



## **COUNCIL MEETING, APRIL 3, 2007**

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

Council met in Committee-of-the-Whole closed to the public at 5:45 p.m. and in open session at 7:35 p.m. on the above date.

Mayor Goulbourne vacated the Chair at 8:30 p.m. and Vice Mayor Belcastro assumed the Chair. Mayor Goulbourne returned to the Chair at 8:40 p.m.

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

#### **Members Present:**

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Campion, M. Dzugan, T. Eybel, P. Grenier, R. Letourneau, S. O'Dell, and B. Sharpe.

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

City Manager, P. Simmons

General Manager, Communications, Council & Legislative Services/City Clerk, C. Stirtzinger (6:40 p.m.)

Deputy Clerk, B. Gallaccio

Chief, Fire & Emergency Services, D. Prevost (7:35 p.m.)

General Manager, Engineering, Public Works & Transportation Services/City Engineer, D. Shantz (6:40 p.m.)

General Manager, Financial & Corporate Services/Treasurer, B. Silvestri (6:40 p.m.)

Acting General Manager, Human Resources, R. Mantesso (6:40 p.m.)

Communications Assistant, C. Mintoff (7:35 p.m.)

General Manager, Planning & Development Services, D. Thorpe (7:35 p.m.)

General Manager, Parks & Recreation, B. LaPlante (6:40 p.m.)

(Ross Peever, President & CEO and John Kwekkeboom, Director/Treasurer, Welland Hydro Electric Holding Corp. were present in Committee-of-the-Whole discussions on a Business Corporations Matter).

**07-25** Moved by Letourneau and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 5:45 p.m. to consider:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) labour relations or employee negotiations; and
- d) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

**CARRIED**

**07-25** Moved by Eybel and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:30 p.m.

**CARRIED**

### **PRESENTATION:**

Presentation of Certificate of Commendation on behalf of Governor General of Canada Michaele Jean and plaque on behalf of Welland City Council by Mayor Goulbourne to Richard Lipinski in recognition of his actions in providing assistance to others following a vehicle accident on Highway 3 in Port Colborne on February 13, 2005.

### **DELEGATIONS:**

**07-28** Mel Groom, Director and Liz Palmieri, Executive Director of the Niagara Community Foundation addressed Council on its activities and a grant presentation to the Rose City Seniors.

**99-43** Mr. Ross Peever, President & CEO and Mr. John Kwekkeboom, Director/Treasurer, Welland Hydro Electric Holding Corp. addressed Council regarding a report on its financial investments and business activities.

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

**07-13** Motion from Mayor Goulbourne regarding the potential for Inter-municipal transit in the Niagara Region.

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

**99-99** A By-law to accept the proposal from Par Construction for the design-build construction of two timing towers at the north and south courses of the South Niagara Rowing Club.

**05-158** Notice of Motion from Councillor Letourneau- retain Ecole Jean Vanier within the limits of the City of Welland.

**06-105** A By-Law to authorize the acceptance of tender and the entering into a contract with Steed and Evans Limited for the Fitch Street Roadway Reconstruction (from Wellbrook Boulevard to South Pelham Road).

**07-1** 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 3rd day of April, 2007.

**07-3** Luciano A. Di Mario, President, Order of Sons of Italy – requesting permission to continue

using its gaming proceeds for the capital cost renovations for the Casa Dante Lodge No. 19.

**07-20** Robert Roy, Captain, Welland Volunteer Fire Company #2 – requesting Special Occasion Permit to host its 17<sup>th</sup> Annual Chicken BBQ and outdoor Dance on June 9, 2007.

**07-21** Ken Hancock – requesting permission to hold the **“Annual Niagara Region Walk Against Male Violence”** to be held on May 1, 2007.

**07-21** Dave Auger, Cycle the Circle Committee, Habitat for Humanity Niagara – requesting permission to hold a **“Cycle the Circle Fundraiser”** on June 9, 2007.

**07-28** Mel Groom, Director and Liz Palmieri, Executive Director of the Niagara Community Foundation – update on its activities and grant presentation to the Rose City Seniors.

**07-47** A By-law to authorize the entering into contracts with Peter Quick Asphalt Sealing & Line Painting, and A-1 Asphalt Maintenance Ltd. for the supply and application of Road Traffic Paint and Pavement Markings – 2007.

**07-48** Gen. Mgr., Planning and Development Services, D. Thorpe – Development Agreement – Condition Related to Decision of Committee of Adjustment – consents for Vincent Policella Masonry contractors Limited – Mason Court (Files: B018/2006WELL, B019/2006WELL, B022/2006WELL and B023/WELL).

**07-48** A By-law to authorize the entering into a Development Agreement with Vincent Policella Masonry Contractor Limited concerning the development of four newly created lots described as part of Lot 246, former Township of Thorold, now in the City of Welland, designated as Parts 1,2, 4, 5, 6, and 7 on Plan 59R-13350 (Mason Court).

**07-48** A By-law to Lay Out, Establish and Name Parts 9, 10, 11, 12, and 13 on Plan 59R-13350 as part of Mason Court.

**07-48** A By-law to accept the transfer of lands described as Parts 9, 11, and 13 on Plan 59R-13350 from Vincent Policella Masonry Contractor Limited on the south side of Mason Court for roadway purposes.

**07-55** A By-law to authorize the entering into a contract with Mobil Striping & Sweeping Ltd. for Street Sweeping Rentals.

**07-60** A By-law to authorize the acceptance of tenders of Matrex Company and Hard Rock Construction Inc. for the supply of Asphaltic Materials.

**07-61** A By-law to authorize the acceptance of tenders of Port Colborne Quarries Limited Hard Rock Construction and Lafarge Canada Inc. for the supply of Stone, Gravel, and Sand.

**07-62** A By-law to authorize the acceptance of tender of Norjohn Ltd. for the supply of Asphalt Emulsions.

**07-73** Dan Malleck, PhD, Chair, Healthy Living Niagara – Healthy Living Niagara Campaign “Reality PE: The 60 Minute Edge”.

**07-1** Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of March 20, 2007, as circulated.

**CARRIED**

**99-43** Moved by Dzugan and Eybel

THAT THE COUNCIL OF THE CITY OF WELLAND, as the Shareholder of Welland Hydro-Electric Holding Corp., requests and accepts excess funds of \$500,000 by way of dividend from Welland Hydro-Electric Holding Corp., notwithstanding the terms of the Shareholder Declaration; and further THAT Welland City Council directs staff to present to Council recommendations for allocation of these funds in the 2007 Budget.

**CARRIED**

**07-3** Moved by Eybel and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND grants the request of February 28, 2007 by the Order of Sons of Italy, Dante Lodge No. 19 to continue until December 31, 2008 to use up to 50% of its gaming proceeds for capital cost renovations as previously approved by Council on April 1, 2003.

**CARRIED****07-13** Moved by Dzugan and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND endorses the initiative to develop Inter-municipal transit for Niagara; and further

THAT Welland City Council requests Regional Chair Partington and the Regional CAO to host a meeting of the Mayor's and CAO's of those municipalities with transit services (St. Catharines, Niagara Falls, Fort Erie, and Welland) to discuss the situation and identify potential alternatives; and further

THAT Welland City Council directs that this motion be forwarded to the Region of Niagara, the City of St. Catharines, the City of Niagara Falls and the Town of Fort Erie seeking their support for the initiative and the above-mentioned meeting.

**CARRIED****07-20** Moved by Eybel and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND has no objection to the issuance of a Special Occasion Permit to Welland Volunteer Fire Company #2 for its 17th Annual Chicken BBQ and outdoor dance on June 9th, 2007 at the Volunteer Fire Co. No. 2 Fire Hall on Schisler Road, subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits.

**CARRIED****07-21** Moved by Eybel and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND approves the application of the "**Annual Niagara Region Walk Against Male Violence**" to be held on May 1, 2007 subject to the applicant's Completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED****07-21** Moved by Eybel and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND approves the application of Habitat for Humanity Niagara to hold the "**Cycle the Circle Fundraiser**" on June 9th, 2007 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED****07-22** Moved by Dzugan and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to implement a complete all-way-stop at the intersection of Sutherland and Classic Avenues as requested by the surrounding neighbors for safety reasons.

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**07-22** Moved by O'Dell and Alakas

That the matter regarding a complete all-way-stop at the intersection of Sutherland and Classic Avenues be referred to staff for study and report to the General Committee Meeting of April 24, 2007.

**CARRIED****07-28** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Mel Groom, Director and Liz Palmieri, Executive Director of the Niagara Community Foundation regarding its activities.

**CARRIED**

**07-48** Moved by Eybel and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the execution of an Agreement between Vincent Policella Masonry Contractors Limited and the City of Welland concerning the development of four newly created lots on the south side of Mason Court, Part Lot 246, former Township of Thorold, now in the City of Welland, designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 59R-13350; and further THAT Staff be authorized to prepare the necessary By-laws.

**CARRIED**

**07-73** Moved by Eybel and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND endorses the Healthy Living Niagara Campaign "Reality PE: The 60 Minute Edge" and authorizes the Mayor to sign the Physical Activity Petition on behalf of the Corporation of the City of Welland in support of a second compulsory Health & Physical Education activity credit for secondary school students.

**CARRIED**

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

**07-24** Moved by Eybel and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND appoints Rosanne Mantesso as Acting General Manager of Human Resources for an interim period of six months effective April 2, 2007.

**CARRIED**

### **BY-LAWS**

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

1. Moved by Eybel and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

**99-99**

BYL 2007 - 43

A By-law to accept the proposal from Par Construction for the design-build construction of two timing towers at the north and south courses of the South Niagara Rowing Club.

**06-105**

BYL 2007 - 44

A By-law to authorize the acceptance of tender and the entering into a contract with Steed and Evans Limited for the Fitch Street Roadway Reconstruction (from Wellbrook Boulevard to South Pelham Road).

**07-47**

BYL 2007 - 45

A By-law to authorize the entering into contracts with Peter Quick Asphalt Sealing & Line Painting, and A1

Asphalt Maintenance Ltd. for the supply and application of Road Traffic Paint and Pavement Markings – 2007.

...continued...

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

**07-48**

BYL 2007 - 46

A By-law to authorize the entering into a Development Agreement with Vincent Policella Masonry Contractor Limited concerning the development of four newly created lots described as Part of Lot 246, former Township of Thorold, now in the City of Welland, designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 59R-13350 (Mason Court).

**07-48**

BYL 2007 - 47

A By-law to Lay Out, Establish and Name Parts 9, 10, 11, 12 and 13 on Plan 59R-13350 as part of Mason Court.

**07-48**

BYL 2007 - 48

A By-law to accept the transfer of lands described as Parts 9, 11 and 13 on Plan 59R-13350 from Vincent Policella Masonry Contractor Limited on the south side of Mason Court for roadway purposes.

**07-55**

BYL 2007 - 49

A By-law to authorize the entering into a contract with Mobil Striping & Sweeping Ltd. for Street Sweeping Rentals.

**07-60**

BYL 2007 - 50

A By-law to authorize the acceptance of tenders of Matrex Company and Hard Rock Construction Inc. for the supply of Asphaltic Materials.

**07-61**

BYL 2007 - 51

A By-law to authorize the acceptance of tenders of Port Colborne Quarries Limited Hard Rock Construction and Lafarge Canada Inc. for the supply of Stone, Gravel, and Sand.

**07-62**

BYL 2007 - 52

A By-law to authorize the acceptance of tender of Norjohn Ltd. for the supply of Asphalt Emulsions.

**07-1**

BYL 2007 - 53

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 3rd day of April, 2007.

And that same be now read a first time.

**CARRIED**

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

2. Moved by Eybel and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion as reproduced in this Evening's Council Agenda, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal 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, April 11, 2007 for inclusion on the next Regular Council Meeting Agenda of April 17, 2007.**

**05-158**

Councillor Letourneau gave Notice of Motion of the following issue to be presented to Council at the April 17, 2007 Regular council Meeting:

***THAT THE COUNCIL OF THE CITY OF WELLAND supports the action of the parents of Ecole Jean Vanier to retain or keep Ecole Jean Vanier within the limits of the City of Welland; and further***

***THAT Welland City Council directs that this motion be forwarded to the City of Port Colborne, the Town of Fort Erie, the Township of Wainfleet, and the Town of Pelham seeking support.***

Council adjourned at 8:55 p.m.

These Minutes approved and adopted by Motion of Council this 17<sup>th</sup> day of April, 2007.

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**MAYOR**

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**DEPUTY CLERK**