



COUNCIL MEETING, DECEMBER 11, 2007

BY SPECIAL NOTICE TO MEET: IN COMMITTEE-OF-THE-WHOLE (IN CAMERA): TO DISCUSS A SECURITY OF PROPERTY MATTER; AND

**BY PROCEDURAL BY-LAW 2005-176:
TO RATIFY THE ACTIONS OF GENERAL COMMITTEE**

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

Council met in Special Meeting Committee-of-the-Whole closed to the public at 6:42 p.m. and pursuant to By-law 2005-176, the Procedural By-law of Council, in open regular session following the General Committee Meeting at 7:55 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander, M. Belcastro (6:50 p.m.), F. Champion, P. Chiocchio, M. Dzugan, P. Grenier, J. Larouche, R. Letourneau, S. O'Dell (6:50 p.m.), B. Sharpe and L. Van Vliet.

Members of the Staff and Others Present:

City Manager, P. Simmons

Deputy Clerk, B. Gallaccio

Chief, Fire & Emergency Services, D. Prevost

General Manager, Engineering, Public Works & Transportation Services/City Engineer, D. Shantz

General Manager, Financial & Corporate Services/Treasurer, B. Silvestri

General Manager, Planning & Development Services, D. Thorpe

General Manager, Parks, Facilities and Leisure Services, B. Fenwick

General Manager, Human Resources, R. Mantesso

Games Licensing & Committee Clerk, L. Bubanko (7:55 p.m.)

07-25 Moved by Van Vliet and Dzugan
 THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:42 p.m. to consider:
 a) a proposed or pending acquisition of land or disposition of land by the municipality.

CARRIED

07-25 Moved by Grenier and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:00 p.m. without report.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Belcastro disclosed an interest in Ref. No. 03-139/03-139Z and 07-135Z and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is the President of the Seaway Mall.

Councillor Campion disclosed an interest in Ref. No. 07-151 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as the owner of Volcano's Pizzeria is his brother-in-law.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE GENERAL COMMITTEE MEETING OF DECEMBER 11, 2007:

99-99 Gen. Mgr., Parks, Facilities and Leisure Services, B. Fenwick – Connecting Pathway – Quaker Rd./Towpath Rd.

03-38

03-40

08-4 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri – City of Welland Services and User Fees.

03-38

03-40

05-120

08-4 Mgr., Leisure Services, R.Morwald – Council inquiries regarding 2008 Proposed Rates.

03-139

03-139Z Stanley B. Stein, Osler, Hoskin & Harcourt LLP – request to defer the Calloway Reit (Welland) Inc. application.

03-139

03-139Z

07-135Z Mary Bull, Wood Bull LLP, Solicitors for Calloway REIT (Welland) Inc. – request to defer consideration of proposed amendments to the City's Official Plan and Zoning By-law and Red-Lined Revision to the Draft Plan of Subdivision for Niagara Centre.

05-120 Gen. Mgr., Planning and Development Services, D. Thorpe – Building By-law Amendment for Fees.

05-141 Gen. Mgr., Parks, Facilities and Leisure Services, B. Fenwick – Arts and Culture Advisory Committee.

06-84 Gen. Mgr., Parks, Facilities and Leisure Services B. Fenwick – Senior Citizens Advisory Committee.

06-154 Budget Review Committee – Assumption of Pre-1980's Subdivisions.

07-4 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri – Temporary Borrowing - 2008.

07-151 Jerry Mastroianni, Volcano Pizzeria – Santa Claus Parade time change.

08-5 Budget Review Committee – Lead and Split Water Service Replacement (LASSR) Program.

THE FOLLOWING BY-LAWS WERE RECEIVED:

03-38

03-40 A By-law to amend By-law 2006-193, being a By-law to establish and regulate fees and charges for various services or activities and use of property as provided by the municipality.

04-37 A By-law to amend By-law 2004-119, being a By-law to provide for the supply and delivery of water and to provide for the maintenance and management of waterworks and the imposition and collection of water rates.

05-120 A By-law to amend City of Welland Building By-law 2005-91.

07-4 A By-law authorizing the temporary borrowing of up to \$6,000,000.00 to meet current and capital expenditures.

07-150 A By-law to authorize the signing of a Spatial Separation Agreement with Mario Geremia and Kerri-Ann Geremia-Dimarco concerning 50 Highland Gardens.

07-1 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 11th day of December, 2007.

99-99

Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report PF&LS-2007-34, Connecting Pathway – Quaker Road/Towpath Road, as information only and refers the matter to the Welland Recreational Canal Corporation (WRCC) for its consideration; and further

THAT Welland City Council directs staff to advise the person responsible for coordinating the petition, in reference to this matter, be so informed.

CARRIED

03-38

03-40

08-4

Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves the proposed new user fees and fee increases for 2008 in Report FIN-2007-16 (Appendix I) and waives the \$3.00/hr. ice resurfacing service charge for the Welland Figure Skating Club and Welland Minor Hockey Association for a two year period; and further

THAT Welland City Council directs Staff to amend the appropriate By-laws; and further

THAT Welland City Council accepts the list of user/service fees attached to Report FIN-2007-16 (Appendix II).

CARRIED

03-38

03-40

05-120

08-4

Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives the memorandum from Richard Morwald, Manager, Leisure Services regarding Council inquiries of 2008 Proposed Rates.

CARRIED

03-139

03-139Z Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the request from Stanley B. Stein, Osler, Hoskin & Harcourt LLP, on behalf of the Seaway Mall to defer the Calloway Reit (Welland) Inc. application.

CARRIED

03-139

03-139Z

07-135Z Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND grants a request from Mary Bull, Wood Bull LLP to defer the consideration of the Proposed Amendments to the City's Official Plan and Zoning By-law and Red-Lined Revision to the Draft Plan of Subdivision for Niagara Centre to the January 22, 2008 General Committee Meeting.

CARRIED

05-120 Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves amendments to the Building By-law so that it is consistent with the City Fees and Charges By-law.

CARRIED

05-141 Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Terms of Reference for an Arts and Culture Advisory Committee as outlined in Appendix "A"; and further

THAT Welland City Council approves the formation of an Arts and Culture Advisory Committee to provide advice on the advancement of arts and culture in the community; and further

THAT Welland City Council appoints a member of Council to the Committee.

CARRIED

06-84 Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Terms of Reference for a Senior Citizens Advisory Committee as outlined in Appendix "A"; and further

THAT Welland City Council approves the formation of a Senior Citizens Advisory Committee to provide advice on matters that affect the quality of life of senior citizens living in the City of Welland; and further

THAT Welland City Council appoints a member of Council to the Committee.

CARRIED

06-154 Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND refers Report ENG-2007-36 (Dated December 4, 2007) re: Assumption of Pre-1980's Subdivisions, back to staff for further report to General Committee in May 2008, as recommended by the Budget Review Committee.

CARRIED

07-4 Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the Treasurer to borrow, on an interim basis, up to six million dollars (\$6,000,000.00) to meet current and capital expenditures for the year 2008 while awaiting permanent funding by way of taxation, Provincial/Federal grants, and Regional debentures; and further

THAT Welland City Council instructs the City Clerk to prepare the necessary By-law.

CARRIED

07-151 Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives the letter dated December 4, 2007 from Jerry Mastroianni, Volcano Pizzeria, expressing a concern with the time change of the 2007 Santa Claus Parade

held on November 30 and its affect on business with the current route and refers to staff for review and report to Council.

CARRIED

08-5 Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND approves REPORT ENG-2007-35 to initiate the Lead and Split Water Service Replacement (LASSR) Program, as recommended by the Budget Review Committee; and further

THAT Welland City Council directs Staff to include \$50,000 of the 2008 Water/Sewer Budget in a fund for payment of up to \$750 per household to assist with replacement of Lead and Split Water Services for residential water customers with the City of Welland.

CARRIED

BY - LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

03-38

03-40

BYL 2007-191

A By-law to amend By-law 2006-193, being a By-law to establish and regulate fees and charges for various services or activities and use of property as provided by the municipality.

04-37

BYL 2007-192

A By-law to amend By-law 2004-119, being a By-law to provide for the supply and delivery of water and to provide for the maintenance and management of waterworks and the imposition and collection of water rates.

05-120

BYL 2007-193

A By-law to amend City of Welland Building By-law 2005-91.

07-4

BYL 2007-194

A By-law authorizing the temporary borrowing of up to \$6,000,000.00 to meet current and capital expenditures.

07-150

BYL 2007-195

A By-law to authorize the signing of a Spatial Separation Agreement with Mario Geremia and Kerri-Ann Geremia-Dimarco concerning 50 Highland Gardens.

07-1

BYL 2007-196

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 11th day of December, 2007.

And that the same be now read a first time.

CARRIED

(Councillors O'Dell, Alakas and Letourneau asked to be recorded as opposed to By-law 2007-191).

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion as reproduced in this evening's Council Agenda, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal same.

CARRIED

(Councillors O'Dell, Alakas and Letourneau asked to be recorded as opposed to By-law 2007-191).

Council adjourned at 8:00 p.m.

These Minutes approved and adopted by Motion of Council this 15th day of January, 2008.

MAYOR

DEPUTY CLERK