



## **COUNCIL MEETING, NOVEMBER 1, 2005**

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

Council met in Committee-of-the-Whole closed to the public at 5:40 p.m. and in open session at 7:40 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, J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora.(6:40 p.m.)

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

City Clerk C.A. Stirtzinger

City Solicitor G. Banks

City Manager T. Fitzpatrick

General Manager of Human Resources R. Beaumont (until 7:30 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.)

Regional Councillor J. Mastroianni (7:40 p.m.)

**05-25** Moved by Belcastro and Dzugan that Council meet in Committee-of-the-Whole, closed to the public at 5:40 p.m. to consider:

- a) the security of the property of the municipality; and
- b) a matter in respect of which a council, board, committee or other board has authorized a meeting to be closed under another Act.

**CARRIED**

*(Councillor Dzugan and Mayor Goulbourne were not present during Committee-of-the-Whole discussions on Board-Director compensation for the Welland Hydro Electric Holding Corporation. During this portion of the meeting Vice Mayor Chiocchio presided as the Chair.)*

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

**CARRIED**

### **DISCLOSURE OF INTEREST:**

Councillor Dzugan disclosed an interest in Ref. No. 99-43 pertaining to the Sole Shareholder Meeting and did not take part in the consideration and discussion of same, as he is a member of the Board of Directors affected by the compensation proposal discussed at the Shareholder Meeting.

Mayor Goulbourne disclosed an interest in Ref. No. 99-43 pertaining to the Sole Shareholder Meeting and did not take part in the consideration and discussion of same as he is a member of the Board of Directors affected by the compensation proposal discussed at the Shareholder Meeting. Vice Mayor Chiocchio assumed the Chair for the Sole Shareholder Meeting.

Councillor Fortier disclosed an interest in Ref. No. 05-164, and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is a member of OMERS.

### **PRESENTATION:**

Mayor Goulbourne presented plaques to the following members of the Welland Harpwoods' Trophies Mustangs Baseball Team 2005 Ontario Baseball Association's Midget B Champions: **General Manager:** Daryn Byrne, **Coaches:** Rick Young, Steve Hiller and **Players:** Brian Boichuk, Tyler Byrne, Daniel Cvasin, Ryan Dear, Zachary Fisher, Jon Hiller, Michael Iafate, Will Mathieson, Rob Nixon, Drew Pettit, Mike Stone, Geoff Strong and Justin Young.

### **DELEGATION:**

**05-28** Janet C. Booth, Secretary/CEO, updated Council on the activities of the Welland Public Library.

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

Letter from Blue Star Restaurant President, Bryan Moreau, offering to purchase a portion of the Firehall Parking lot #6 for \$10,000.00.

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

**01-108** A By-law to approve Downtown Incentive Program Loans Pursuant to Section 28(7) of the Planning Act.

**03-88** A By-law to authorize the retention of Ellis Engineering Inc. to provide engineering services for the Drapers Creek Culvert Replacement.

- 04-137** City Clerk C.A. Stirtzinger – Fee for facility use for weddings at Civic Square Council Chambers.
- 04-152** A By-law to grant an extension of the Lease Agreement with the Welland Soccer Club.
- 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 1st day of November, 2005.
- 05-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri-Accounts Payable – October 12, 2005 to October 25, 2005.
- 05-28** Janet C. Booth, Secretary/CEO, updated Council on the activities of the Welland Public Library.
- 05-21** Todd Eybel, President, Royal Canadian Legion Branch 4 – requesting permission to hold an ***“Annual Remembrance Day Parade and Service”*** on Sunday, November 6, 2005.
- 05-22** A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000, at Seaway Mall; and to Repeal By-law 2005-85.
- 05-87Z** A By-law to amend City of Welland Zoning By-law 2667 (Lea Silvestri investments Ltd. – File 2005-05) south of Webber Road, east of Clare Avenue.
- 05-150** Letter from Welland Public Library Board requesting Council's support of the resolution from the Town of Whitchurch-Stouffville regarding budget cuts to the Ontario Library Services.
- 05-152** Gen. Mgr. Planning and Development Services D. Thorpe – Semi-Annual Subdivision Status Report – June 30, 2005.
- 05-154** Bill 123, the Transparency in Public Matters Act, 2005.
- 05-158** A By-law to authorize the sale of vacant land on the south side of Woodlawn Road being Part lots 21 and 22, Concession 3 to Conseil Scolaire De District Catholique Centre-Sud.
- 05-158** A By-law to authorize the entering into an agreement with Cooperman Real Estate Inc. for the commission payable upon the sale of vacant land on the south side of Woodlawn Road to Conseil Scolaire De District Catholique Centre-Sud.
- 05-161** Dean Iorfida, City Clerk, City of Niagara Falls – Wholesale Gas Sector.
- 05-162** Nancy Wright-Laking, City Clerk, City of Peterborough – Resolution – Community Emergency Response Volunteers (CERV) Funding.
- 05-163** Gen. Mgr. Planning and Development Services D. Thorpe – Repeal of various By-laws authorizing the execution of Site Plan Control Agreements – 815-835 Ontario Road.
- 05-163** A By-law to repeal City of Welland By-laws being 6424, 6713, 7449, 7549, 7963, 8431, and 8495 authorizing the execution of Site Plan Control Agreements for lands known municipally as 815-835 Ontario Road in the City of Welland.
- 05-164** Letter from the Association of Municipalities of Ontario re: Bill 206 – An Act to revise the Ontario Municipal Employees Retirement System Act.

**05-1** Moved by Sharpe and Grenier that the Minutes of the Regular Council Meeting of October 18, 2005 and Special Council Meeting of October 25, 2005 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**04-137** Moved by Larouche and Dzugan that facility usage fee for weddings at the Civic Square Council Chambers be reduced to \$75.00.

**CARRIED**

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

1	12-Oct-2005	\$	291,088.36
2	13-Oct-2005		1,264.87
3	19-Oct-2005		131,363.99
4	20-Oct-2005		1,394,626.80
5	21-Oct-2005		173,272.40
6	24-Oct-2005		166,122.78
7	25-Oct-2005		<u>13,337.36</u>
	<b>Total</b>	<b>\$</b>	<b>2,171,076.56</b>

**CARRIED**

**05-21** Moved by Larouche and Dzugan that Welland City Council approves the application from the Royal Canadian Legion Branch 4 for the "**Annual Remembrance Day Parade and Service**" to be held on Sunday, November 6, 2005 and the "**Annual Remembrance Day Service**" to be held on Friday, November 11, 2005 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

**CARRIED**

**05-28** Moved by Spadafora and Grenier that the presentation by Janet C. Booth, Secretary/CEO, regarding the Welland Public Library activities be received for information.

**CARRIED**

**05-150** Moved by Larouche and Dzugan that Council accepts the recommendation of the Welland Public Library Board to support the resolution from the Town of Whitchurch-Stouffville requesting the Minister of Culture to review the proposed budget cuts to the Ontario Library Services.

**CARRIED**

**05-152** Moved by Larouche and Dzugan that the Semi-Annual Subdivision Status Report as of June 30, 2005 be received for information.

**CARRIED**

**05-154** Moved by Fortier and Chiochio that Welland City Council endorse the model resolution recommended by the Association of Municipalities of Ontario (AMO) in opposition to Private Member's Bill 123 "The Transparency in Public Matters Act" and urges the Minister of Municipal Affairs and Housing to vote against the Bill if the reference to municipal Councils is not deleted in the Bill as reported by the Standing Committee; and further that the City Clerk advise the proper authorities.

**CARRIED**

**Yeas:** ***Councillors Dzugan, Fortier, Alexander, Grenier, Chiochio, Larouche, Belcastro, and Spadafora***

**Nays:** ***Councillors O'Dell and Grimaldi***

**05-159** Moved by Alexander and Chiocchio that Welland Council request the Region of Niagara to host a briefing on the state of preparedness and Plans for a local pandemic response; and That the Federation of Canadian Municipalities co-ordinate a country wide Municipal review and forum on emerging globally-related health issues so that Canadian cities and communities can best prepare to manage a crisis.

**CARRIED**

**05-161** Moved by Larouche and Dzugan that Council supports the resolution from the City of Niagara Falls regarding the Canadian Independent Petroleum Marketers Association (C.I.P.M.A.) to call upon the Federal Government to intervene in the wholesale gasoline sector to restore the free market system of competition.

**CARRIED**

**05-162** Moved by Larouche and Dzugan that Council supports the resolution from the City of Peterborough requesting the Ministry of Community Safety and Correctional Services to re-affirm their support of the Community Emergency Response Volunteers (CERV) Funding to meet the volunteer needs of the community in emergency situations; and further That the City Clerk advise the appropriate authorities accordingly.

**CARRIED**

**05-163** Moved by O'Dell and Alexander

1. That Council approve the repealing of various By-laws authorizing Site Plan Control Agreements for 815-835 Ontario Road; and
2. That the Mayor and Clerk be authorized to execute any documentation to discharge the Site Plan Control Agreements or Notice of Agreement from Title, as required.

**CARRIED**

**05-164** Moved by Grimaldi and Grenier that Council adopt the model resolution from the Association of Municipalities of Ontario in opposition of the proposed changes to the OMERS Pension Plan contained within Bill 206; and further That the City Clerk advise the proper authorities accordingly.

**CARRIED**

***(Councillor Grimaldi asked to be recorded as opposed to this Resolution)***

**05-165** Moved by Larouche and Dzugan that the letter from the Ontario Association of Committees of Adjustment and Consent Authorities requesting sponsorship for the 2006 – Planning for the Unpredictable Conference to be held from Sunday June 4th to Wednesday, June 7th, 2006 in Niagara Falls be received and referred to the Planning Development Services and Budget Review Committees for consideration.

**CARRIED**

**05-166** Moved by Sharpe and Grenier that the letter from Bryan Moreau, President of Blue Star Restaurant regarding an offer to purchase a portion of Firehall parking lot #6, at the rear of the Blue Star Restaurant be received and referred to staff for study and review.

**CARRIED**

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

**99-43** Moved by Larouche and Dzugan that the Corporation of the City of Welland acknowledges and receives the Amended and Restated Promissory Note for \$13,499,953 dated October 19, 2005 issued by the Welland Hydro-Electric System Corp. to the Corporation of the City of Welland pursuant to City By-law 2000-91 which promissory note constitutes partial payment of the consideration for

...continued...

**99-43...cont'd.**

the Distribution Assets transferred by the City to the Corporation to said By-law; and further That the Corporation of the City of Welland direct the Welland Hydro Electric System Corp. to remove the clause in the Promissory Note which states "This Promissory Note is not assignable by the City of Welland without the consent of the Borrowers".

**CARRIED**

**05-10** Moved by Larouche and Alexander that Council appoint Councillor Grenier to the Welland/Pelham Chamber of Commerce to replace Councillor Sharpe.

**CARRIED**

## **BY-LAWS**

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

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

**01-108**

BYL 2005 - 165

A By-law to approve Downtown Incentive Program Loans Pursuant to Section 28(7) of the Planning Act.

**03-88**

BYL 2005 - 166

A By-law to authorize the retention of Ellis Engineering Inc. to provide engineering services for the Drapers Creek Culvert Replacement.

**04-152**

BYL 2005 - 167

A By-law to grant an extension of the Lease Agreement with the Welland Soccer Club.

**05-22**

BYL 2005 - 168

A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000, at Seaway Mall; and to Repeal By-law 2005-85.

**05-87Z**

BYL 2005 - 169

A By-law to amend City of Welland Zoning By-law 2667 (Lea Silvestri investments Ltd. – File 2005-05) south of Webber Road, east of Clare Avenue.

...continued ...

**BY-LAWS PRESENTED FOR FIRST READING Con't:****05-158**

BYL 2005 - 170

A By-law to authorize the sale of vacant land on the south side of Woodlawn Road being Part lots 21 and 22, Concession 3 to Conseil Scolaire De District Catholique Centre-Sud.

**05-158**

BYL 2005 - 171

A By-law to authorize the entering into an agreement with Cooperman Real Estate Inc. for the commission payable upon the sale of vacant land on the south side of Woodlawn Road to Conseil Scolaire De District Catholique Centre-Sud.

**05-163**

BYL 2005 - 172

A By-law to repeal City of Welland By-laws being 6424, 6713, 7449, 7549, 7963, 8431, and 8495 authorizing the execution of Site Plan Control Agreements for lands known municipally as 815-835 Ontario Road in the City of Welland.

**05-1**

BYL 2005 - 173

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 1st 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 Dzugan and seconded by Spadafora 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 2005-166, 2005-167, 2005-170 and 2005-171.

**CARRIED**

3. Moved by Larouche and Chiocchio that By-law 2005-166 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**

4. Moved by Larouche and Belcastro that By-law 2005-167 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**

*(Councillor Fortier asked to be recorded as opposed to this By-law.)*

5. Moved by Larouche and Chiocchio that By-laws 2005-170 and 2005-171 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 9, 2005 for inclusion on the next Regular Council Meeting Agenda of November 15, 2005.**

**04-124** Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the November 15, 2005 Regular Council Meeting;

**THAT this Council review the option of offering a monthly payment Plan to all water-metered customers.**

**That this Council also review the option of offering an equal billing Payment plan to all water-metered customers.**

**Reasoning: There is a significant part of our population that are seniors, single parents, larger families with limited incomes, and those with disability incomes. Included should be the non-profit organizations such as service clubs and churches.**

**Please note that other utilities offer equal billing, making it easier for the residents to budget and monitor their consumption.**

**This could help with the conservation of water.**

**04-124****05-37**

Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the November 15, 2005 Regular Council Meeting;

**That this Council review the 92% sewer/water rate charge.**

**Reasoning: To reflect a fairness of the water meter charges, the water consumption does not necessarily reflect what is being discharged from the household to the sewer. ie., lawn, vegetable garden watering, washing cars etc., yet all water discharged is being charged at an unfair rate.**

Council adjourned at 9:20 p.m.

These Minutes approved and adopted by Motion of Council this 15<sup>th</sup> day of November, 2005.

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**MAYOR**

**CLERK**