



COUNCIL MEETING, MAY 24, 2005

CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:15 p.m. and in open session at 7:25 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 (until 8:55 p.m.), P. Chiochio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

City Manager T. Fitzpatrick

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:25 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (7:25 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:25 p.m.)

General Manager of Parks and Recreation B. LaPlante (7:25 p.m.)

Regional Councillor J. Mastroianni (7:25 p.m.)

(Glen Bradley, Greg Cousins and Jeff Daw were present during In Camera Discussions on a Security of Property Matter concerning the Atlas Steels Property).

05-25 Moved by Dzugan and Grenier that Council meet in Committee-of-the-Whole, closed to the public at 6:15 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 Spadafora was not present during Committee-of-the-Whole discussions on a Security of Property Matter).

05-25 Moved by Dzugan and Beaudoin that the Committee-of-the-Whole arise from its closed meeting at 7:10 p.m. without report.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Spadafora disclosed an interest in Ref. No. 04-48 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his company may bid on various works at the Atlas Steels property.

DELEGATION:

05-28 Bill Auchterlonie, Executive Director, United Way South Niagara addressed Council regarding the Community Visioning Roundtable Project.

THE FOLLOWING CORRESPONDENCE WAS READ:

05-3 Lottery application from the Royal Canadian Legion Branch #4 requesting permission to use 50% of proceeds for the building project to pave the parking lot at Branch #4.

05-20 Letter from Ron Kiers, President, Welland & District Slo-Pitch League Inc. requesting a Special Occasion Permit during tournaments at the Sports Complex.

04-114

05-85 A By-law to amend By-law 2005-44, being a By-law to authorize acceptance of an offer to purchase from Laurent Viger Construction Limited for the sale of lands north of Promenade Richelieu, east of Wellington Street and part of closed Roxborough Street.

05-13

05-27 Councillor Sharpe introduced a request from the Welland Rose Festival Committee regarding bus shuttle service during Day in the Park events. (Report TRANS-2005-04 Rose Festival Bus Shuttle Request).

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 97-58** Dr. Steven E. Hegedus – requesting removal of Mural at 31 West Main Street causing moisture damage to the wall building.
- 97-67** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Proposed
- 99-90** Sidewalk Snow Clearing Program.
- 04-147** City Clerk C.A. Stirtzinger – Park Theatre Restoration Project – The Ivy Foundation.
- 05-1** A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the 10th day of May, 2005 and 24th day of May, 2005.
- 05-4** A By-law to establish tax ratios and tax rates and to levy taxes for the year 2005.
- 05-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Accounts Payable – May 3, 2005 to May 18, 2005.
- 05-8** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Review of Road Improvement Program.
- 05-21** Todd Eybel, President, Royal Canadian Legion Branch 4 – requesting permission to hold an **“Annual Decoration Day Parade and Service”** on Sunday, June 5, 2005.
- 05-26** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – New Sidewalks.
- 05-93** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of Tender – Supply and Application of Road Traffic Paint and Pavement Markings – 2005.
- 05-99** City Clerk C.A. Stirtzinger - Niagara Archives Group (NAG) Request for Funding for Archival Needs Assessment Study.
- 05-110** Pam Gilroy, Regional Clerk/Associate Director of Corporate Strategy – Tackling Obesity Healthy Weights, Healthy Lives.
- 05-111** Nora Reid, Secretary, Welland Heritage Committee – designation of the Mizpah Mission/Italian Pentecostal Church at 400 King Street as being of architectural and historical significance.

05-1 Moved by Dzugan and Larouche that the Minutes of the Regular Council Meeting of May 3, 2005 and Special Council Meeting of May 10, 2005 be and the same are hereby approved and adopted as circulated.

CARRIED

97-58 Moved by Dzugan and Grimaldi that the letter from Dr. Steven E. Hegedus requesting removal of the mural at 31 West Main Street causing moisture damage to the building wall be received and referred to staff for study and report to Council.

CARRIED

97-67

99-90 Moved by Chiochio and Grimaldi that tenders be prepared and advertised to hire a contractor to perform the proposed sidewalk snow clearing program utilizing the \$30,000 allocated in the 2005 Operating Budget.

CARRIED

YEAS: Councillors O'Dell, Grimaldi, Sharpe, Alexander, Grenier, Chiocchio, Larouche, Spadafora and Mayor Goulbourne.

NAYS: Councillors Dzugan, Fortier and Beaudoin.

04-48 Moved by Fortier and Grimaldi that Council direct staff that any outstanding monies owing to the City in reference to Slater Steel water purchases be collected.

LOST

04-48

05-4 Moved by Fortier and Dzugan that staff prepare a comprehensive written report in reference to the tax implications of the ongoing negotiations with Slater Steel and EZEE Management Inc. to get a better understanding of the Municipal obligations, opportunities and the possible financial impact to the City of Welland taxpayers and to get a clear direction from Council as to whether or not this Council is prepared to write off more property taxes beyond the scope of the proposed reassessment of MPAC; and further That this information be provided to us at the next scheduled Council Meeting, June 7, 2005.

**NOT PUT
MOTION RULED OUT OF ORDER**

04-147 Moved by Fortier and Chiocchio that Welland City Council supports the Ivy Foundation in its pursuit of independent funding for the restoration of the former Park Theatre as a venue for cultural/children's theatre, dance recitals, vintage and art films, as well as, live theatre and concerts.

NOT PUT

04-147 Moved by O'Dell and Spadafora that Report CLK-2005-09, Park Theatre Restoration Project - The Ivy Foundation be referred to the June 7, 2005 Regular Council Meeting to invite members of the Foundation to explain their plans.

CARRIED

05-3 Moved by Dzugan and Grimaldi that Welland City Council approve the application by the Royal Canadian Legion Branch No. 4 to conduct a raffle lottery for which 50% of the proceeds may go towards the paving of the Branch's parking lot as a Building Fund Project, subject to further approval from the Royal Canadian Legion Ontario Command as per Chapter 4.4.7 of the Lottery Licensing Policy Manual.

CARRIED

05-7 Moved by Dzugan 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	04-May-2005	\$	1,766.16
2	05-May-2005		3,761.75
3	06-May-2005		215,678.06
4	09-May-2005		5,817,047.15
5	11-May-2005		1,530,238.02
6	12-May-2005		<u>85,990.77</u>

Total \$ 7,654,481.91

CARRIED

05-8 Moved by Grenier and Chiocchio that Report ENG-2005-14 - Review of Road Improvement Program be received for information.

CARRIED

05-13

05-27 Moved by Sharpe and Spadafora that Council add to tonight's Council Agenda the Welland Rose Festival Committee's request regarding the in-kind service for the provision of bus shuttle service during "Days in the Park" on June 10, 11, and 12, 2005.

CARRIED

05-13

05-27 Moved by Dzugan and Sharpe

1. That Council supports the request from the Welland Rose Festival Committee for the provision of bus shuttle service to and from Chippawa Park on June 10, 11, and 12, 2005; and further
2. That Council approves the provision of in-kind services of \$463.75.

CARRIED

05-20 Moved by Dzugan and Grimaldi that Welland City Council has no objection to the issuance of a Special Occasion Permit to the Welland & District Slo-Pitch League Inc. to operate an alcoholic beverage tent at baseball tournaments at the Welland Sports Complex during the following period: June 10, 11 & 12, 2005 and July 22, 23 & 24, 2005; subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits; and That Welland City Council declares the event as municipally significant.

CARRIED

05-21 Moved by Dzugan and Grimaldi 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 5, 2005 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

05-22 Moved by Alexander and Chiocchio that the City of Welland develop a traffic calming policy for implementation no later than September 5, 2005.

CARRIED

05-26 Moved by Chiocchio and Sharpe that the locations of Woodlawn Road, Rice Road and Niagara Street as listed in Report TRAF-2005-06, be considered for the 2005 New Sidewalk Program.

NOT PUT

05-26 Moved by Spadafora and Grimaldi that Report TRAF-2005-06, New Sidewalks, be referred to the Accessibility Advisory Committee for input and report at the June 7, 2005 Council Meeting.

CARRIED

05-28 Moved by Alexander and Larouche that the presentation by Bill Auchterlonie, Executive Director, United Way South Niagara regarding the Community Visioning Roundtable Project be received for information.

CARRIED

05-93 Moved by Dzugan and Grimaldi

1. That Part 'A' of the tender for the Supply and Application of Road Traffic Paint, which includes Spring and Fall painting of: Centre Line, Edgeline, Transitions and those pavement markings usually applied with truck mounted line marking equipment, be awarded to K.D.N. Pavement Markings Ltd., in the amount of \$35,700.00 plus P.S.T.; and
2. That Part 'B' of the tender for the Supply and Application of Road Traffic Paint which includes Spring and Fall painting of: Stop Bars, Directional Arrows, On-Street Parking Stalls, Pedestrian Crossings, etc., those pavement markings usually applied with manual line marking equipment, be awarded to R&C Driveway Sealing & Line Painting, in the amount of \$11,997.00 plus P.S.T.; and
3. That Part 'C' of the Tender for the Supply and Application of Road Paint which covers Pavement Markings in Municipal Parking Lots, be forwarded to Mason Pavement Marking Inc., in the amount of \$3,678.30 plus P.S.T.; and further
4. That the City Solicitor be directed to prepare the necessary By-laws to award the tender for the Supply and Application of Road Traffic Paint - 2005 as follows:
Part 'A' - K.D.N. Pavement Markings Ltd. in the amount of \$35,700.00 plus P.S.T.
Part 'B' - R&C Driveway Sealing & Line Painting in the amount of \$11,997.00 plus P.S.T.
Part 'C' - Mason Pavement Marking Inc., in the amount of \$3,678.30 plus P.S.T.

CARRIED

05-99 Moved by Dzugan and Grimaldi

1. That Council pledge \$3,500 to The Niagara Archives Group (NAG) as Welland's contribution towards a regional needs assessment for a regional archives solution; and
2. That this money be funded from the 2005 Operational Contingency.

CARRIED

05-110 Moved by Dzugan and Grimaldi that Welland City Council endorse the resolution from the Region of Niagara, as the Board of Health, regarding the content of and urging action on the Healthy Weights, Healthy Lives report; and
That the City Clerk advise the appropriate authorities accordingly.

CARRIED

05-111 Moved by Dzugan and Grimaldi that Welland City Council approves the processing of the structure and property referred to as the "Mizpah Mission/Italian Pentecostal Church" at 400 King Street for

heritage designation pursuant to the provisions of Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

05-4

BYL 2005 – 75

A By-law to establish tax ratios and tax rates and to levy taxes for the year 2005.

04-114

05-85

BYL 2005 – 76

A By-law to amend By-law 2005-44, being a By-law to authorize acceptance of an offer to purchase from Laurent Viger Construction Limited for the sale of lands north of Promenade Richelieu, east of Wellington Street and part of closed Roxborough Street.

05-1

BYL 2005 – 77

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the 10th day of May, 2005 and 24th day of May, 2005.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan 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, June 1, 2005 for inclusion on the next Regular Council Meeting Agenda of June 7, 2005.

Council adjourned at 10:10 p.m.

These Minutes approved and adopted by Motion of Council this 7th day of June, 2005.

MAYOR

CLERK