



COUNCIL MEETING, DECEMBER 20, 2005

CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:35 p.m. and in open session at 7:30 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, P. Chiochio, M. Dzugan, D. Fortier (6:40 p.m.), P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell, B. Sharpe and J. Spadafora (until 9:15 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 (7:30 p.m.)

General Manager of Human Resources R. Beaumont (until 7:20 p.m.)

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

Chief Building Official, M. Mantesso (7:30 p.m.)

Regional Councillor J. Mastroianni (7:30 p.m. to 9:00 p.m.)

05-25 Moved by Grenier and Dzugan that Council meet in Committee-of-the-Whole, closed to the public at 6:35 p.m. to consider:

- a) the security of the property of the municipality;
- b) personal matters about an identifiable individual, including municipal employees;
- c) labour relations or employee negotiations; and
- d) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED

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

CARRIED

PRESENTATIONS:

Presentation of the ICROSS Canada Ltd. Recognition Award by Mayor Goulbourne. Lloyd Weasner accepted the award on behalf of Peter Protz.

Recognition by the Mayor of the following employees receiving 25 year service watches:
John Brown, Diane Bartman, and Cathy Melaragni.

DELEGATIONS:

05-179 Wendell G. Wilks, TVN Niagara Inc. addressed Council regarding the Broadcasting Decision CRTC 2005-544.

05-175 Dave Albano and John Scodellaro, neighbour of the Albano's addressed Council regarding storage of a bus on a private drive at 234 Becken Crescent.

BOARDS, AGENCIES, COMMISSIONS REPORT(S)

05-178 William Foote, Chair, Rick Demers, Vice Chair and Sophia Papastavorou, Consultant, Welland Community Policing addressed Council regarding Crime Prevention through Environmental Design (CPTED).

THE FOLLOWING CORRESPONDENCE WAS READ:

04-48 Report from City Manager T. Fitzpatrick – City of Welland By-law to effect tax write-offs for Centre Properties (Welland) Ltd. as contemplated by the Memorandum of Agreement between the parties dated 21 June, 2005.

04-48 A By-law to authorize the tax write-offs, as authorized by Ontario Regulation 658/05.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

99-43 City Manager – Agreement for 2005 interest payment from Welland Hydro-Electric System Corp. to the City.

02-166 Pam Gilroy, Regional Clerk, The Region of Niagara – Composition of Regional Council.

04-14 A By-law to provide a policy for conferences, conventions and travelling expenses for Members of Council and Employees of the Corporation of the City of Welland; and to repeal By-law 11267.

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 20th day of December, 2005.

05-7 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – November 29, 2005 to December 13, 2005.

05-21 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz - 2005 New Year's Event.

05-21 Lisa Lurie, Coordinator, Multiple Sclerosis Society of Canada, Ontario Division requesting permission to hold the Super Cities Walk for MS on Sunday, April 23rd, 2005.

05-175 Dave and Tracey Albano – Storage of a bus on a private drive at 234 Becken Crescent.

05-178 William Foote, Chair, Welland Community Policing - Crime Prevention through Environmental Design (CPTED).

05-179 Wendell G. Wilks, TVN Niagara Inc. re: Broadcasting Decision CRTC 2005-544.

05-180 Jerry Marion, Clerk, Town of Essex – Municipal Liability Insurance.

05-1 Moved by Dzugan and Grenier that the Minutes of the Regular Council Meeting of December 6, 2005 and Special Council Meeting of December 13, 2005 be and the same are hereby approved and adopted as circulated.

CARRIED

99-43 Moved by Larouche and Sharpe

1. That the City of Welland enter into an agreement with the Welland Hydro-Electric Systems Corp. accepting a 2005 transitional interest payment of \$653,397.72 from the Welland Hydro-Electric System Corp.;
2. That the said payment be deposited into a Reserve Account to be utilized as a revenue source for the 2006 Municipal Budgets; and
3. That the Mayor and Clerk be authorized to execute the necessary documents to effect the agreement.

CARRIED

YEAS: Councillors Dzugan, Sharpe, Alexander, Grenier, Chiochio, Larouche

and Mayor Goulbourne.

NAYS: Councillors O'Dell, Grimaldi and Fortier.

02-166 Moved by Alexander and Grenier that Council receive Regional report CHR 3-2005 Composition of Regional Council for information purposes.

CARRIED

04-48 Moved by Dzugan and Alexander

1. That the City of Welland enact a By-law to provide for the write-off of taxes concerning certain properties owned by Centre Properties (Welland) Ltd as set out in the Memorandum of Agreement dated 21 June, 2005 and as provided for in the said Memorandum of Agreement; and
2. That the Mayor and Clerk be authorized to execute the necessary by-law.

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	30-Nov-2005	\$	342,853.12
2	01-Dec-2005		12,719.37
3	02-Dec-2005		166.10
4	09-Dec-2005		4,862,995.02
5	13-Dec-2005		<u>789,691.33</u>
	Total	\$	6,008,425.54

CARRIED

05-19 Moved by Fortier and Chiocchio that Council direct staff to investigate the replacement of the audio system in the Main Arena to be funded in the 2006 budget.

CARRIED

05-21 Moved by Sharpe and Grenier

1. That City Council approves the 2005 New Year's Event to be held at the Civic Center on Saturday, December 31, 2005, from 8:00 p.m. to 1:00 a.m.;
2. That Cross Street from East Main Street to Merritt Island be closed at 3:30 p.m.;
3. That Boardwalk from East Main Street to Cross Street be closed at 3:30 p.m.;
4. That Courthouse Lane from Dorothy Street to Cross Street be closed at 12:00 p.m.;
5. That Council exempt the event from the Noise By-law for the duration of this event;
6. That Council exempt the event from the requirement for Sign permits, provided the signs are otherwise installed in accordance with the requirements of the Sign By-law; and
7. That Council exempt the event from the requirement for City licenses, provided any food vending, refreshment vehicles, entertainment shows are otherwise in accordance with the City Licensing By-law.

CARRIED

05-21 Moved by Dzugan and Alexander that Welland City Council approves the application of the Multiple Sclerosis Society of Canada, Ontario Division to hold its Super Cities Walk for MS on Sunday, April 23rd, 2006 subject to the applicant's completion of all conditions of the policy of Road Use for Community Activities.

CARRIED

05-28 Moved by O'Dell and Grimaldi that Council waive the rules of procedural contained in the Procedural By-law to permit a delegation by the representatives of Jean Vanier School.

LOST

YEAS: Councillors O'Dell, Grimaldi, Fortier and Alexander.

NAYS: Councillors Dzugan, Sharpe, Grenier, Chiocchio, Larouche, Spadafora and Mayor Goulbourne.

05-175 Moved by Spadafora and Fortier that the presentation by Dave Albano and his neighbour John Scodellaro, regarding the storage of a bus on a private drive at 234 Becken Crescent, and, as it has been alleged to be in relation to a septic complaint issue, be received and referred to staff for study and report to Council.

CARRIED

05-178 Moved by Sharpe and Fortier that the report of the Welland Community Policing on Crime Prevention Through Environmental Design (CPTED) be received and that property owners and stakeholders identified in the report be advised of the concerns and potential solutions with a desire for all groups to work together towards a mutually beneficial solution.

CARRIED

05-179 Moved by Alexander and Spadafora that the City of Welland continue to support TVN Niagara Inc.'s proposal to operate a television programming undertaking to serve the Niagara Region and to support, in principle, its challenge under the Canadian Charter of Rights and Freedoms of the Canadian Radio Television and Telecommunications Commission's (CRTC) decision to deny the TVN application; and further That a copy of this resolution be forwarded to John Maloney, M.P., Welland Riding, Regional Municipality of Niagara and area municipalities for support..

CARRIED

05-180 Moved by Dzugan and Alexander that Council supports the resolution from the Town of Essex requesting the Province of Ontario to amend The Negligence Act R.S.O. 1990 so that only where a Municipality is found to be at least 50% liable would the full claim be paid; and That the City Clerk advise the proper authorities accordingly.

CARRIED

06-41 Moved by Alexander and Chiocchio that the City of Welland fully commit to and implement an energy conservation program beginning by hosting a meeting of the Federation of Canadian Municipalities' staff as soon as possible to participate in available energy efficiency programs, grants and opportunities.

.....

06-41 Moved by O'Dell and Grimaldi that the matter regarding the Energy Conservation Program be referred to staff for study and report.

LOST

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

CARRIED

06-42 Moved by Alexander and Fortier that the City Council endorse the World Mayors and Municipal Leaders Declaration on Climate Change from the Fourth Municipal Leaders Summit on Climate Change;and That the Clerk advise the proper authorities accordingly.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

98-82 Moved by Dzugan and Sharpe that the City of Welland enter into an amended agreement with Roberto's Food and Beverage Services for the provision of food services at the Civic Square as set out in Report No. 2005-27.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

04-14

BYL 2005 – 196

A By-law to provide a policy for conferences, conventions and travelling expenses for Members of Council and Employees of the Corporation of the City of Welland; and to repeal By-law 11267

04-48

BYL 2005 - 197

A By-law to authorize the tax write-offs, as authorized by Ontario Regulation 658/05.

05-1

BYL 2005 – 198

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 20th day of December, 2005.

And that the same be now read a first time.

CARRIED

(Councillor Alexander asked to be recorded as opposed to By-law 2005-196)

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. 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

(Councillor Alexander asked to be recorded as opposed to By-law 2005-196)

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 January 17, 2006.

06-43 Councillor Fortier gave Notice of Motion of the following issue to be presented to Council at the January 17, 2006 Regular Council Meeting:

That the City of Welland with the District School Board of Niagara be in support of building two houses in Welland with the possibility of building a third house in the fall.

DSBN Build

The District School Board of Niagara, as part of their apprenticeship programs, will be building a house on Lot 57, Michigan Avenue Dain City area of Welland. This partnership is with the United Church of Canada, which will be conveying Lot 57 to the Habitat for Humanity.

The Habitat for Humanity and their partners would like the city to consider the following;

- *The waiving of the City Development Fees and Building Fees as has been in the past.*
- *Consideration of donation or reduction of the cost of the sewer and water connections from the mains to the property line for the approximate value of \$5,000.*

Niagara College Build

The college apprenticeship program would like the city to support their project by considering the donation of a city lot and the waiving of the development fees. If possible they would like the city to consider a second lot in the vicinity of the first which would be tentatively used to build a third house by the Habitat volunteers in the fall or a second house in 2007 by Niagara College.

05-22 Councillor Chiocchio gave Notice of Motion of the following issue to be presented to Council at the January 17, 2006 Regular Council Meeting:

That Council direct staff to provide a Traffic Safety Review for the intersection of First Avenue and Thorold Road.

05-2 Councillor Sharpe gave Notice of Motion of the following issue to be presented to Council at the January 17, 2006 Regular Council Meeting:

That staff study and report on licensing commercial snow plow operators in the City of Welland.

Council adjourned at 10:30 p.m.

These Minutes approved and adopted by Motion of Council this 17th day of January, 2006.

MAYOR

CLERK