



## **COUNCIL MEETING, DECEMBER 6, 2005**

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

Council met in Committee-of-the-Whole closed to the public at 6:10 p.m. and in open session at 7:30 p.m. on the above date. Council also met in open session as the Sole Shareholder of the Welland Hydro Electric Holding Corporation, minutes of which are separate from these minutes.

His Worship Mayor Damian Goulbourne in the Chair.

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

**Members Present:** Councillors P. Chiochio, M. Dzugan, D. Fortier (6:25 p.m.), P. Grenier, M. A. Grimaldi (6:20 p.m.), J. Larouche (until 8:50 p.m.) , 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 Financial & Corporate Services/Treasurer B. Silvestri (7:30 p.m.)

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 (7:30 p.m.)

Regional Councillor J. Mastroianni (7:30 p.m.)

Ross Peever, Tim Cluttlerbuck and Greg Wuisman, Welland Hydro Electric Holding Corporation were present during Committee-of-the-Whole discussions on a meeting authorized to be closed under the Retail Corporations Act.

**05-25** Moved by Dzugan and Sharpe that Council meet in Committee-of-the-Whole, closed to the public at 6:10 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) a matter in respect of which a council, board, committee or other board has authorized a meeting to be closed under another Act.

**CARRIED**

**05-25** Moved by Sharpe and Spadafora that the Committee-of-the-Whole arise from its closed meeting at 7:20 p.m.

**CARRIED**

### **DISCLOSURE OF INTEREST:**

Mayor Goulbourne disclosed an interest in **Ref. No. 05-65 and related By-laws 2005 – 185,186,187 and 188** as his home is in the vicinity of the proposed subdivision. During discussion on this matter, the Mayor vacated the Chair and Vice Mayor Dzugan assumed the Chair.

### **PRESENTATION:**

Mayor Goulbourne presented a token of appreciation to Steven Fisher and John Mastroianni, Chairs of the Niagara Food Festival.

### **DELEGATION:**

**05-32** Keith A. Levere, Bill Foote and Josh Bendlis, Welland Rose Festival addressed Council regarding the 44<sup>th</sup> Annual Welland Rose Festival Incorporation and presented Mayor Goulbourne and Travers Fitzpatrick with a picture of the Civic Square..

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

**97-58** City Manager T. Fitzpatrick – Letter from Doctor Stephen Hegedus requesting removal of the mural at 31 West Main Street and the Welland Murals.

**04-14** Human Resources Manager R. Beaumont – Conferences/ Conventions and Travelling Expenses.

**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 6<sup>th</sup> day of December, 2005.

**05-3** City Clerk C. A. Stirtzinger – Lottery License.

**05-3** Thomas A. Lannan, Knights of Columbus, Council 3732 - requesting permission to sell raffle tickets in the City of Welland.

**05-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – November 8, 2005 to November 28, 2005.

**05-13** Lynn Stout, Executive Assistant, The Hope Centre – requesting bus transportation and waiving of fee.

**05-19**

**05-32** City Manager T. Fitzpatrick - Tourism and Recreation - City of Welland.

**05-22** A By-law to amend Schedule "I" of By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.

- 05-32** Keith A. Levere, Welland Rose Festival to address Council regarding the 44<sup>th</sup> Annual Welland Rose Festival Incorporation.
- 05-65** Gen. Mgr., Planning and Development Services D. Thorpe – Proposed Subdivider's Agreement with Vincent Policella Masonry Contractor Limited and 1006136 Ontario Limited (File 26T-14-04001) Clare Avenue Estates Phase 2 West of North Valley Drive, North of Thorold Road.
- 05-65** A By-law to authorize the signing of a Subdivider's Agreement with Vincent Policella Masonry Contractor Limited and 1006136 Ontario Limited with respect to the development of Clare Avenue Estates Phase 2 Subdivision.
- 05-65** A By-law to accept the transfer of an easement(s) for storm sewers from Vincent Policella Contractor Limited and 1006136 Ontario Limited to the Corporation of the City of Welland in the Clare Avenue Estates Phase 2 Subdivision.
- 05-65** A By-law to lay out, establish and name Block 19, Plan 59M-288 being a 0.3 metre reserve for the City of Welland as part of North Valley Drive.
- 05-65** A By-law to accept the transfer of certain 1.317 metre reserves from Vincent Policella Contractor Limited and 1006136 Ontario Limited to the Corporation of the City of Welland in the Clare Avenue Estates Phase 2 Subdivision (File 26T-14-04001).
- 05-158** City Manager T. Fitzpatrick – Concept plan for the development of city owned lands – Woodlawn Road at River Road, City of Welland.
- 05-167** A By-law to authorize the acceptance of a proposal from OEB International to prepare a Strategic Planning and Communications Proposal for the City of Welland.
- 05-171** The Corporation of the Town of Midland – The Provincial Municipal Fiscal Gap.
- 05-174** Silvio Mucciarelli, Waste Disposal Operations, Region of Niagara Niagara Region Landfill Utilization Strategy – Draft for comment.
- 06-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Temporary Borrowing – 2006.
- 06-4** A By-law authorizing the temporary borrowing of up to \$12,000,000.00 to meet current and capital expenditures.

**05-1** Moved by Dzugan and Larouche that the Minutes of the Regular Council Meeting of November 15, 2005 and Special Council Meeting of November 22, 2005 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**97-58** Moved by Fortier and Grimaldi

1. That Dr. Stephen Hegedus be advised that the City of Welland does not own nor have any responsibility whatsoever for the mural attached to the side of his building located at 31 West Main Street;
2. That the owners of all buildings to which murals are attached be similarly advised;
3. That an inventory of all remaining murals be undertaken and that a maintenance / removal program be investigated to provide subsidy to the owners of the murals.

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**97-58** Moved by Spadafora and Chiocchio that Resolution 97-58 be amended to eliminate Recommendation 3.

**LOST**

**YEAS:** Councillors Dzugan and Spadafora

**NAYS:** Councillors O'Dell, Grimaldi, Fortier, Sharpe, Grenier, Chiocchio and Mayor Goulbourne.

***FOLLOWING THE LOST VOTE ON THE AMENDED MOTIN, THE MAIN MOTION WAS THEN PUT IN ITS ORIGINAL FORM AND.....***

**CARRIED**

***(Councillor Spadafora asked to be recorded as opposed to the Resolution).***

**98-152** Moved by Grenier and Sharpe that as a result of several bargaining unit contracts being currently negotiated Councillors show leadership by voluntarily foregoing the mandatory increase specified in the remuneration By-law.

**LOST**

**YEAS:** Councillors Sharpe and Grenier.

**NAYS:** Councillors O'Dell, Grimaldi, Dzugan, Fortier, Chiocchio, Spadafora and Mayor Goulbourne.

**04-14** Moved by Sharpe and Chiocchio that By-law Number 11267 (Being a By-law to Provide for Conventions and Traveling Expenses for Members of Council and Employees of the Corporation of the City of Welland) be repealed and replaced with a new By-law as set out in Report HR-05-03.

**CARRIED**

***(Councillor O'Dell asked to be recorded as opposed to the Resolution).***

**05-3** Moved by Dzugan and Fortier that a Lottery License be granted to the following: Jericho House - Raffle.

**CARRIED**

**05-3** Moved by Dzugan and Fortier that permission is hereby granted to the Knights of Columbus, Council 3732 to sell raffle tickets in the City of Welland under authority of Lottery License P051729; subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

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

|   |              |           |                     |
|---|--------------|-----------|---------------------|
| 1 | 10-Nov-2005  | \$        | 49,283.53           |
| 2 | 15-Nov-2005  |           | 2,280,865.92        |
| 3 | 16-Nov-2005  |           | 679,451.49          |
| 4 | 18-Nov-2005  |           | 8,972.46            |
| 5 | 22-Nov-2005  |           | 289,180.32          |
| 6 | 24-Nov-2005  |           | 255,946.41          |
| 7 | 25-Nov-2005  |           | 10,136.43           |
| 8 | 28-Nov-2005  |           | <u>54,571.37</u>    |
|   | <b>Total</b> | <b>\$</b> | <b>3,628,407.93</b> |

**CARRIED**

**05-13** Moved by Grimaldi and Dzugan that the letter from the Hope Centre requesting assistance in providing bus transportation to Notre Dame College School for its annual Community Christmas Dinner be received and that the request for transportation be referred to the Chair of Public Works and the Transit Supervisor to implement.

**CARRIED**

**05-19**

**05-32** Moved by Grimaldi and Sharpe that Report CM-2005-24 TOURISM AND RECREATION – CITY OF WELLAND be received and approved and that the necessary funding to implement same be provided in the 2006 Current Operating Budget.

**CARRIED****05-32**

Moved by Dzugan and Fortier that the presentation by Keith A. Levere, Bill Foote and Josh Bendlis, Welland Rose Festival regarding the 44th Annual Welland Rose Festival Incorporation be received for information; and further  
That the Rose Festival be thanked for the generous gift of a picture of the new Civic Square.

**CARRIED****05-65**

Moved by Dzugan and Fortier

1. That the City of Welland enter into a Subdivider's Agreement with Vincent Policella Masonry Contractor Limited and 1006136 Ontario Limited with respect to the development of a seven (7) lot residential subdivision (Clare Avenue Estates Phase 2) located on Part of Lot 246, Township of Thorold and Part of Lot 7 and Part of Block 18, Registered Plan 59M-288 west of North Valley Drive, north of Thorold Road;
2. That the Mayor and Clerk be authorized to execute any necessary documents associated with the Subdivision;
3. That the Mayor be authorized to sign the Final Plan of Subdivision to allow the Plan to be registered once all Conditions of Draft Approval have been met and the Plan has been checked for conformity; and
4. That Staff be authorized to prepare the necessary By-laws.

**CARRIED****05-158**

Moved by Fortier and Dzugan

1. That Council approve, in principle, the plan attached to Report CM 2005-25 – Concept Plan for the Development of City owned Lands – Woodlawn Road at River Road;
2. That Staff be authorized to engage a Consulting Engineer and other professionals, as required, to obtain necessary approvals of the development of the attached concept plan; and
3. That Staff be authorized to undertake the necessary amendments to the City's planning documents to implement the attached reference plan.

**CARRIED**

**YEAS:** Councillors Dzugan, Sharpe, Grenier, Chiocchio, Spadafora and Mayor Goulbourne.

**NAYS:** Councillors O'Dell, Grimaldi and Fortier.

**05-171**

Moved by Dzugan and Fortier that Council supports the resolution from the Corporation of the Town of Midland requesting the Province of Ontario to end its continued downloading of provincial programs and use of municipal property tax dollars for the subsidization of provincial health and social services programs; and

That the Provincial Government work with the Association of Municipalities of Ontario to develop a plan to begin the uploading of provincial program costs back to where they belong; and further  
That the City Clerk advise the proper authorities accordingly.

**CARRIED****05-173**

Moved by Grimaldi and Fortier that the City of Welland participate in the Thank You Card to Canada's Veterans project, coordinated by Kim Shergold, by purchasing a cotton panel 44" x 72" to be available for signatures at the Civic Square by the citizens of Welland to be forwarded to Kim Shergold for

compiling with other Canadian municipalities to be presented to Veterans at the last Veterans Liberators Reunion scheduled for May, 2006 in Holland; and  
That Council challenge the municipalities in the Region of Niagara to also participate.

**CARRIED**

**05-174** Moved by Dzugan and Fortier that the report from the Region of Niagara regarding Niagara Region Landfill Utilization Strategy be received; and further  
That Council requests the Region of Niagara to extend its timeline to February 17, 2006.

**CARRIED**

**06-4** Moved by Fortier and Grenier

1. That Council authorize the Treasurer to borrow on an interim basis up to \$12,000,000 to meet current and capital expenditures for the year 2006 while awaiting permanent funding by way of taxation, Provincial and Federal grants and Regional debentures.
2. That the City Solicitor be instructed to prepare the necessary by-law.

**CARRIED**

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

**96-109**

**05-10** Moved by Sharpe and Spadafora that Council appoint Councillor Dzugan as liaison to the Seniors Centre Foundation.

**CARRIED**

**99-43** Moved by Spadafora and Grenier that the City of Welland enter into a three (3) year lease agreement with Welland Hydro Electric System Corporation respecting hydro facilities on the Recreational Canal Lands.

**CARRIED**

**05-10** Moved by Larouche and Sharpe that Council accepts the resignation of Glenys McFarlane from the Heritage Welland Committee and appoints Ron Boyer to fill this vacancy to November 30, 2006.

**CARRIED**

**05-10** Moved by Dzugan and Larouche that the following citizens be appointed to the following Committees:

**Heritage Welland – (December 1, 2005 to November 30, 2007):** Kathleen Bogdan; Wendy Ward Grenier; William L. Lewis; Cathryn Moss and Marnie Swayze.

**Property Standards Committee – (December 1, 2005 to November 30, 2008):** Gary Galambos.

**Welland Recreational Canal Corporation – (December 1, 2005 to November 30, 2008):** Frank Campion; Mark Carl; and Brenda Herchmer.

**CARRIED**

**05-172** Moved by Grenier and Larouche that the City Solicitor register an Application to Amend the Parcel Abstract to remove the restrictive covenants registered on title to 103 Commercial Street.

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

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

**05-22**

BYL 2005 - 184

A By-law to amend Schedule "I" of By-law 89-2000, being a By-law regulating traffic and parking within the City of Welland.

**05-65**

BYL 2005 - 185

A By-law to authorize the signing of a Subdivider's Agreement with Vincent Policella Masonry Contractor Limited and 1006136 Ontario Limited with respect to the development of Clare Avenue Estates Phase 2 Subdivision.

**05-65**

BYL 2005 - 186

A By-law to accept the transfer of an easement(s) for storm sewers from Vincent Policella Masonry Contractor Limited and 1006136 Ontario Limited to the Corporation of the City of Welland in the Clare Avenue Estates Phase 2 Subdivision.

**05-65**

BYL 2005 - 187

A By-law to lay out, establish and name Block 19, Plan 59M-288 being a 0.3 metre reserve for the City of Welland as part of North Valley Drive.

**05-65**

BYL 2005 - 188

A By-law to accept the transfer of certain 1.317 metre reserves from Vincent Policella Masonry Contractor Limited and 1006136 Ontario Limited to the Corporation of the City of Welland in the Clare Avenue Estates Phase 2 Subdivision (File 26T-14-04001).

**05-167**

BYL 2005 - 189

A By-law to authorize the acceptance of a proposal from OEB International to prepare a Strategic Planning and Communications Proposal for the City of Welland.

**06-4**

BYL 2005 – 190

A By-law authorizing the temporary borrowing of up to \$12,000,000.00 to

meet current and capital expenditures.

**05-1**

BYL 2005 - 191

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 6th day of December, 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 Fortier 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, January 11, 2006 for inclusion on the next Regular Council Meeting Agenda on December 20, 2005.**

**05-19** Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the December 20, 2005 Regular Council Meeting.

**That Council direct staff to investigate the replacement of the audio system in the Main Arena to be funded in the 2006 budget.**

Council adjourned at 10:15 p.m.

These Minutes approved and adopted by Motion of Council this 20<sup>th</sup> day of December, 2005.

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**MAYOR**

**CLERK**