



## **COUNCIL MEETING, MARCH 18, 2008**

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

Council met in Committee-of-the-Whole closed to the public at 6:03 p.m. and in open session at 7:31 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 (until 10:40 p.m.), M. Belcastro, F. Champion, P. Chiocchio, M. Dzugan, J. Larouche, P. Grenier, R. Letourneau, S. O'Dell, B. Sharpe and L. Van Vliet.

#### **Members of the Staff and Others Present:**

City Manager, P. Simmons (6:03 p.m.)

General Manager, Communications, Council & Legislative Services/City Clerk, C. Stirtzinger (6:03 p.m.)

Deputy Clerk, B. Gallaccio (7:10 p.m.)

Chief, Fire & Emergency Services, D. Prevost (6:03 p.m.)

General Manager, Engineering, Public Works & Transportation Services/City Engineer, D. Shantz (6:03 p.m.)

General Manager, Financial & Corporate Services/Treasurer, B. Silvestri (6:03 p.m.)

General Manager, Human Resources, R. Mantesso (6:03 p.m.)

General Manager, Parks, Facilities, & Leisure Services, B. Fenwick (6:10 p.m.)

General Manager, Planning & Development Services, D. Thorpe (6:03 p.m.)

Manager, Economic Development, D. Degazio (6:07 p.m.)

Switchboard/Receptionist, T. Butler (7:31 p.m.)

**08-25** Moved by Dzugan and Alexander  
 THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:03 p.m. to consider:

- a) the security of the property of the municipality or local board; and
- b) proposed or pending acquisition or disposition of lands by the municipality or local board.

**CARRIED**

***(Councillor Belcastro was not present during Committee-of-the-Whole discussions on a proposed or pending acquisition or disposition of land matter.)***

**08-25** Moved by Grenier and Sharpe  
 THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:25 p.m. without report.

**CARRIED**

### **DISCLOSURE OF INTEREST:**

Councillor Alexander disclosed an interest in Ref. No. 07-142 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his wife's mid-wifery practice is a tenant of Centre de Sante, a stakeholder in the Health and Wellness Task Force.

### **DELEGATIONS**

**08-84** Taylor Chiocchio, Janelle Giroux and Nannette Martin, Jean-Vanier Secondary Catholic School addressed Council regarding Earth Hour on March 29, 2008.

**99-99** Lloyd Kresic addressed Council regarding the Welland Recreational Canal 2008 Operating and Capital Budgets with respect to the connecting pathway – Quaker/Towpath Roads.

### **STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT**

Council recessed at 8:27 p.m. to hold the Public Hearing.

Councillor Dzugan presided as Chair of the Public Hearing.

**08-78Z** A complete application has been made by CHRISTOPHER WILLIAM ARMSTRONG AND IRENE ARMSTRONG to rezone Part Township Lot 242, former Township of Thorold, now in the City of Welland, being Part 7, Plan 59R-2523 for lands at 196 Thorold Road from the existing R1 – Single-Detached Dwelling – First Density Zone By-law 2667 to a Site specific Commercial Zone By-law 2667. The purpose of the Amendment is to permit a business office as an additional use and to reduce the required parking spaces from eight (8) to seven (7). There is no Official Plan designation applicable to the property.

Councillor Dzugan outlined the procedures of the Public Hearings as required by the *Planning Act*.

D. Thorpe confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

**In support of the application:**

- Irene and Christopher Armstrong, 75 Kunda Park Boulevard, Fonthill, Ontario L0S 1E7

**In opposition of the application:**

- Rod Richards, 77 Dixon Crescent, Welland, Ontario L3C 6P4
- Vanessa Blair, 8 Wilkes Drive, Welland, Ontario L3C 6M3
- Ken Martin, 32 Wilkes Drive, Welland, Ontario L3C 6M3
- Pat and Monique Simpson, 5 Dixon Crescent, Welland, Ontario L3C 6P4

There being no other submissions the hearing was concluded at 9:29 p.m. and Council reconvened. The Mayor resumed the Chair.

**THE FOLLOWING CORRESPONDENCE WAS DELETED:**

Human Resources Committee Report – Meeting of March 18, 2008

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 99-99** Lloyd Kresic – Welland Recreational Canal Corporation (WRCC) – 2008 Budget (Connecting pathway – Quaker/Towpath Roads).
- 99-99** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Welland Recreational Canal Corporation 2008 Budget.
- 05-118** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – 2007/2008 Water Conservation and Efficiency Program.
- 07-142** Manager Economic Development, D. Degazio – Welland Development Commission – Health and Wellness Services Task Force Terms of Reference.
- 08-4** Louise Gartshore, City Clerk, City of Woodstock – Taxation Matters.
- 08-13** A By-law to authorize the acceptance of funding from the 2007 Ontario Economic Outlook and Fiscal Review (Fall Economic Statement) for Transit Capital Expenditures.
- 08-57** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Tender Award – South Pelham Road Sanitary Sewer Infiltration Abatement Work.
- 08-57** A By-law to accept the tender of Pipeflo contracting Corp. for the South Pelham Road Sanitary Sewer Infiltration Abatement Project.
- 08-74** Manager Economic Development, D. Degazio – Proposal to declare surplus 5 acres of city-owned lands on the south side of Woodlawn Road and east of River Road (Part of Lot 21, Concession 3).
- 08-78Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Application for Zoning By-law Amendment – Christopher and Irene Armstrong, Part of Lot 242, former Township of Thorold, now in the City of Welland, being Part 7, Plan 59R-2523, north side of Thorold Road, east of Dixon Crescent (196 Thorold Road) (File No. 2008-02).
- 08-84** Taylor Chiochio, Janelle Giroux, and Nannette Marting, Jean-Vanier Secondary Catholic School – Earth Hour – March 29, 2008.
- 08-85** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz – Sanitary Sewer Flow Monitoring Services.
- 08-85** A By-law to accept the tender of Clarifica Incorporated for Sanitary Sewer Flow Monitoring Services.
- 08-87** Anita Moore, Town Clerk, Town of Newmarket – Disabled Parking issues.
- 08-88** Pam Gilroy, Regional Clerk, Region of Niagara - Amendment to Bill C-22 – Representation in the House of Commons.

**08-89** Bob Sweet, Mayor, Town of Petawawa – Support for Canadian Troops.  
**08-1** 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 18th day of March, 2008.

**08-1** Moved by Dzugan and Grenier  
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of March 4, 2008, as circulated.

**CARRIED**

**99-99** Moved by Alexander and Chiocchio  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Lloyd Kresic regarding the Welland Recreational Canal Corporation 2008 Operating and Capital budgets with respect to the development of a connecting pathway to the existing Recreational Canal Pathway via the end of Quaker Road access and Towpath Road.

**CARRIED**

**99-99** Moved by Grenier and Alexander  
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the Welland Recreational Canal Corporation (WRCC) 2008 Operating and Capital Budgets.

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**99-99** Moved by Alexander and Chiocchio  
 THAT the motion be amended to include:  
 ; and further  
 THAT Welland City Council directs the WRCC to include within its existing 2008 budget the construction of a connecting woodchip path to the Recreational Trail via the end of the Quaker Road access and Towpath Road.

**LOST**

***FOLLOWING THE LOST VOTE ON THE AMENDING MOTION, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AS FOLLOWS:***

**99-99** Moved by Grenier and Alexander  
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the Welland Recreational Canal Corporation (WRCC) 2008 Operating and Capital budgets.

**AND .....**

**CARRIED**

**05-118** Moved by Grenier and Letourneau  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information REPORT ENG-2008-09 on the 2007 Water Conservation and Efficiency Program; and further  
 THAT Welland City Council authorizes the expansion of scope of the new City of Welland Conservation Committee to include Energy Conservation and Waste Management along with the current mandate of Water Conservation, and authorizes the name of the Water Conservation Committee to be changed to City of Welland Conservation Committee; and further  
 THAT Welland City Council approves the Revised Terms of Reference for the proposed Conservation Committee as per Appendix I; and further

THAT Welland City Council approves the 2008 Conservation Program and the proposed budget as per Appendix II; and further

THAT Welland City Council reviews the need for the ongoing operation of this committee and its incentive programs at the end of 2008.

**CARRIED**

**07-142** Moved by Belcastro and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Health and Wellness Services Task Force Terms of Reference as put forward and reviewed by the Welland Development Commission (WDC).

**CARRIED**

**08-4** Moved by Belcastro and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND supports the resolution from the City of Woodstock requesting that the Province of Ontario eliminate tax capping and replace it with an equitable system based on current value assessment.

**CARRIED**

**08-57** Moved by Belcastro and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of PipeFlo Contracting Corp. of Hamilton, Ontario as detailed in Report ENG-2008-08, for South Pelham Road Sanitary Sewer Infiltration Abatement Work between Fitch and Balsam Streets at the quoted price of \$65,302.20 including applicable PST; and further

THAT Welland City Council authorizes the Treasurer to finance the project estimated total expenditure in the amount of \$80,000 by means of Municipal Debenture as per the revised 2006 Sanitary Sewers Capital Budget; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with PipeFlo Contracting Corp., to execute the constructions.

**CARRIED**

**08-74** Moved by Alexander and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND declares surplus to the City's needs part of Lot 21, Concession 3, former Township of Crowland, now in the City of Welland located on the south side of Woodlawn Road and East of River Road; and further

THAT Welland City Council directs that any subsequent sale of the subject lands be carried out in accordance with the Municipal Act, City Policy and in the manner described in Report EDO-2008-02; and further

THAT Welland City Council directs staff to reserve revenues from the sale of these lands to the Woodlawn Road Sports Complex.

**CARRIED**

**08-78Z** Moved by Grenier and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands described as Part of Lot 242, former Township of Thorold, now in the City of Welland, being Part 7, Plan 59R-2523, known municipally as 196 Thorold Road to amend the existing R1 – Single-Detached Dwelling - First Density Zone to a Site Specific Holding (H) R1 – Single-Detached Dwelling - First Density Zone only to permit a financial services business office and a single detached dwelling. Said Zone will identify specific lot and development provisions as outlined in Report PDS-2008-09; and further

THAT Welland City Council directs that prior to the lifting of the Holding Symbol (H), upon request by the Owner, a Site Plan Agreement is entered into with the City to incorporate issues such as landscaping, lot grading and drainage, proper driveway aprons and sidewalk repairs/replacement, as required; and further THAT Welland City Council directs that a portion of the one (1) foot Reserve along Dixon Crescent be lifted to permit a maximum six (6) metre wide entrance.

**CARRIED**

**(Councillors Letourneau, O'Dell, and Alakas asked to be recorded as opposed to this resolution).**

**08-84** Moved by Grenier and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Taylor Chiochio, Janelle Giroux, and Nannette Martin, Jean-Vanier Secondary Catholic School regarding Earth Hour; and further

THAT Welland City Council encourages Council and the citizens of the City of Welland to participate and turn off any unnecessary forms of electricity from 8:00 p.m. to 9:00 p.m. on March 29th, 2008 to raise awareness and support for action on climate change.

**CARRIED**

**08-85** Moved by O'Dell and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of Clarifica Incorporated of Richmond Hill, Ontario for Sanitary Sewer Flow Monitoring Services, as presented in report ENG-2008-10; and further THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into an agreement with the said contractor to perform the flow monitoring services at the tender price of \$39,850, plus applicable taxes; and further

THAT Welland City Council authorize staff to undertake supplementary flow monitoring services, as required, at the unit prices bid but not to exceed \$60,000 as a part of the 2006 capital budget for the South Pelham Road – Fitch to Sumbler Sanitary Sewer project.

**CARRIED**

**08-87** Moved by Belcastro and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND supports the resolution from the Town of Newmarket requesting the Premier of Ontario to take action to eliminate the misuse of disabled parking permits and parking spaces.

**CARRIED**

**08-88** Moved by Grenier and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND supports the resolution from the Region of Niagara requesting the Federal Government to amend Bill C-22 to provide Ontarians with their fair share of seats in the House of Commons while maintaining the constitutionally protected seat guarantees of smaller provinces.

**CARRIED**

**08-89** Moved by Belcastro and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND supports the resolution from the Town of Petawawa and recognizes the tremendous and exemplary work and efforts carried out by Canadian Troops in all their missions.

**CARRIED**

**BY-LAWS**

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

1. Moved by Van Vliet and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-law entitled:

**08-85**

BYL 2008 – 31

A By-law to accept the tender of Clarifica Incorporated for  
 Sanitary Sewer Flow Monitoring Services.

And that same be now read a first time.

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

2. Moved by Van Vliet and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-law 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****BY-LAWS PRESENTED FOR FIRST READING:**

3. Moved by Belcastro and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

**08-13**

BYL 2008 – 29

A By-law to authorize the acceptance of funding from the 2007 Ontario Economic  
 Outlook and Fiscal Review (Fall Economic Statement) for Transit Capital  
 Expenditures.

**08-57**

BYL 2008 – 30

A By-law to accept the tender of Pipeflo Contracting Corp. for the South  
 Pelham Road Sanitary Sewer Infiltration Abatement Project.

**08-1**

BYL 2008 – 32

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 18<sup>th</sup> day of March, 2008.

And that same be now read a first time.

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

4. Moved by Belcastro and Larouche  
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**

### **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, March 26, 2008 for inclusion on the next Regular Council Meeting Agenda of April 1, 2008.**

Council adjourned at 10:55 p.m.

These Minutes approved and adopted by Motion of Council this 1<sup>st</sup> day of April, 2008.

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**MAYOR**

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**DEPUTY CLERK**