



## **SPECIAL COUNCIL MEETING, MAY 10, 2005**

**IN COMMITTEE-OF-THE-WHOLE  
TO HOLD A SPECIAL SHAREHOLDER MEETING  
WITH THE WELLAND HYDRO ELECTRIC HOLDING CORPORATION; AND  
TO DISCUSS SECURITY OF PROPERTY MATTERS  
AND IN OPEN SESSION  
TO CONSIDER THE ITEMS AS OUTLINED IN THE SPECIAL COUNCIL AGENDA**

**CITY HALL, COUNCIL CHAMBERS  
411 EAST MAIN STREET**

Council met in Committee-of-the-Whole in Camera at 5:35 p.m. and in open session at 7:10 p.m. and again in Committee-of-the-Whole in Camera at 8:35 p.m. on the above date.

Vice Mayor Barry Sharpe in the Chair for the first in camera session of Council.

Mayor Damian Goulbourne arrived at 6:25 p.m.

**Members Present:** Councillors D. Alexander, D. Beaudoin, M. Belcastro, P. Chiocchio, M. Dzugan, D. Fortier, P. Grenier, M. A. Grimaldi, J. Larouche, S. O'Dell (5:55 p.m. - 8:55 p.m.), 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

Chief, Fire & Emergency Services P. Olah (7:10 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (7:10 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri

General Manager of Planning and Development Services D. Thorpe (7:10 p.m.)

General Manager of Parks and Recreation B. LaPlante (7:10 p.m.)

**05-25** Moved by Dzugan and Grenier that Council meet in Committee-of-the-Whole, closed to the public at 5:35 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. (Under the Business Corporations Act, Council met as the Sole Shareholder of the Welland Hydro Electric Holding Corporation).

**CARRIED**

*(Councillor Spadafora was not present during Committee-of-the-Whole discussions on a security of property matter).*

**05-25** Moved by Beaudoin and Belcastro that the Committee-of-the-Whole arise from its closed meeting at 7:00 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 he may bid on the

Atlas

Steels start up if current negotiations prove successful.

Councillor Sharpe disclosed an interest in Ref. No.05-4 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Niagara College.

Mayor Goulbourne disclosed an interest in Ref. No. 05-4 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Niagara College.

### **05-4 PUBLIC MEETING UNDER MUNICIPAL ACT FOR CONSIDERATION OF THE 2005 CAPITAL AND OPERATING BUDGETS.**

No one requested to speak

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

**01-43** Gen. Mgr. of Planning and Development Services D. Thorpe – Proposed Subdivider's Agreement with Harvest Investment Corp. - Harvest Estates Phase 3 Subdivision (File 26T-14-20003).

**01-43** A By-law to accept the transfer of an easement(s) for storm sewers from Harvest Investment Corp., In Trust to the Corporation of the City of Welland in the Harvest Estates Phase 3.

**01-43** A By-law to authorize the signing of a Subdivider's Agreement with Harvest Investment Corp., In Trust with respect to the development of Harvest Estates Phase 3 Subdivision.

**01-155** Gen. Mgr. of Parks and Recreation B. LaPlante - Use of Cosmetic Herbicides in the City of Welland.

- 04-124** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Universal Water Meter Implementation Program.
- 05-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - 2005 Capital and Operating Budgets.
- 05-4** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Properties Eligible for Tax Registration.
- 05-4** A By-law to opt the 2005 Capital Budget.
- 05-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri - Accounts Payable – April 12, 2005 to May 2, 2005.
- 05-19** Gen. Mgr. of Parks and Recreation B. LaPlante – Agreement between the City of Welland and Niagara Region Landscaping Works at St. George Park.
- 05-64** Gen. Mgr. of Planning and Development Services D. Thorpe – Proposed Development Agreement with Baiocco Development Corp. – East Side of Clare Avenue, North of Lynbrook Lane (File 2004-07).
- 05-64** A By-law to exempt certain lands from Part-Lot Control on the east side of Clare Avenue, north of Lynbrook Lane, City of Welland.
- 05-64** A By-law to authorize the signing of a Development Agreement with Baiocco Development Corp. with respect to the development of lands on the east side of Clare Avenue, north of Lynbrook Lane.
- 05-64Z** A By-law to amend Zoning By-law 2667, upon the application of Baiocco Development Corp. to remove the Holing Symbol “H” from certain lands on the east side of Clare Avenue, north of Lynbrook Lane.

**01-43** Moved by Grenier and Belcastro

1. That the City of Welland enter into a Subdivider's Agreement with Harvest Investment Corp. with respect to the development of a forty-two (42) lot residential Subdivision (Harvest Estates Phase 3) located south of Endicott Terrace (File 26T-14-20003);
2. That the Mayor and Clerk be pre-authorized to execute all necessary documents associated with the Subdivision; and
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.

**CARRIED**

**01-155** Moved by Alexander and Chiochio that Council authorize staff to implement a program to minimize the use of cosmetic herbicides in the City of Welland by implementing a strategy comprised of four components:

- 1) Integrated Pest Management; 2) employee training and IPM certification; 3) public education; and 4) continuous assessment.

**CARRIED**

**04-124** Moved by Alexander and Spadafora that the City of Welland tender a single multi-year contract for the supply and installation of water meters in private residences.

**NOT PUT**

**04-124** Moved by Dzugan and Beaudoin that Report ENG-2005-17 Re: Universal Water Meter Implementation Program be referred to the June 14, 2005 General Committee Meeting to address the ability of staff to perform the work.

**CARRIED**

**05-4** Moved by Alexander and Sharpe

1. That Council approve the 2005 Operating and Capital Budgets, Schedules 'A' and 'B' respectively, attached to Report FIN-05-07 resulting in a 2% tax levy increase from \$22,291,588 in 2004 to \$22,737,388 and a 2.16% tax rate increase to the residential sector.
2. That Council approve in principle the 2005 – 2009 Capital Spending Projections, Schedules 'C', 'D', 'E', 'F', 'G', 'H' and 'I'.
3. That the City Solicitor be directed to prepare a By-Law to establish Tax Rate Ratios in accordance with Regional By-Law 45-2005 and Tax Rates to levy taxes for the year 2005.

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***(To enable the Mayor and Councillor Sharpe to vote on the Budget, the item pertaining to the Niagara College Grant was removed from the budget and voted on separately to allow the Mayor and Councillor Sharpe to exercise their disclosure responsibilities. For record purposes, though, the resolution is shown in its entirety.)***

**05-4** Moved by Fortier and Beaudoin that the 2005 Budget be amended to reduce the two percent (2%) increase to Zero (0%).

**LOST**

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

**YEAS:** Councillors Grimaldi, Dzugan, Sharpe, Beaudoin, Alexander, Grenier Chiochio, Larouche, Belcastro, Spadafora and Mayor Goulbourne.

**NAYS:** Councillor Fortier.

**05-4** Moved by Larouche and Dzugan

1. That the delinquent tax accounts (3 years in arrears) listed in Schedule 'A' and attached to Report FIN-05-06 be placed under tax registration.
2. That the delinquent tax accounts (3 years in arrears) listed in Schedule 'B' and attached to Report FIN-05-06, having commenced repayment agreements, not to be placed under tax registration at this time.
3. That any accounts listed in Schedule 'B' be placed under tax registration upon default of their repayment agreement.

**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	14-Apr-2005	\$	400,837.83
2	18-Apr-2005		97,129.95
3	20-Apr-2005		131,781.92
4	21-Apr-2005		1,787,547.33

5	22-Apr-2005	498,439.86
6	26-Apr-2005	52,785.09
7	27-Apr-2005	1,525,787.35
8	28-Apr-2005	113,034.05
9	02-May-2005	<u>132,680.32</u>
	<b>Total</b>	<b>\$ 4,740,023.70</b>

**CARRIED****05-19** Moved by Larouche and Belcastro

1. That the City of Welland enter into an agreement with the Regional Niagara for landscaping works to be completed at St. George Park at the expense of Regional Niagara; and
2. That the Mayor and Clerk be authorized to execute the necessary agreement.

**CARRIED****05-64** Moved by Larouche and Dzugan

1. That the City of Welland enter into a Development Agreement with Baiocco Development Corp. with respect to the development of seven (7) residential lots on the east side of Clare Avenue, north of Lynbrook Lane (File 2004-07); and
2. That the Mayor and Clerk be pre-authorized to execute all necessary documents associated with the development.

**CARRIED****(Councillor Grenier asked to be recorded as opposed to this Resolution)****BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****99-43** Moved by Spadafora and Dzugan that Council, as the Sole Shareholder, resolve in principle:

1. That subject to the required By-law amendment being approved by the Shareholder, David Bishop and Greg Wuisman be re-elected to the Board of Directors of Welland Hydro-Electric Holding Corp., Welland Hydro-Electric System Corp. and Welland Hydro Energy Services Corp. for a term of one (1) year, rather than a term of three (3) years; and
2. That subject to the required legal documentation being approved by the Shareholder, the Board of Directors of Welland Hydro-Electric Holding Corp., be reduced from seven (7) members to four (4) members; and further
3. That subject to the required legal documentation being approved by the Shareholder, at least one-third of the Board of Directors of Welland Hydro-Electric System Corp. are to be independent from any affiliate of Welland Hydro-Electric System Corp. (currently Welland Hydro-Electric Holding Corp., and Welland Hydro Energy Services Corp.).
4. That subject to the required legal documentation being approved by the Shareholder, at least one-third of the Board of Directors of Welland Hydro-Electric System Corp. are to be independent from any affiliate of Welland Hydro-Electric System Corp. (currently Welland Hydro-Electric Holding Corp., and Welland Hydro Energy Services Corp.).

**CARRIED****05-108** Moved by Alexander and Belcastro

1. That Council declare surplus the walkway at the west end of Claremount Circle; and
2. That Staff be directed to offer these lands for sale in accordance with City Policy subject to an easement in favour of the storm sewer purposes.

**CARRIED**

## **BY-LAWS**

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

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

**01-43**

BYL 2005 - 69

A By-law to accept the transfer of an easement(s) for storm sewers from Harvest Investment Corp., In Trust to the Corporation of the City of Welland in the Harvest Estates Phase 3 Subdivision.

**01-43**

BYL 2005 - 70

A By-law to authorize the signing of a Subdivider's Agreement with Harvest Investment Corp., In Trust with respect to the development of Harvest Estates Phase 3 Subdivision.

**05-4**

BYL 2005 - 71

A By-law to adopt the 2005 Capital Budget.

**05-64**

BYL 2005 - 72

A By-law to exempt certain lands from Part-Lot Control on the east side of Clare Avenue, north of Lynbrook Lane, City of Welland.

**05-64**

BYL 2005 - 73

A By-law to authorize the signing of a Development Agreement with Baiocco Development Corp. with respect to the development of lands on the east side of Clare Avenue, north of Lynbrook Lane.

**05-64Z**

BYL 2005 - 74

A By-law to amend Zoning By-law 2667, upon the application of Baiocco Development Corp. to remove the Holding Symbol "H" from certain lands on the east side of Clare Avenue, north of Lynbrook Lane.

And that the same be now read a first time.

**CARRIED****BY-LAWS PRESENTED FOR SECOND AND THIRD READING:**

2. Moved by Belcastro and Dzugan 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**

**05-25** Moved by Grimaldi and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 8:55 p.m. to consider:

a) the security of the property of the municipality.

**CARRIED**

***(Councillor Spadafora was not present during Committee-of-the-Whole discussions on a security of property matter).***

**05-25** Moved by Belcastro and Larouche that the Committee-of-the-Whole arise from its closed meeting at 10:10 p.m.

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

**04-48** Moved by Larouche and Grenier that Welland City Council rescind the following resolutions:

1. Approved on October 5, 2004

"That the amount of any tax write off for the Atlas Steels property be a joint consensus decision between Welland City Council and Regional Niagara Council."

2. Approved on October 26, 2004

"That the Mayor be authorized to request the Minister to hold in abeyance the tax write off Regulation requested by Council by resolution dated September 21, 2004 for the Atlas Steels property."

**CARRIED  
BY 2/3 MAJORITY**

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

**04-48** Moved by Sharpe and Dzugan that Council support progress to date on the negotiations to re-open the Atlas Steels site and authorize continuance of negotiations.

**CARRIED**

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

Council adjourned at 10:15 p.m.

These Minutes approved and adopted by Motion of Council this 24<sup>th</sup> day of May, 2005.

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**MAYOR**

**CLERK**