early 2005.

**CARRIED**

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

**97-58**

**05-10** Moved by Belcastro and Chiocchio that Councillor Jim Larouche be appointed to the Festival of Arts Committee as a Council liaison.

**CARRIED**

**99-43** Moved by O'Dell and Fortier that the matters regarding the Welland Hydro Electric Holding Corporation be referred to the January 18th, 2005 Regular Council Meeting.

**LOST**

**99-43** Moved by Grenier and Sharpe that the Corporation of the City of Welland, as the sole shareholder of the Welland Hydro Electric Holding Corporation and all its subsidiaries, authorizes the Mayor and Clerk to sign the Resolutions of the Sole Shareholder approved at Special Shareholder Meetings held on Tuesday, November 30th, 2004 and Tuesday, December 21, 2004.

**CARRIED**

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

**99-43** Moved by Grenier and Sharpe that the Corporation of the City of Welland, as the sole shareholder of the Welland Hydro Electric Holding Corporation and all its subsidiaries, approves the amendments to the Shareholder Declaration, namely Article 9.12, and that the City Solicitor prepare the necessary by-law to amend the Shareholder Declaration accordingly.

**CARRIED**

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

**05-55** Moved by Beaudoin and Belcastro

1. That the City purchase Forks Road, between Concessions 4 and 5, from Canada Lands Company Limited for a price of \$1,000.00 plus G.S.T.;
2. That the City purchase Lincoln Street, Part 2, Plan 59R-12466, from Canada Lands Company Limited for a price of \$1,000.00 plus G.S.T.;
3. That the City purchase a daylighting triangle on Pietz Road, Part Lot 27, Concession 5 (former Humberstone Township) from Canada Lands Company Limited for a price of \$200.00 plus G.S.T.;
4. That the Municipal Incentive Grant Fund be utilized to finance the transactions involving the purchase of Forks Road, Lincoln Street and Pietz Road;
5. That the City purchase lands abutting Memorial Park, more specifically described as Part 15, Plan 59R-753 from Canada Lands Company Limited for a price of \$9,090.00 plus G.S.T. subject to a small portion

- of contaminated soils, as outlined in the Phase II Investigations Report on Parcel NW-999-B08, performed by XCG Consultants Ltd. dated July 25, 2002 being removed from the site;
6. That the Planning Act Trust Fund be utilized to finance the transaction involving the purchase of lands abutting Memorial Park; and,
  7. That the City Solicitor be authorized to oversee the acquisition of these lands.

**CARRIED**

**05-10** Moved by Belcastro and Chiocchio that the following citizens be appointed to the Welland Recreational Canal Corporation:

Helen Kesik	(January 1, 2005 – December 31, 2007)
Michael Lottridge	(January 1, 2005 – December 31, 2007)
Robert Mahler	(January 1, 2005 – December 31, 2007)
Frank Campion	(January 1, 2005 – December 31, 2005)

**CARRIED**

**BY-LAW ARISING FROM COMMITTEE-OF-THE-WHOLE**

**BY-LAW PRESENTED FOR FIRST READING:**

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

**99-43**

BYL 2004-173

A By-law to amend By-law 2001-59, by amending the Shareholder Declaration respecting the Welland Hydro-Electric Holding Corp., its subsidiaries and affiliates.

And that the same be now read a first time.

**CARRIED**

*(Councillor O'Dell asked to be recorded as opposed to By-law 2004-173)*

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

2. Moved by Grenier and Sharpe that the By-law listed in the foregoing motion for first reading 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**

*(Councillor O'Dell asked to be recorded as opposed to By-law 2004-173)*

### **BY-LAWS**

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

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

**03-88**

BYL 2004 – 174

A By-law to authorize amendment to the contract with Ellis Engineering Inc. to complete a Feasibility Study Report for the structure replacement on Colbeck Drive and Drapers Creek Restoration.

**03-100**

BYL 2004 – 175

A By-law to authorize amendment to the contract with Vic Vatr Contracting Limited for additions to the Summit Avenue Area Watermain Replacement Phase 2 (Linwood Drive to Laughlin Place).

**04-4**

BYL 2004 – 176

A By-law to authorize RBC Royal Bank to provide banking services to the City of Welland for a three (3) year term.

**04-120**

BYL 2004 – 177

A By-law to authorize an amendment to the contract with Robert Martin Engineering Inc. to provide additional Engineering Services for the Fitch Street Watermain Replacement.

**04-120**

BYL 2004 – 178

A By-law to authorize an application to the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) to Finance Infrastructure Improvement.

**04-142**

BYL 2004 – 179

A By-law to authorize the acceptance of quotations of Vancor Supply, Evans Supply Ltd., and Emco Supply, for the supply of water and sewer materials.

**05-50**

BYL 2004 – 180

A By-law to change the name of the Local Architectural Conservation Advisory Committee to Welland Heritage Committee.

**05-51**

BYL 2004 – 181

A By-law to establish and adopt a policy with respect to the procurement of goods and services; and to repeal By-law 10264.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:****04-1**

BYL 2004 – 182

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 21<sup>st</sup> day of December, 2004.

And that the same be now read a first time.

**CARRIED**

*(Councillor Beaudoin asked to be recorded as opposed to By-law 2004-179)*

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

2. Moved by Larouche and Spadafora 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**

*(Councillor Beaudoin asked to be recorded as opposed to By-law 2004-179)*

**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, January 12, 2005 for inclusion on the next Regular Council Meeting Agenda of January 18, 2005.

Council adjourned at 9:50 p.m.

These Minutes approved and adopted by Motion of Council this 18<sup>th</sup> day of January, 2004.

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**MAYOR**

**CLERK**