



COUNCIL MEETING, JUNE 7, 2005

CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:40 p.m. and in open session at 7:30 p.m. and again in Committee-of-the- Whole at 10:45 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, M. Dzugan, P. Grenier, M. A. Grimaldi (6:50 p.m.), J. Larouche, B. Sharpe and J. Spadafora (7:30 p.m. – 9:50 p.m.).

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 (7:30 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri

General Manager of Parks and Recreation B. LaPlante (7:30 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:30 p.m.)

General Manager of Planning and Development Services D. Thorpe

Burn James (7:30 p.m. – 10:20 p.m.)

05-25 Moved by Dzugan and Grenier that Council meet in Committee-of-the-Whole, closed to the public at 6:40 p.m. to consider:

- a) the security of the property of the municipality; and
- b) a proposed or pending acquisition of land for municipal purposes.

CARRIED

(Councillor Spadafora was not present during Committee-of-the-Whole discussions on

a security of property matter).

05-25 Moved by Alexander and Dzugan that the Committee-of-the-Whole arise from its closed meeting at 7:25 p.m.

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 does business with Atlas Steels.

PRESENTATIONS:

Mayor Goulbourne presented plaques to the following members of the Welland Royal Canadian Legion Branch 4 Novice A Tigers 2004-2005 OMHA Champions: Coach Scott Doan, Assistant Coaches: Wayne Martin, Gary Doan and Dave Wilson. Players: Dylan Gojmerac, Michael Mayes, Dylan Hanson, Robert Fitzgerald, Patrick Desjardins, Zachery Main, Michael Villella, Greg Campbell, Brayden Stortz, Nicholas Briggs, Brycen Thoms, Tyler Robbins, Jordan Wilson, Darcy Muller, Tara Haluka and Matthew Martin.

Mayor Goulbourne presented a certificate to Sarah Ayton and Lindsey Johnson of Centennial Secondary School on winning the gold at the Ontario Technological Skills Competition which was recently held in Waterloo.

PUBLIC MEETING PURSUANT TO SECTION 222 OF THE MUNICIPAL ACT

- To Re-divide Existing Municipal Wards in the City of Welland.

The following people were present to speak on this matter:

- John Parisee, 26 Walts Street, Welland.

DELEGATIONS:

04-113 Robert Parent on behalf of area residents addressed Council regarding the possible sale of Aqueduct Park.

05-28 Ann Simunic, President, Welland Heritage Council and Multicultural Centre addressed Council regarding the use of the Market Square for the International luncheons to be held in June.

96-129

05-5 Ted Bettle, Manager, Board of Directors, Welland and District Humane Society and Enforcement Manager Amanda Ellis addressed Council regarding the current agreement and costs for delivery of animal control services.

04-147 Alan Gilday and Barb Bilboe were present to answer questions of Council concerning the

Foundation's request of Council.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 97-135** City Mgr. T. Fitzpatrick - Proposed agreement with Niagara Regional Broadband Network Limited and Cygnal Technologies Corporation for the provision of new internet service to the City of Welland.
- 99-99** General Manager of Parks and Recreation B. LaPlante – Welland Recreational Canal Corporation Watercraft Restrictions.
- 01-42** Gen. Mgr., Gen. Mgr. of Planning and Development Services D. Thorpe – Request for extension to Draft Plan Approval – Draper's Creek Estates Subdivision (formerly Gillmora Estates) File 26T-14-20002.
- 04-59** City Clerk C.A. Stirtizinger – Ward Redistribution Proposal.
- 04-59** Alan Hall – submission to City Council with respect to Ward Boundaries.
- 04-59** A By-law to redivide the City of Welland into six (6) wards.
- 04-147** 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 meeting held on the 7th day of June, 2005.
- 05-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Debenture Request – 2005.
- 05-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – May 19, 2005 to May 31, 2005.
- 05-26** New Sidewalks – response from the Accessibility Advisory Committee.
- 05-93** A By-law to authorize the acceptance of tenders and entering into contracts with K.D.N. Pavement Markings Ltd.; R&C Driveway Sealing & Line Painting; and Mason Pavement Marking Inc. for the supply and application of road traffic paint and pavement markings.
- 05-98** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Award of Tender – Lincoln Street Sewer Separation – Phase 6B – Sanitary Sewer Construction on Simpson Avenue, Southworth Street and Sutherland Avenue; Watermain Replacement on Simpson Avenue.
- 05-98** A By-law to authorize the acceptance of tender and the entering into a contract with Nexterra Substructures Incorporated for the Lincoln Street Sewer Separation (Phase 6B); the Sanitary Sewer Construction on Simpson Avenue, Southworth Street and Sutherland Avenue; and the Watermain Replacement on Simpson Avenue.
- 05-113** Editorial dated June 1, 2005 in The Tribune entitled *“Let's Celebrate Dan Girardi”*.
- 05-1** Moved by Dzugan and Grenier that the Minutes of the Regular Rescheduled Council Meeting of May 24, 2005 be and the same are hereby approved and adopted as circulated.

CARRIED

96-129

05-5 Moved by Belcastro and Larouche that the presentation by Ted Bettle, Manager, Board of Directors, Welland and District Humane Society and Enforcement Manager Amanda Ellis regarding the current agreement and costs for delivery of animal control services in the City of Welland be received and referred to staff for report.

CARRIED

97-135 Moved by Grenier and Belcastro that the City of Welland enter into an agreement with Niagara Regional Broadband Network Limited and Cygnal Technologies Corporation for the provision of new internet service to the City of Welland.

CARRIED

99-99 Moved by Larouche and Alexander that Welland City Council endorse the combined 'Go Quiet' policy and 'Urban Fishing Initiative' of the Welland Recreational Canal Corporation (WRCC) on the City's recreational canal as part of a redevelopment strategy of the canal lands; and further That By-law 2003-77 be amended to reflect the no motorized boating restriction.

CARRIED

01-42 Moved by Larouche and Alexander that Council approve an extension to Draft Plan Approval for the Draper's Creek Estates Subdivision (File 26T-14-20002) for one (1) year to July 11, 2006.

CARRIED

02-85

05-26 Moved by Grimaldi and Belcastro 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.

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02-85

05-26 Moved by Dzugan and Belcastro that motion 02-85-05-26 be amended to add at the end of the recommendation: "...and direct staff to find the appropriate funding within the existing budget."

CARRIED

***AFTER THE VOTE ON THE AMENDMENT, THE MAIN MOTION WAS
PUT AS AMENDED AS FOLLOWS:***

02-85

05-26 Moved by Grimaldi and Belcastro 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 and direct staff to find the appropriate funding within the existing budget.

CARRIED

04-59

Moved by Larouche and Alexander that the submission from Alan Hall with respect to Ward Boundaries be received for information.

CARRIED

04-59 Moved by Sharpe and Grenier that Council receive Report CLK-2005-11, Ward Redistribution Proposal be received, and that Alternative No. 1b be approved.

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04-59 Moved by Grimaldi and Dzugan that motion 04-59 Re: Report CLK-2005-11 Ward Redistribution Proposal be referred until after the next Municipal Election.

LOST

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

NAYS: Councillors Grimaldi and Dzugan.

FOLLOWING THE LOST VOTE ON THE REFERRAL MOTION, THE MAIN MOTION WAS PUT AND.....

CARRIED

04-113 Moved by Grenier and Alexander that the presentation and petition by Robert Parent on behalf of area residents regarding the possible sale of Aqueduct Park be received and referred to staff for report.

CARRIED

04-147 Moved by Alexander and Belcastro that Welland City Council supports in principle 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.

CARRIED

05-4 Moved by Grenier and Belcastro

1. That the City of Welland request the Region of Niagara to issue debentures in the amount of \$4,842,000 in accordance with the terms of the various authorizing by-laws in revised Schedule ‘A’ attached to Report FIN-05-09 dated June 7, 2005.
2. That the City Clerk and Treasurer be and they are hereby directed to make available to the said Regional Municipality of Niagara certified copies of all By-laws and Orders of the Ontario Municipal Board applicable and all other information required in this connection, to ensure the issue of the said debentures in the amount of \$4,842,000 for the projects described on the said revised Schedule ‘A’ dated June 7, 2005.

CARRIED

05-7 Moved by Larouche and Alexander that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list of accounts as follows:

1	19-May-2005	\$	346,503.70
2	24-May-2005		1,548,139.29
3	25-May-2005		12,978.28

4	27-May-2005	169,653.25
5	31-May-2005	<u>143,905.91</u>
	Total	\$ 2,221,180.43.

CARRIED

05-28 Moved by Grenier and Larouche that the presentation by Ann Simunic, President, Welland Heritage Council regarding the International luncheons to be held in June at the Market Square be received for information and that the public be encouraged to attend.

CARRIED

05-98 Moved by Dzugan and Sharpe that Council accepts the tender of Nexterra Substructures Incorporated for the Lincoln Street Sewer Separation – Phase 6B; Sanitary Sewer Construction on Simpson Avenue, Southworth Street and Sutherland Avenue and Watermain Replacement on Simpson Avenue, as presented in report ENG-2005-16; and

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 \$706,102.65, plus applicable G.S.T; and

That detail financing of the project be in accordance with the approved 2004 Sanitary Sewer Capital and 2005 Waterworks Capital Budgets; in the amounts of \$525,969.90 and \$180,132.75 respectively; and further That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED

05-113 Moved by Larouche and Dzugan that the editorial dated June 1, 2005 in the Tribune entitled "Let's Celebrate Dan Girardi" proposing a parade honouring Dan's achievement as a team member of the 2004/2005 Memorial Cup Canadian Jr. Hockey Champions, the London Knights, be received and referred to staff for recommendation.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

04-48 Moved by Larouche and Dzugan that Council approve and adopt the Memorandum of Agreement including the Minutes of Settlement between Centre Properties (Welland) Limited and Centre Salvage Limited and the Corporation of the City of Welland.

**CARRIED
UNANIMOUSLY**

05-112 Moved by Dzugan and Larouche

1. That the City offer to purchase 82.48± acres of land on the east side of Brown Road, south of Woodlawn Road (Part of Lot 20, Concession 2 and 3 and part of the road allowance between Concessions 2 and 3, former Township of Crowland being Parts 1, 2, 3 and 4, Plan 59R-12471 from

- Canada Lands Company CLC Limited in the amount of \$206,200.00; and further
2. That the Municipal Incentive Grant Fund be utilized to finance the transaction.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

04-59

By-law 2005 - 78

A By-law to redivide the City of Welland into six (6) wards.

05-93

By-law 2005 – 79

A By-law to authorize the acceptance of tenders and entering into contracts with K.D.N. Pavement Markings Ltd.; R&C Driveway Sealing & Line Painting; and Mason Pavement Marking Inc. for the supply and application of road traffic paint and pavement markings.

05-98

By-law 2005 – 80

A By-law to authorize the acceptance of tender and the entering into a contract with Nexterra Substructures Incorporated for the Lincoln Street Sewer Separation (Phase 6B); the Sanitary Sewer Construction on Simpson Avenue, Southworth Street and Sutherland Avenue; and the Watermain Replacement on Simpson Avenue.

05-1

By-law 2005 - 81

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 7th day of June , 2005.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Belcastro and Grenier 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

04-25 Moved by Larouche and Grenier that Council meet in Committee-of-the-Whole, closed to the public at 10:45 p.m. to consider:

a) the security of the property of the municipality.

CARRIED

04-25 Moved by Grenier and Larouche that the Committee-of-the-Whole arise from its closed meeting at 10:48 p.m. without report.

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 15, 2005 for inclusion on the next Regular Council Meeting Agenda of June 21, 2005.

04-61 Councillor Dzugan gave Notice of Motion of the following issue to be presented to Council at the June 21st, 2005 Regular Council Meeting.

That the City of Welland discontinue watering restrictions as per By-law 2004-23 for the 2005 season.

Council adjourned at 10:50 p.m.

These Minutes approved and adopted by Motion of Council this 21st day of June, 2005.

MAYOR

CLERK