



COUNCIL MEETING, MAY 1, 2007

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

Council met in Committee-of-the-Whole closed to the public at 5:35 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 R. Alakas, D. Alexander, M. Belcastro, F. Campion, P. Chiocchio, M. Dzugan, T. Eybel, P. Grenier (until 8:50 p.m.), R. Letourneau, S. O'Dell, B. Sharpe and L. Van Vliet.

Members of the Staff and Others Present:

City Manager, P. Simmons

General Manager, Communications, Council & Legislative Services/City Clerk, C. Stirtzinger

Deputy Clerk, B. Gallaccio

Chief, Fire & Emergency Services, D. Prevost (7:30 p.m.)

General Manager, Engineering, Public Works & Transportation Services/City Engineer, D. Shantz (7:30 p.m.)

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

Acting General Manager, Human Resources, R. Mantesso (7:30 p.m.)

Records Clerk, C. Viger (7:30 p.m.)

General Manager, Planning & Development Services, D. Thorpe

General Manager, Parks & Recreation, B. LaPlante

Manager, Development Planning & Real Estate R. DiFelice (7:30 p.m.)

(Bob Mahler, Chair and Stephen Fischer, Manager, Business & Operations – Welland Recreational Canal Corporation in attendance during Committee-of-the-Whole discussions on a proposed or pending acquisition or disposition of land matter).

(Ross Peever, President, John Kwekkeboom, Nominating Committee Chair, and Tim Clutterbuck, Chair, Welland Hydro Electric Corp. in attendance during Committee-of-the-Whole discussions on a business corporation matter).

07-25 Moved by Dzugan and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, 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 or local board.
- b) a proposed or pending acquisition or disposition of land by the municipality or local board;
- c) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- d) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act; and

CARRIED

(Councillors Campion and Belcastro were not present during Committee-of-the-Whole discussions on a Proposed or Pending Acquisition or Disposition of Land Matter).

(Councillors Chiocchio and Grenier were not present during Committee-of-the-Whole discussions on a Litigation or Potential Litigation Matter).

07-25 Moved by Alexander and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:20 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Grenier disclosed an interest in Ref. No. 07-27 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed in the insurance industry.

PRESENTATION

Russ Findlay, Chair, Accessibility Advisory Committee presented the "Making Welland Accessible Award" to Alana Galeotta, representative of the Seaway Mall.

DELEGATIONS:

07-28 Lori Webster and Kenny Manhamo, Welland Heritage Council addressed Council regarding two (2) new programs – the Host Program, and a new aspect of the ISAP (Immigrant and Settlement Assistance Program).

99-110

07-10 Regional Councillor D. Bruce Timms, Chair, Greater Niagara Circle Route Committee addressed Council regarding the progress of the trails system and future directions and requested the appointment of a Member of Council to the Greater Niagara Circle Route Committee.

STATUTORY PUBLIC MEETING UNDER THE PLANNING ACT

03-133 Welland Brownfield Community Improvement Plan (CIP).

The following people were present

- Mr. Luciano Piccioni, President, RCI Consultants
- Mr. Ron Potter, 94 Broadport Drive, Toronto

There being no other submissions the public meeting was concluded.

BOARDS, AGENCIES, COMMISSIONS REPORT(S)

06-114 Deanna Villella, Vice Chair, and Dawn McInnis, Tourism, Development Coordinator, Welland's 150th Anniversary Planning Committee addressed Council regarding plans for the 150th Anniversary celebrations and introduced the committee members who were in attendance.

99-43 Mr. Tim Clutterbuck, Chair and Ross Peever, President, Welland Hydro-Electric Holding Corp. addressed Council regarding proposed changes to the Shareholder Declaration.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

99-110

07-10 D. Bruce Timms, Regional Councillor, Chair, Greater Niagara Circle Route Committee – presentation on the progress of the trails system and future directions and appointment of a representative to the Greater Niagara Circle Route Committee.

03-133 Gen. Mgr. Planning and Development Services D. Thorpe- Brownfield Community Improvement Plan.

04-91 A By-law to authorize the entering into a contract with Budget Environmental Disposal Inc. for demolition of 65 Hooker Street.

05-81 Nora Reid, Secretary, Heritage Welland – Main Street Bridge alterations.

06-114 Councillor David Alexander, Chair and Deanna Villella, Co-Chair, Welland's 150th Anniversary Planning Committee – Plans for the 150th Anniversary.

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 1st day of May, 2007.

07-4 A By-law to adopt the 2007 Capital and Operating Budgets.

07-4 A By-law to establish tax ratios and tax rates and to levy taxes for the year 2007.

07-20

07-21

07-49 John Clark, Chair, Niagara Food Festival 2007 Inc. – requesting permission for the following during the Niagara Food Festival: - Temporary street closures; - Waiving of all fees; - In Kind-Services - access to and placement of picnic tables, snow-fencing, etc. and - Exemption to the Noise By-law.

07-21 Sean Neamtu, Teacher, Eastdale Secondary School – requesting permission to hold its annual “*Stride for Pride Walk-a-Thon*” on Friday, May 18th, 2007.

- 07-21** Tim Lefebvre, President, St. Catharines Cycling Club, organizer of the Great Lake to Lake Cycling Event – requesting permission to hold the “**Great Lake to Lake Mountain Bike Race**” on June 17th, 2007.
- 07-28** Lori Webster and Kenny Manhamo, Welland Heritage Council – to present two (2) new programs – the Host Program, and a new aspect of the ISAP (Immigrant and Settlement Assistance Program).
- 07-86** Inky Mark, M.P., Dauphin-Swan River-Marquette, Manitoba – re: Bill C-417, the Canadian Soldier’s and Peacekeepers’ Memorial Wall Act.
- 07-88** Gen. Mgr. Planning and Development Services, D. Thorpe- Official Plan Update – Recommended Process.

07-1 Moved by Dzugan and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of April 17, 2007, as circulated.

CARRIED

99-43 Moved by Dzugan and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND as, the Sole Shareholder, approves Welland Hydro-Electric Holding Corp. Resolution Number 04/25/07-O1S regarding proposed changes to the Shareholder Declaration with respect to the following:

Article 1.1 Definitions

“Subsidiary” – The last sentence changed to read “The Subsidiaries are Welland Hydro-Electric System Corp., Welland Hydro Energy Services Corp. and Welland WiFi Corp.”

Article 3.1 Business of the Corporation

- 3.1 (a) (ii) Change to: “Distributing electricity and associated services to customers of the Distribution Company, its affiliates and, provided Welland residents receive preferential treatment, such others as may be licensed or authorized by the OEB to provide electrical or other utility services.”
- 3.1 (a) (iv) Change: After “Subject to Shareholder” add “approval”, and after “and” add “applicable legislation”. Article changed to read:
 “subject to Shareholder approval and applicable legislation, new business activities the principal purpose of which is to use more effectively the assets of the Corporation or any Subsidiary, as applicable, including providing meter installation and reading services, providing billing services, and business activities in the telecommunications area, and”

Article 8.2

Change to: “The board of a Subsidiary may request a meeting with Council to discuss any direction received from the Corporation that the board of the Subsidiary believes is not in the best interests of the Subsidiary. Prior to requesting a meeting with Council, the board of the Subsidiary will attempt to deal with the issue with the Corporation. If the board of the Subsidiary and the Corporation are not able to resolve the issue, the board of the Subsidiary will give prior written notice to the Corporation of its intention to request a meeting with Council to discuss the issue.”

Former Article 8.2 - now renumbered to 8.3

Article 9.12 "Welland Hydro-Electric Retail Corp." changed to read "Welland Hydro Energy Services Corp."

CARRIED

99-110

07-10 Moved by Letourneau and Eybel

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Regional Councillor Bruce Timms, Chair, Greater Niagara Circle Route Committee regarding progress of the trails system and future directions; and further
 THAT Welland City Council appoint a Councillor to the Committee.

CARRIED

02-160 Moved by Campion and Letourneau
THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the order of items 7.2 and 7.3 on Council's agenda be reversed.

CARRIED

03-133 Moved by Belcastro and Van Vliet
THAT THE COUNCIL OF THE CITY OF WELLAND adopts the Brownfield Community Improvement Plan; and further
THAT Welland City Council endorses the Brownfield Redevelopment Strategy; and further
THAT Welland City Council directs Staff to undertake an Amendment to the Development Charges Exemption Program; and further
That Welland City Council directs Staff to prepare Program Guidelines; and further
THAT Welland City Council authorizes Staff to prepare the necessary By-law.

CARRIED

05-81 Moved by Sharpe and Chiocchio
THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommendations of the Heritage Welland Committee regarding the standards to be used by the Region of Niagara for conformity under the Ontario Heritage Act for the reconstruction of the Main Street Bridge as follows:

- Use of marine style lighting over the sidewalks at the Main Street Bridge
- Use of a George Washington style railing along the roadway of the Main Street Bridge in place of the splash guards
- The removal of the cobra head lighting on the Main Street bridge and its replacement with metal halide lights along the centre of the bridge under the truss to light the roadway similar to that which exists on the Glendale Avenue bridge in St. Catharines.

05-81 Moved by O'Dell and Alakas that the plexiglas splash guards be included as part of the railing construction along the roadway of the Main Street Bridge.

LOST

**FOLLOWING THE VOTE ON THE AMENDMENT, THE MAIN MOTION
WAS PUT IN ITS ORIGINAL FORM AND**

CARRIED

06-114 Moved by Alexander and Chiocchio
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Deanna Villella, Co-Chair, and Dawn McInnis, Tourism, Development Coordinator, Welland's 150th Anniversary Committee and supports the plans for Welland's 150th Anniversary celebrations.

CARRIED

07-20

07-21

07-49 Moved by Chiocchio and Alakas
THAT THE COUNCIL OF THE CITY OF WELLAND receives the letter from Niagara Food Festival requesting temporary street closures; waiving of all fees; provision of in-kind services and exemption

to the Noise By-law during the **“Niagara Food Festival”** to be held on September 28, 29, and 30, 2007 and refers to staff for study and report.

CARRIED

07-21 Moved by Chiocchio and Alakas
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the application of Eastdale Secondary School to hold a **“Stride for Pride Walk-a-Thon”** on Friday, May 18th, 2007 subject to the applicant’s completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

07-21 Moved by Chiocchio and Alakas
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the application of Great Lake to Lake Events Inc. to hold the **“Great Lake to Lake Mountain Bike Race”** on June 17th, 2007 subject to the applicant’s completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

07-22 Moved by Eybel and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to make an amendment to By-law 2667 Section 6.4 to allow commercial vehicles, assisting in emergency situations as approved by the Niagara Regional Police Service, to locate in residential zones.

LOST

07-28 Moved by Dzugan and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Lori Webster and Kenny Manhmo, Welland Heritage Council regarding two (2) new programs - the Host Program and a new aspect of the ISAP (Immigrant and Settlement Assistance Program).

CARRIED

07-86 Moved by Chiocchio and Alakas
 THAT THE COUNCIL OF THE CITY OF WELLAND supports and requests that the Government of Canada enact Private Member’s Bill C-417, the Canadian Soldier’s and Peacekeepers’ Memorial Wall Act, in recognition and respect of all those who have given their lives in war and peacekeeping duties.

CARRIED

07-88 Moved by Campion and Dzugan
 THAT THE COUNCIL OF THE CITY OF WELLAND requests Regional Niagara to create a unique opportunity by partnering with the City of Welland in developing a new Official Plan and Policies for the Gateway Economic Centre Designation; and further
 THAT Welland City Council requests Regional Niagara to consider contributing \$50,000.00 along with Staff participation to the City’s Official Plan; and further
 THAT Welland City Council authorizes Staff to undertake a Request for Proposals for the retention of a Consultant(s) to undertake the necessary preparation of a new Official Plan and report back to Council with a recommended Consultant(s).

CARRIED

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

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

07-27

07-45

Moved by Chiocchio and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes adding Welland Rose Festival Inc. to the City of Welland insurance policy at no additional premium.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Chiocchio and Alakas

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

04-91

BYL 2007 – 66

A By-law to authorize the entering into a contract with Budget Environmental Disposal Inc. for demolition of 65 Hooker Street.

07-4

BYL 2007 - 67

A By-law to adopt the 2007 Capital and Operating Budgets.

07-4

BYL 2007 - 68

A By-law to establish tax ratios and tax rates and to levy taxes for the year 2007.

07-1

BYL 2007 - 69

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 May, 2007.

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Chiocchio and Alakas

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 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, May 9, 2007 for inclusion on the next Regular Council Meeting Agenda of May 15, 2007.

Council adjourned at 9:40 p.m.

These Minutes approved and adopted by Motion of Council this 15th day of May, 2007.

MAYOR

DEPUTY CLERK