



COUNCIL MEETING, APRIL 19, 2005

CITY HALL, COUNCIL CHAMBERS 411 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:05 p.m. and in open session at 7:40 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

(During discussion on Reference Number 04-59, Mayor Goulbourne vacated the Chair and Vice Mayor Barry Sharpe assumed 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 (6:10 p.m.), P. Grenier (6:10 p.m.), M. A. Grimaldi, J. Larouche, S. O'Dell (6:30 p.m.), B. Sharpe and J. Spadafora.

Members of the Staff and Others Present:

City Clerk C.A. Stirtzinger

City Solicitor G. Banks (6:00 p.m.)

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

General Manager Engineering, Public Works & Transportation Services D. Shantz (6:45 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (6:30 p.m.)

Administrative Assistant/Deputy Clerk B. Gallaccio (7:40 p.m.)

General Manager of Planning and Development Services D. Thorpe (7:40 p.m.)

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

- a) the security of the property of the municipality;
- b) personal matters about an identifiable individual, including municipal employees; and
- c) labour relations or employee negotiations.

CARRIED

(Councillor Grimaldi was not present during Committee-of-the-Whole)

discussions on a labour relations matter).

05-25 Moved by Chiocchio and Dzugan that the Committee-of-the-Whole arise from its closed meeting at 7:30 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Grenier disclosed an interest in Ref. No. 05-43 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his father owns an adjacent property.

Councillor Larouche disclosed an interest in Ref. No. 98-82 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he insures one of the unsuccessful tender bidders.

PRESENTATION:

Mayor Goulbourne presented plaques to the following members of the Welland Atom Minor AAA Buckner Sports Tigers 2004-2005 OMHA Champions: Coach Jim Olsson, Assistant Coaches: Jamie Coring, Steve Latinovich, Mike Hominuk and Mike Bukator, Manager Gene Sabucco. Players: Jakob Evans, Anthony Difruscia, Luke Doherty, Braeden Thoms, Adam Barron, Damien Alfieri, Brandon Cercone, Jack Fitzgerald, Tyler Stranges, Zach Olsson, Spencer Smith, Hunter Salomons, Joey Duliban, Tyler Jackson, Davis Hart and Luke Rowe.

DELEGATIONS:

05-4 Thane MacKenzie, Grant Thorton, auditors for the City of Welland addressed Council with respect to the City of Welland 2004 Audit Plan.

04-107 Tim Cassar on behalf of residents of Talbot Avenue addressed Council regarding the deletion of the sidewalk requirement on Talbot Avenue (Regatta Subdivision).

04-6 Linda Oaks and Janice Czop, Education Month Co Chairs District School Board of Niagara addressed Council regarding activities planned for April 2005 and requested Council that the month of April be declared "**Education Month**" and introduced various students at the elementary, junior high and high school who spoke about activities they are involved in.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

98-82 Tender – Uniformed Security Guard and Patrol Services at the New Civic Square.

98-82 A By-law to authorize the entering into a contract with applied Electronics Limited for audio visual equipment for the Civic Square.

02-166

05-62 Reduction of Regional Council Size and Representation corresponding to Population distribution.

04-15 Fire Chief P. Olah – Fire Response Statistics – 2004.

- 04-107** Gen. Mgr. of Planning and Development Services D. Thorpe – Request from residents on Talbot Avenue to delete requirements for sidewalks – Regatta Subdivision (Plan 59M-247) Phase 1.
- 04-115Z** R. Brian Miller, Leon Taylor & Fazari, Barristers and Solicitors and consultant – Creighton Rezoning Application.
- 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 19th day of April, 2005.
- 05-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – March 31, 2005 to April 11, 2005.
- 05-13** Transcab Service.
- 05-13** Bus Shelter Advertising.
- 05-13** A By-law to authorize an extension of the existing service provider contract with Philip Gamsby for use of the Welland Terminal Confectionery Store.
- 05-20**
- 05-27** Leya Poulouski, Special Events & Tourism Coordinator, Tourism of Welland Niagara – requesting special occasion permits for Rose Festival events scheduled for June 2005 and that the events be designated as Community Festivals.
- 05-21** Judy Ziraldo, Area Manager, Heart and Stroke Foundation of Ontario, – requesting permission to hold its annual **“Big Bike for Stroke”** on Wednesday, May 25th, 2005.
- 05-21** Sean Neamtu, Teacher, Eastdale Secondary School – requesting permission to hold its annual **“Stride for Pride Walk-a-Thon”** on Friday, May 20th, 2005.
- 05-43** Gen. Mgr. of Planning and Development Services D. Thorpe – Proposed Demolition of Building at 58 Sixth Street.
- 05-73** A By-law to authorize the entering into a contract with 1405221 Ontario Inc. (D&D Trucking & Construction) for street sweeping rentals.
- 05-74** Tender Award – Supply of Asphaltic Materials.
- 05-75** Tender Award – Supply of Stone.
- 05-76** Tender Award – Supply of Asphalt Emulsion.
- 05-77** Tender Award – Supply and Application of Road Surface Treatment Materials.
- 05-86** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Hellems Avenue Watermain Replacement from Division Street to Victoria Street.
- 05-100** Welland Courthouse – Security Upgrades.
- 05-101** Gary and Nancy Robbins, 614 Clare Avenue, Welland – Request to amend City of Welland By-law regarding boulevards.

05-1 Moved by Dzugan and Sharpe that the Minutes of the Regular Council Meeting of April 5, 2005 be and the same are hereby approved and adopted as circulated.

CARRIED

98-82 Moved by Dzugan and Alexander that Council accept the tender from Cantec Security Services Inc. for the provision of Uniformed Security Guard and Patrol Services at the new Civic Square for a period of three years, at an estimated cost of \$126,428.59 plus applicable taxes, this being the lowest of the three tender quotations received that meet the specifications.

CARRIED

02-166

05-62 Moved by Dzugan and Alexander that the letter from the City of Niagara Falls requesting support of its resolution requesting the reduction of Council size at the Regional Government level and a related letter from the City of St. Catharines requesting support of a resolution to establish representation

which corresponds to population distribution without increasing the size of Regional Council be supported; and

That the Region and area municipalities of Niagara be so advised.

CARRIED

04-15 Moved by Grenier and Alexander that the Report F&ES-2005-02 on Fire Response Statistics for 2004 be received for information purposes.

CARRIED

04-59 Moved by Mayor Goulbourne and Grenier that Council direct staff to re-divide the existing ward boundaries, as per Section 222 Municipal Act, to create 6 equally populated wards to rectify existing representational disparities; and further

That a Public Meeting be held in Council Chambers on a Council night when this report is ready and after a notice for this purpose has been advertised 10 days prior to the meeting.

CARRIED

04-107 Moved by O'Dell and Larouche that the presentation by Tim Cassar Anderson on behalf of residents of Talbot Avenue requesting the deletion of the sidewalk requirement on Talbot Avenue (Regatta Subdivision) be received for information.

CARRIED

04-107 Moved by O'Dell and Larouche that the request by some residents of Talbot Avenue to delete the requirement for sidewalks on Talbot Avenue be denied.

LOST

YEAS: Councillors Grimaldi, Fortier, Alexander, Grenier, Chiochio and Spadafora.

NAYS: Councillors O'Dell, Dzugan, Sharpe, Larouche, Belcastro and Mayor Goulbourne.

04-107 Moved by O'Dell and Larouche that Council delete the requirement for the installation of sidewalks for Phase 1 of the Regatta Subdivision being Talbot Avenue.

CARRIED

YEAS: Councillors O'Dell, Dzugan, Sharpe, Grenier, Chiochio, Larouche, Belcastro and Mayor Goulbourne.

NAYS: Councillors Grimaldi, Fortier, Alexander and Spadafora.

04-115Z Moved by Dzugan and Alexander that the presentation by R. Brian Miller, Leon Taylor & Fazari, Barristers and Solicitors and consultant Iggy Ip, Waterloo BioFilter Systems Inc. at the General Committee Meeting of April 12, 2005 regarding the Creighton Rezoning Application be received for information and referred to staff for inclusion in Staff's Report to Council and that the meeting date for this report's consideration at Council be changed to May 3, 2005 from April 19, 2005 as agreed to by the applicant.

CARRIED

05-4 Moved by Grenier and Belcastro that the presentation by Thane MacKenzie, Grant Thornton, auditors for the City of Welland regarding the City of Welland 2004 Audit Plan be received for information.

CARRIED

05-4 Moved by Fortier and Grimaldi that staff be directed to provide the following:
 - A list of services provided in the water and sewer budget in order of priority, identifying what is essential including a dollar value for these itemized services; and
 - A detailed report to be reviewed by the Budget Committee and Council.

LOST

05-6 Moved by Dzugan and Chiocchio that the presentation by the District School Board of Niagara Principal Linda Oakes, Teacher Janice Czop, and the various students representing all DSBN Schools in Welland to report on activities ongoing for Education Month April 2005 be received for information; and further
 That the Mayor declare the month of April as "**Education Month**" in the City of Welland as requested by the District School Board of Niagara.

CARRIED

05-7 Moved by Dzugan 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	31-Mar-2005	\$	610,809.26
2	04-Apr-2005		16,452.71
3	05-Apr-2005		240,035.00
4	08-Apr-2005		1,114,501.51
5	11-Apr-2005		<u>108,059.13</u>
	Total	\$	2,089,857.61.

CARRIED

05-13 Moved by Dzugan and Alexander

1. That staff be authorized to renew the Transcab contract with 4500 Taxi (1993) O/A 1032560 Ontario Inc., for a two year period commencing April 15, 2005 through April 14, 2007 with no rate increase; and
2. That the City Solicitor be directed to prepare the by-law to authorize entering into an agreement for the supply of taxi service.

CARRIED

05-13 Moved by Dzugan and Alexander

That subject to Council approval, staff be authorized to negotiate a bus shelter advertising renewal contract with Pattison Outdoor Advertising for a five (5) year term; and further
 That staff be authorized to proceed with the tender or request for proposal process if a new agreement has not been entered into between Welland Transit and Pattison Outdoor Advertising within one month.

CARRIED

05-20

05-27 Moved by Dzugan and Alexander that Welland City Council has no objection to the issuance of Special Occasion Permits to the Welland Rose Festival Inc. for the following events:

Lobster & Laughs - June 4, 2005; Fashion Show - June 8, 2005; Coronation Ball - June 9, 2005 ; Rose Festival Day in the Park - June 10, 11 and 12; and designates these events as Community Festivals, subject to the completion of the Municipal Application for Community Festivals and Special Occasion Permits.

CARRIED

05-21 Moved by Dzugan and Alexander that Welland City Council approves the application of the Heart and Stroke Foundation of Ontario to hold its annual "**Big Bike for Stroke**" on Wednesday, May 25th, 2005 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

05-21 Moved by Dzugan and Alexander that Welland City Council approves the application of Eastdale Secondary School to hold a "**Stride for Pride Walk-a-Thon**" on Friday, May 20th, 2005 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

05-21 Moved by Dzugan and Alexander that the City of Welland grants approval to the Welland County Motorcycle Club for the use of the Welland Canal East-Side Trail to conduct its "**Spring Mud Run**" on Saturday, May 7, 2005, between the hours of 12:00 p.m. and 4:00 p.m., as set out in Mr. Rene Landry's letter of April 13, 2005, subject to the club providing proof of insurance in the amount of \$5,000,000.00 and that said insurance shall list the Corporation of the City of Welland as an additional named insured.

CARRIED

05-43 Moved by Fortier and Belcastro that Council accept the quotation from Riverside Excavating for the demolition of 58 Sixth Street in the amount of \$2,950.00, including taxes, and that Staff be authorized to prepare and execute the documents for demolition.

CARRIED

05-74 Moved by Dzugan and Alexander that Council accept the tenders of asphaltic materials of Matrex Company for the supply of Fine and Course Blend Cold Mix and Hard Rock Paving for the supply of HL2, HL3, HL3A and HL8 Hot Mix Asphaltic Materials, at the lowest unit prices submitted, as these were the lowest of the five (5) tenders submitted.

CARRIED

05-75 Moved by Dzugan and Alexander that Council accept the tenders of Port Colborne Quarries and Lafarge Canada Inc. for the Supply of Stone at the tendered prices of \$100,438.90 and \$839.00 respectively, using the lowest tendered price for each stone category in the corresponding Trucking Areas.

CARRIED

05-76 Moved by Dzugan and Alexander that Council accept the tender of Norjohn Ltd. Emulsion Division for the supply of Asphalt Emulsions type RS1 and HF150S at the quoted price of \$20,900.00, this being the lowest tender of two (2) tenders meeting specifications.

CARRIED

05-77 Moved by Dzugan and Alexander that Council accept the tender of Norjohn Emulsion Division for the supply and application of Road Surface Treatment Materials for the total price of \$47,700.00, as this being the lowest of the three (3) tenders submitted meeting tender specifications.

CARRIED

05-86 Moved by Dzugan and Alexander that Council accepts the tender of Vic Vatrt Contracting Limited for the Hellems Avenue Watermain Replacement from Division Street to Victoria Street, as presented in report ENG-2005-13; 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 \$547,998.67, plus applicable G.S.T.; and
That detail financing of the project be in accordance with the approved 2005 Waterworks Capital Budgets and 2004 Sanitary Sewer Capital Budget; in the amounts of \$435,471.15 and \$112,527.52 respectively; and further
That the City Solicitor be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED

05-100 Moved by that Dzugan and Alexander

1. That Council approve an expenditure in the amount of \$34,998.00, including applicable taxes, for replacement and improvements to the security and emergency exit systems at the Welland Courthouse; and
2. That the expenditure be charged to the Court House Reserve Fund.

CARRIED

05-101 Moved by Dzugan and Alexander that the letter from Gary and Nancy Robbins, 614 Clare Avenue, requesting amendment to By-law 9265, being a By-law relative to boulevards and trees in the City of Welland, be received and referred to staff for study and report.

CARRIED

05-103 Moved by Alexander and Grenier that the City of Welland work with area municipalities and key stakeholders with the goal to eliminate intra-Regional long distance fees within Niagara no later than January 2006; and further
That this motion, be circulated to the Region, area municipalities and the MP's representing Niagara for their support.

CARRIED

05-104 Moved by Belcastro and O'Dell that the Motion presented by Councillor Alexander with respect to the Ad Hoc Committees and External Boards to Council be referred to the September 20, 2005 Regular Council Meeting.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

03-132 Moved by Chiochio and Belcastro

1. That Council direct Staff to conduct a review of the implications of future development/redevelopment of the former Sunset Haven, 163 First Avenue; and
2. That Staff be directed to prepare an Interim Control By-law which will have the effect of limiting uses of the lands of the former Sunset Haven to the following: vacant use.

CARRIED

05-102 Moved by Belcastro and Grenier

1. That Council stop up, close and declare surplus portions of unopened Willson Road Road Allowance south of Endicott Terrace shown on the attached Key Map;
2. That Council authorize Staff to prepare the necessary By-law; and,
3. That Council authorize Staff to advertise the stopping up, closing, declaring surplus and conveyance of Willson Road Road Allowance south of Endicott Terrace.

CARRIED

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

BY-LAW PRESENTED FOR FIRST READING:

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

03-132

BYL 2005 - 38

A By-law to designate certain lands known municipally as 163 First Avenue as an area of interim control.

And that the same be now read a first time.

CARRIED

BY-LAW PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Chiocchio and Belcastro 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**BY-LAWS****BY-LAWS PRESENTED FOR FIRST READING:**

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

98-82

BYL 2005 - 53

A By-law to authorize the entering into a contract with Applied Electronics Limited for audio visual equipment for the Civic Square.

05-13

BYL 2005 - 54

A By-law to authorize an extension of the existing service provider contract with Philip Gamsby for use of the Welland Terminal Confectionery Store.

05-73

BYL 2005 -55

A By-law to authorize the entering into a contract with 1405221 Ontario Inc. (D&D Trucking & Construction) for street sweeping rentals.

05-1

BYL 2005 - 56

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 19th day of April, 2005.

And that the same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Dzugan and Alexander 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

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 27, 2005 for inclusion on the May 3, 2005 Regular Council Meeting Agenda.

04-48 Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the May 3rd, 2005 Regular Council Meeting.

That Council direct staff that any outstanding monies owing to the City in reference to Slater Steel water purchases be collected.

05-109 Councillor O'Dell gave Notice of Motion of the following issue to be presented to Council at the May 3rd, 2005 Regular Council Meeting.

That the City of Welland petition the Region to improve the intersection of Broadway and Hwy #58 to eliminate the very dangerous south bound lane ending directly across the intersection from the north bound left turn lane which is where two lanes reduce to one, heading south.

Council adjourned at 10:20 p.m.

These Minutes approved and adopted by Motion of Council this 3rd day of May, 2005.

MAYOR

CLERK