



## **COUNCIL MEETING, NOVEMBER 15, 2005**

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

Council met in open session at 7:30 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, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi, S. O'Dell, B. Sharpe and J. Spadafora.

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

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

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

General Manager Financial & Corporate Services/Treasurer B. Silvestri

Administrative Assistant/Deputy Clerk B. Gallaccio

Regional Councillor J. Mastroianni

#### **DELEGATIONS:**

**01-126** Penny Christie and Val Jones, Municipal Property Assessment Corporation (MPAC) addressed Council regarding Property Assessment.

**05-170** Mrs. M. Kovacs, on behalf of the residents of Parkway Drive addressed Council requesting the paving of the entire portion of Parkway Drive.

## **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.

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

**05-32** Keith A. Levere, Welland Rose Festival unable to attend and wishes to re-schedule at a later date.

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

**99-99**

**04-106** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of the Welland River Siphon Inlet Cleaning.

**99-99**

**04-106** A By-law to authorize the acceptance of tender and the entering into a contract with CRL Campbell Construction & Drainage for the Welland Siphon West Inlet Cleaning.

**01-126** Penny Christie and Val Jones, Municipal Property Assessment Corporation (MPAC) - regarding Property Assessment.

**02-160** C.A. Stirtzinger, City Clerk – Procedural By-law and Delegation Policy.

**02-160** A By-law to govern the proceeding of Council and the Committees thereof and to repeal By-law 9972.

**04-4**

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

**04-60** City Mgr. T. Fitzpatrick – Municipal Funding Agreement for the transfer of federal gas tax revenues under the new deal for cities and communities.

**04-60** A By-law to authorize the entering into an agreement with the Association of Municipalities of Ontario to implement the transfer of federal gas tax revenues.

**05-1** 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 15<sup>th</sup> day of November, 2005.

**05-3** David S. Brown, Executive Director, the Air Cadet League of Canada – requesting permission to sell raffle tickets in the City of Welland.

**05-3** Wells Spring Niagara - requesting permission to sell raffle tickets in the City of Welland.

**05-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – October 26, 2005 to November 7, 2005.

**05-15** Laura Moy, Clerk, Town of Tecumseh – WSIB amendments to definition of “Volunteer Forces”.

**05-21** Janice Makepeace, Community Recreation Coordinator – on behalf of the Welland Recreation Projects Association – requesting permission to hold the Annual Santa Claus Parade.

**05-21** Pam Seabrook, Tourism of Welland Niagara requesting permission for the following: temporary street closures; snow removal ; a fireworks display and exemption to the Noise By-law during the ***“2005 New Year’s Event”***.

**05-22** A By-law to amend Schedules "V", "VIII" and "XXXIV" of By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.

**05-32** Keith A. Levere, Welland Rose Festival – 44<sup>th</sup> Annual Welland Rose Festival Incorporation.

**05-107** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Retention of Engineering Consultant Services for – storm sewer construction on Chippawa Street between McCormick and Smith Streets and – servicing of vacant surplus city lands on McCormick and Dufferin Streets.

**05-107** A By-law to authorize the retention of Urban & Environmental Management Inc. to provide engineering consultant services for the storm sewer construction on Chippawa Street between McCormick and Smith Streets; and for the servicing of vacant surplus city lands on McCormick and Dufferin Streets.

**05-133** A By-law to authorize acceptance of an Offer to Purchase from adjoining land owners for the sale of vacant land on the south side of Lyons Creek Road, west side of Doans Ridge Road, being Part Lot 13, Concession 5.

**05-156** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of tender – Sutherland Avenue, Afton Avenue and King Street Watermain Replacement, and Ontario Road Watermain Abandonment.

**05-156** A By-law to authorize the acceptance of tender and the entering into a contract with Derose Bros. General Contract Ltd. For the Sutherland Avenue, Afton Avenue, and King Street Watermain Replacement; and Ontario Road Watermain Abandonment.

**05-168** Susan Daniels, Deputy City Clerk, City of Thorold – Municipal Performance Measurement Program (MPMP).

**05-169** Susan Daniels, Deputy City Clerk, City of Thorold – Report prepared by the Consulting Firm Gartner Lee with respect to 12 Landfill Sites and the City of Toronto Garbage Disposal Concerns.

**05-170** Mrs. M. Kovacs, on behalf of the residents of Parkway Drive requesting the pavement of the entire portion of Parkway Drive.

**05-1** Moved by Dzugan and Grenier that the Minutes of the Regular Council Meeting of November 1, 2005 and Special Council Meeting of November 8, 2005 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**99-99**

**04-106** Moved by Sharpe and Chiocchio

1. That Council accept the quotation of CRL Campbell Construction & Drainage of Wainfleet, Ontario for the Welland Siphon West Inlet Cleaning, as presented in report ENG-2005-34;
2. That the City Solicitor be directed to prepare all necessary and appropriate by-laws to enter into an agreement with the said contractor, to execute the operation, at the quoted price of \$32,745.00, plus applicable taxes; and
3. That financing of the project in the amount of \$40,000, to be borne by the Welland Recreational Canal Corporation budget.

**CARRIED**

**01-126** Moved by Sharpe and Chiocchio that the presentation by Penny Christie and Val Jones, Municipal Property Assessment Corporation (MPAC) regarding property assessment be received for information.

**CARRIED****02-160****05-28** Moved by Dzugan and Spadafora

1. That Council approve the new draft Procedural By-law of Council;
2. That Council approve the new draft policy for Delegations to Council; and
3. That Council amend the current Council Agenda format to replace "Accessibility Advisory Committee Report" with "Boards, Agencies, Commissions Reports" to be used by all boards, etc. in the usual manner as arranged by the City Clerk.

**CARRIED**

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

**NAYS:** Councillors O'Dell and Grimaldi.

**02-160** Moved by Spadafora and Sharpe that Council remove the "Regional Council Report" from the current Council Agenda and place this item on the General Committee Agenda.

**LOST****04-4**

**05-4** Moved by Grenier and Belcastro that pursuant to Section 357 of the Municipal Act, 2001, Council approve the write off of taxes in the amount of \$4,919.68 as contained in Report FIN-05-15 listing the reasons for reduction or cancellation and assessment values.

**CARRIED**

**04-60** Moved by Alexander and Sharpe

1. That the City of Welland enter into an agreement with the Association of Municipalities of Ontario concerning the Municipal Funding Agreement for the transfer of Federal Gas Tax revenues under the New Deal for Cities and Communities; and
2. That the Mayor and Clerk be authorized to execute the agreement.

**CARRIED**

**04-124** Moved by Fortier and Dzugan that this Council and staff review the option of offering a monthly payment plan to all water customers; and  
That this Council and staff also review the option of offering an equal billing payment plan to all water customers.

**CARRIED**

**05-3** Moved by Sharpe and Chiochio that permission is hereby granted to Wells Spring Niagara to sell raffle tickets in the City of Welland under authority of Lottery License M 481428; subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

**05-3** Moved by Sharpe and Chiochio that permission is hereby granted to the Air Cadet League of Canada – 87th Eagle Squadron to sell raffle tickets in the City of Welland under authority of Lottery License P050969; subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

**05-7** Moved by Sharpe 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	26-Oct-2005	\$	74.00
2	31-Oct-2005		958,465.93
3	01-Nov-2005		93,767.98
4	02-Nov-2005		16,655.28
5	07-Nov-2005		<u>540,367.53</u>
	<b>Total</b>	<b>\$</b>	<b>1,609,330.72</b>

**CARRIED**

**05-15** Moved by Alexander and Sharpe that Council supports the resolution from the Town of Tecumseh opposing the amendment to the Workplace Safety Insurance Board operational manual document entitled "Volunteer Forces" 12-04-02 and requests the definition of "municipal volunteer firefighters" be amended to include any firefighter not organized under the Fire Prevention and Protection Act, R.S.O. 1997 Part 9; and further

That the City Clerk advise the proper authorities accordingly.

**NOT PUT**

**05-15** Moved by Spadafora and Belcastro that the resolution from the Town of Tecumseh opposing the amendment to the Workplace Safety Insurance Board operational manual document entitled "Volunteer Forces" 12-04-02 and requesting the definition of "municipal volunteer firefighters" be amended to include any firefighter not organized under the Fire Prevention and Protection Act, R.S.O. 1997 Part 9 be received and referred to staff for study and report.

**CARRIED**

**05-21** Moved by Sharpe and Chiocchio that Welland City Council approves the application of Welland Recreation Projects Association for the Annual Santa Claus Parade to be held on Saturday, December 3, 2005 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**05-21** Moved by Sharpe and Chiocchio that the letter from Tourism of Welland Niagara requesting permission for the following: temporary street closures; snow removal, a fireworks display, and exemption to the Noise By-law during the "2005 New Year's Event" to be held on Saturday, December 31, 2005 be received and referred to staff for study and report.

**CARRIED**

**05-23** Moved by Sharpe and Alexander that Council supports and endorses staff's efforts to commence a customer service training initiative scheduled later this month for all city staff at the Civic Square.

**CARRIED**

**05-107** Moved by Sharpe and Chiocchio

1. That the General Manager, Engineering, Public Works & Transportation Services retain URBAN &

ENVIRONMENTAL MANAGEMENT INC. to undertake the preliminary and detailed design for the Storm Sewer Construction on Chippawa Street between McCormick and Smith Streets, including obtaining a Ministry of Environment Certificate of Approval at an estimated fee of \$11,100.00; and further

2. That the General Manager, Engineering, Public Works & Transportation Services retain

...continued...

**05-107...cont'd.**

URBAN & ENVIRONMENTAL MANAGEMENT INC. to undertake the preliminary review and detailed engineering design for the servicing of vacant surplus City lands on McCormick and Dufferin Streets, including obtaining a Ministry of Environment Certificate of Approval at an estimated fee of \$23,500.00;

3. That funding for the engineering services be taken from the Municipal Incentive Grant Fund (M.I.G.); and
4. That the City Solicitor be authorized to prepare all necessary and appropriate by-laws to execute same.

**CARRIED**

**05-156** Moved by Sharpe and Chiocchio

1. That Council accept the tender of DeRose Bros. General Contracting Ltd. For the Sutherland Avenue, Afton Avenue and King Street Watermain Replacement, and Ontario Road Watermain abandonment, as presented in report ENG-2005-49;
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 \$551,832.63; and
3. That financing of the project to be in accordance of the Revised 2005 Waterworks Capital Budgets.

**CARRIED**

**05-168** Moved by Grimaldi and Grenier that Council supports the resolution from the City of Thorold to call upon the Minister of Municipal Affairs and Housing to discontinue the Municipal Performance Measurement Program; and further  
That the City Clerk advise the proper authorities accordingly.

**LOST**

**05-168** Moved by Grenier and Sharpe that, in reference to the City of Thorold resolution to call upon the Minister of Municipal Affairs and Housing to discontinue the Municipal Performance Measurement Program (MPMP), Welland City Council supports replacing the MPMP with a program that reflects the concerns being raised by municipalities with respect to the present program.

**CARRIED**

**05-168** Moved by Grenier and Sharpe that staff review and report on a "made in Welland" Municipal Performance Measurement Program (MPMP) for use within the City of Welland.

**CARRIED**

**05-169** Moved by Sharpe and Chiocchio that Council supports the resolution from the City of Thorold opposing any move to divert Toronto and area garbage to landfill sites located near Thorold or anywhere in the Niagara Region and respectfully requests the operators of local landfill sites to reject any proposals to receive Toronto and area garbage and that the provincial government be formally requested to release and make public the report prepared by Gartner Lee on behalf of Toronto and area municipalities; and further  
That the City Clerk advise the proper authorities accordingly.

**CARRIED**

**05-170** Moved by Spadafora and Sharpe that the presentation and petition by Mrs. M. Kovacs, on behalf of residents of Parkway Drive requesting the paving of the entire portion of Parkway Drive be received for information.

**CARRIED**

### **BY-LAWS**

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

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

**99-99**

**04-106**

BYL 2005 - 175

A By-law to authorize the acceptance of tender and the entering into a contract with CRL Campbell Construction & Drainage for the Welland Siphon West Inlet Cleaning.

**02-160**

BYL 2005 - 176

A By-law to govern the proceeding of Council and the Committees thereof and to repeal By-law 9972.

**04-60**

BYL 2005 - 177

A By-law to authorize the entering into an agreement with the Association of Municipalities of Ontario to implement the transfer of federal gas tax revenues.

**05-22**

BYL 2005 - 178

A By-law to amend Schedules "V", "VIII" and "XXXIV" of By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.

**05-107**

BYL 2005 - 179

A By-law to authorize the retention of Urban & Environmental Management Inc. to provide engineering consultant services for the storm sewer construction on Chippawa Street between McCormick and Smith Streets; and for the servicing of vacant surplus city lands on McCormick and Dufferin Streets.

**05-133**

BYL 2005 - 180

A By-law to authorize acceptance of an Offer to Purchase from adjoining land owners for the sale of vacant land on the south side of Lyons Creek Road, west side of Doans Ridge Road, being Part Lot 13, Concession 5.

**05-156**

BYL 2005 - 181

A By-law to authorize the acceptance of tender and the entering into a contract with Derosé Bros. General Contract Ltd. for the Sutherland Avenue, Afton Avenue, and King Street Watermain Replacement; and Ontario Road Watermain Abandonment.

...continued...

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

**05-1**

BYL 2005 - 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 15th day of November, 2005.

And that the same be now read a first time.

**CARRIED**

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

2. Moved by Sharpe and Chiochio 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 with exception to By-laws 2005-176 and 2005-177.

**CARRIED**

3. Moved by Grenier and Dzugan that By-laws 2005-176 and 2005-177 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, November 30, 2005 for inclusion on the next Regular Council Meeting Agenda of December 6, 2005.**

**98-52** Councillor Grenier gave Notice of Motion of the following issue to be presented to Council at the December 6<sup>th</sup>, 2005 Regular Council Meeting:

***That as a result of several bargaining unit contracts being currently negotiated, Councillors show leadership by voluntarily foregoing the mandatory increase specified in the Remuneration By-law.***

Council adjourned at 10:05 p.m.

These Minutes approved and adopted by Motion of Council this 6<sup>th</sup> day of December, 2005.

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**MAYOR**

**CLERK**