



COUNCIL MEETING, APRIL 15, 2008

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

Council met in Committee-of-the-Whole closed to the public at 6:40 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, M. Belcastro, F. Champion, P. Chiochio, 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

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

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 (7:31 p.m.)

General Manager, Human Resources, R. Mantesso

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

Communications Assistant, C. Mintoff (7:31 p.m.)

Deputy Treasurer, K. Douglas (7:31 p.m.)

08-25 Moved by Belcastro 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 6:40 p.m. to consider:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) a proposed or pending acquisition or disposition of land by the municipality or local board; and
- d) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- e) in addition the following: proposed or pending acquisition or disposition of land by the municipality or local board; and
- f) personal matters about an identifiable individual, including municipal or local board employees stemming from April 15, 2008 Human Resources Committee report to Council (in closed meeting).

CARRIED

(Councillors Alakas and Letourneau were not present during Committee-of-the-Whole discussions on a proposed or pending acquisition or disposition of property matter).

08-25 Moved by Grenier and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:18 p.m.

CARRIED

DISCLOSURE OF INTEREST:

Councillor Alakas disclosed an interest in Ref. No. 99-125 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Lakeside Steel.

Councillor Letourneau disclosed an interest in Ref. No. 99-125 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is employed by Lakeside Steel.

PRESENTATION:

Mayor Goulbourne presented plaques to the following members of the Brock University Badgers Men's Basketball Team in recognition of winning the 2008 CIS National Championship: **Coaches:** Bill Rootes, Brian Mulligan, Joe Kenny, Ken Murray and Steve Atkin **Players:** Brad Rootes, Rohan Steen, Nico Loureiro, Mike Kemp, Andrew Ferguson, Sam Brefo, Joe Kendrick, Scott Murray, Jay Fleming, David Swinden, Navanga Burke, Mike Muir, Owen White, Jordan Johnson, Tim Svidnytsky and Dusty Bianchin.

PUBLIC MEETING PURSUANT TO THE MUNICIPAL ACT, 2001. (NOTICE BY-LAW 2007-181)

08-4 To consider the 2008 City of Welland Capital and Operating Budgets.

The following people were present to speak on the proposed matter:

Joe Harris, 334 McAlpine Avenue, Welland L3B 1V4
 George Sarkis, 155 North Valley Drive, Welland L3C 7B6
 James MacInnis, 470 First Avenue North, Welland L3C 6A7
 Allen Sawchyn, 144 Hillsdale Road, Welland L3C 7M4
 Raymond King, 304 Hillsdale Road, Welland L3C 7M2
 Daniel Fortier, 83 Colbeck Drive, Welland L3C 7B2

There being no submissions, the public meeting was concluded.

BOARDS, AGENCIES, COMMISSIONS REPORT(S)

Budget Review Committee of April 7, 2008 – See Report FIN 2008-09.

Human Resources Committee – meeting of April 15, 2008.

08-84 Councillor Grenier, Conservation Committee Chair, introduced the Members of the Conservation Committee. The Committee Members; Guilia Forsythe, Gary King and Margaret Moroz addressed Council regarding Earth Day activities planned on Saturday, April 19, 2008 on Merritt Island.

THE FOLLOWING CORRESPONDENCE WAS READ:

06-84 Memo from Manager, Parks , Facilities and Leisure Services, R. Morwald – Application for Enabling Accessibility Fund.

08-3 Raffle License Application from Sisters of the Sacred Heart .

08-3 Nevada License Application from St. John Ambulance-Welland.

08-50 A By-law to authorize the entering into a contract with Mobil Striping & Sweeping Ltd. for the street sweeping rentals.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

99-110

08-22 Councillor Dzugan - Notice of Motion re: Govern the use of terrain vehicles within the City of Welland.

01-126 Dawn Whelan, Council Coordinator, City of Ottawa re: Municipal Property Assessment Corporation (MPAC).

02-130 Gen. Mgr., Planning and Development Services, D. Thorpe – Proposed assumption agreement with Rinaldi Properties (Niagara) Inc. for the Tetherwood Subdivision (File 26T-14-02001) north side of Ontario Road, east of Southworth Street.

02-130 A By-law to authorize the signing of an Assumption Agreement with Rinaldi Properties (Niagara) Inc., with respect to the development of the Tetherwood Subdivision (File No. 26T-14-02001).

03-128 A By-law to authorize the acceptance of tender and the entering contract with A. Vanegmond Construction (2005) Ltd. for the Stop 19 Area Watermain Replacement (Rose Avenue, Donald Avenue, Sharpe Avenue, Lacy Avenue, Hatter Avenue and Connecting Laneway).

04-92 Gen. Mgr., Planning and Development Services, D. Thorpe - Sign By-law – Proposed Amendments.

04-92 A By-law to amend City of Welland Sign By-law 2005-21.

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 15th day of April, 2008.

08-4 Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri – 2008 Capital and Operating Budgets.

08-4 A By-law to adopt the 2008 Operating and Capital Budgets.

08-19 Janice Makepeace, Community Recreation Coordinator, Parks and Recreation Department, City of Welland – requesting to waive the permit fee for a fireworks displays to the following: Victoria Day at the Niagara Regional Exhibition grounds on May 19, 2008; Canada Day at Memorial Park on July 1, 2008; Welland Recreation Projects Association's Family Day at St. George Park on August 3, 2008; and Labour Day at the Glenwood Park in Dain City on August 31, 2008.

08-20

08-94 Bill Auchterlonie, Welland Dragon Boat Festival - requesting special occasion permit

during the “**7th Annual Welland Dragon Boat Festival**” to be held on Saturday, June 14, 2008 be designated as a community festival.

08-21 Tricia Poulin and Anne Meginnis, Teachers, Jean-Vanier Secondary Catholic School, requesting permission to hold a Hearts in Harmony for Women’s Place of South of Niagara walk-a-thon on May 20th, 2008.

08-58 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, D. Shantz –Tender Award – Hellems-Burgar Area Sewer Separation – Phase III – A Regional Niagara CSO Partnership Funding Program Project.

08-58 A By-law to authorize the acceptance of tender and the entering into a contract with V. Gibbons Contracting Ltd. for the Hellems-Burgar Area Sewer Separation – Phase III.

08-69 Association of Municipalities of Ontario (AMO) re: Municipal Infrastructure Funding – Building Canada Fund.

08-73A By-law to authorize the acceptance of tender and entering into a contract with CTC Contracting Ltd. for the Utility Cut Final Reinstatement 2008.

08-84 Conservation Committee, Councillor Grenier, Chair – update on Earth Hour.

08-1 Moved by Grenier and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meetings of March 25, 2008 and April 1, 2008, as circulated.

CARRIED

99-110

08-22 Moved by Dzugan and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND instructs staff to prepare a by-law to govern the use of all terrain vehicles within the City of Welland and thereby prohibit the use of off-highway and unlicensed recreational vehicles on City streets, rights-of-way, parks, and open space and to provide offence provisions and penalty provisions for the purpose of prosecuting such offences; and further

THAT Welland City Council directs City staff to discuss with Niagara Regional Police and the Welland Recreational Canal Corporation (WRCC) representatives the enforcement of violators with a view of curbing this escalating problem of unlicensed off-road vehicles: disturbing the peace; trespassing on public and private properties; and damaging those properties; and further

THAT Welland City Council requests the Welland Recreational Canal Corporation (WRCC) to review the use of battery assisted/peddle bicycles with a view of permitting their use on the Welland Recreational Canal Trail.

CARRIED

01-126 Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND supports the resolution from the City of Ottawa requesting the Province of Ontario to pay a proportional share of Municipal Property Assessment Corporation (MPAC) costs related to education property taxes.

CARRIED

02-130 Moved by Dzugan and Larouche
 THAT COUNCIL OF THE CITY OF WELLAND approves the entering into an Assumption Agreement with Rinaldi Properties (Niagara) Inc. to amend the existing Subdivider's Agreement with respect to the development of the Tetherwood Subdivision (Plan 59M360) consisting of ninety (90) singled detached residential lots, one (1) Block for walkway purposes and one (1) Block for park purposes for lands north of Ontario Road and east of Southworth Street; and further
 THAT Welland City Council directs Staff to prepare any necessary By-laws; and further
 THAT the Mayor and Clerk be authorized to execute any necessary documents associated with the Assumption Agreement and the development of this Subdivision.

CARRIED

04-92 Moved by Dzugan and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to amend the Sign By-law as described in Report PDS -2008-14.

CARRIED

05-118
08-84 Moved by Grenier and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Members of the City of Welland Conservation Committee regarding Earth Day.

CARRIED

06-84 Moved by Dzugan and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare and submit an application to Human Resources and Social Development Canada for funding under the Major Projects Enabling Accessibility Fund to support the expansion and development of the Rose City Seniors' Community Wellness and Abilities Centre.

CARRIED

08-3 Moved by Dzugan and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the following Lottery Licenses:
 Sisters of the Sacred Heart - Raffle and St. John Ambulance-Welland - Nevada.

CARRIED

08-4 Moved by Alexander and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the 2008 Operating and Capital Budgets, Appendices I & II, attached to report FIN 2008-09 resulting in an 8.11% tax levy increase from \$24,862,717 in 2007 to \$26,878,437 in 2008. Assessment growth of 1.12% reduces the tax rate impact to 6.99%.

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08-4 Moved by Campion and Van Vliet
 THAT the main motion be amended with respect to the following: to remove the transfer to Capital in the amount of \$248,627.

CARRIED

(Councillor Sharpe asked to recorded as opposed to this Resolution).

08-4 Moved by Campion and Van Vliet
 THAT the main motion be amended with respect to the following: to debenture the entire road re-surfacing program (adding \$264,700 to the debenture for a total debenture of \$405,875).

LOST

08-4 Moved by Campion and Van Vliet
 THAT the main motion be amended with respect to the following: to reduce new facilities (Woodlawn Sports Plex) capital cost and debenture by \$160,00 (for a total amount of \$840,000).

LOST

08-4 Moved by Campion and Van Vliet
 THAT the main motion be amended with respect to the following: to debenture \$80,000 of the Civic Square (power generator shelter portion) which changes \$110,000 capital from operating to \$30,000.

CARRIED

08-4 Moved by Campion and Van Vliet
 THAT the main motion be amended with respect to the following: to debenture all of new facilities – Senior Centre which will add \$72,800 to bring total debenture for the project of \$120,000.

CARRIED

Following the votes on the amending motions, the main motion was put as amended as follows:

08-4 Moved by Alexander and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the 2008 Operating and Capital Budgets, Appendices I & II, attached to report FIN 2008-09 as amended, resulting in a 6.49% tax levy increase from \$24,862,717 in 2007 to \$26,477,010 in 2008. Assessment growth of 1.12% reduces the tax rate impact to 5.37%.

CARRIED

YEAS: Councillors Van Vliet, Dzugan, Chiocchio, Alexander, Larouche, Grenier, Belcastro, Sharpe and Mayor Goulbourne.

NAYS: Councillors O'Dell, Campion, Letourneau and Alakas.

08-19 Moved by Dzugan and Larouche
 THAT THE COUNCIL OF THE CITY COUNCIL approves the application from Welland Parks and Recreation Department to hold fireworks displays for the following: Victoria Day at the Niagara Regional Exhibition grounds on May 19, 2008; Canada Day at Memorial Park on July 1, 2008; Welland Recreation Projects Association's Family Day at St. George Park on August 3, 2008; and Labour Day at the Glenwood Park in Dain City on August 31, 2008, subject to the applicant's completion of all conditions of the City of Welland's Fireworks By-law 2003-127; and further
 THAT Welland City Council directs staff to ensure that all fireworks used in the City sponsored display be purchased according with City Policy SER-015-0003.

CARRIED

08-20

08-94 Moved by O'Dell and Grenier
 THAT THE COUNCIL OF THE CITY OF WELLAND has no objection for the issuance of a Special Occasion Permit to the Welland Dragon Boat Festival for an event to be held on June 14, 2008; subject to the satisfactory completion of the Municipal Application for Community Festivals and Special Occasion Permits; and further
 THAT Welland City Council designates the Welland Dragon Boat Festival as a community festival; and further

THAT Welland City Council delegates, in accordance with its Delegation of Powers Policy, for all future events of the Welland Dragon Boat Festival, to the City Clerk (or designate) the authority to support the Welland Dragon Boat Festival application for Special Occasion Permits, and to deem the event a community festival.

CARRIED

08-21 Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the application of Jean-Vanier Secondary Catholic School to hold a Hearts in Harmony for Women's Place of South Niagara walk-a-thon on May 20th, 2008 subject to the applicant's completion of all conditions of the Policy of Road Use for Community Activities.

CARRIED

08-58 Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of V. Gibbons Contracting Ltd. of Stevensville, Ontario as detailed in Report ENG-2008-14, for Hellems – Burgar Area Sewer Separation – Phase III, which includes the watermain replacement on Hellems Avenue, and sanitary sewer replacement on Hellems Avenue, Plymouth Road, and Churchill Street at the tendered price of \$1,702,537.00 including applicable PST; and further

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

CARRIED

08-69 Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND supports the resolution from the Association of Municipalities of Ontario (AMO) requesting the federal and provincial governments to work together to quickly conclude the Building Canada Framework Agreement so that Ontario municipalities can receive funding for important local infrastructure works under the Building Canada Fund (BCF) as soon as possible.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

99-125 Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND, accepts the offer to purchase the municipally owned building known as 160 Dain Avenue (Part of Lot 25, Con 7 Crowland being Parts 1 and 2 according to Registered Reference Plan 59R9488) from Lakeside Steel Corporation for the consideration of \$198,295.47; and further

THAT Welland City Council directs Staff to prepare all necessary documentation and By-laws relative to the transfer; and further

THAT the Mayor and City Clerk be authorized to execute all necessary documents relative to the transfer.

CARRIED

08-71 Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND directs the City Clerk to proceed with the petition under section 5(1) of the Drainage Act and in accordance with the Order of Gene Trotman, Q.C., Vice Chair of the Agriculture, Food and Rural Affairs Appeal Tribunal, dated January 18th, 2007, on behalf of the petitioners, April Comazzolo and Joe Comazzolo of Lot 7, Plan 59M242 (Meadows Subdivision), 50 Balsam Street, including giving written notice of Council's decision to the petitioners and the Niagara Peninsula Conservation Authority; and further

THAT Welland City Council directs the City Clerk to bring this matter back to Council for further direction after the statutory 30 day notice period has lapsed; and further

THAT Welland City Council appoints a Drainage Engineer: in accordance with the Tribunal Order dated January 18, 2007, namely, K. Smart Associates Limited (John Kuntze, P.Eng.); and in accordance with Section 8 of the Drainage Act, to make an examination of the area requiring drainage as described in the petition submitted by April Comazzolo and Joe Comazzolo of Lot 7, Plan 59M242 (Meadows Subdivision), 50 Balsam Street and prepare a report as required.

CARRIED

08-74 Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the Offer to Purchase 5 acres of land south of Woodlawn Road and east of River Road (Part of Lot 21, Concession 3) for \$280,000; and further

THAT Welland City Council directs Staff to prepare all the necessary documentation and By-laws relative to the transfer; and further

THAT the Mayor and City Clerk be authorized to execute all the necessary documents relative to the transfer; and further

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

THAT Welland City Council directs staff to pay a referral fee of 1% of the purchase price (plus applicable GST) to JSL Management Inc. within 14 days after closing.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Dzugan and Larouche

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

99-125

BYL 2008 - 47

A By-law to authorize acceptance of an offer to purchase City-Owned lands from Lakeside Steel Corporation being Parts 1 and 2, Plan 59R-9488, municipally known as 160 Dain Avenue.

08-74

BYL 2008 – 48

A By-law to authorize acceptance of an offer to purchase city-owned lands from 1346736 Ontario Limited being vacant land situate south of Woodlawn Road and east of River Road, being Part Lot 21, Concession 3, Crowland.

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND having read the following By-law(s) a first time and considered the By-law(s) listed in the foregoing motion, 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 Dzugan and Larouche

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

02-130

BYL 2008 - 49

A By-law to authorize the signing of an Assumption Agreement with Rinaldi Properties (Niagara) Inc., with respect to the development of the Tetherwood Subdivision (File No. 26T-14-02001).

03-128

BYL 2008 - 50

A By-law to authorize the acceptance of tender and the entering contract with A. Vanegmond Construction (2005) Ltd. for the Stop 19 Area Watermain Replacement (Rose Avenue, Donald Avenue, Sharpe Avenue, Lacy Avenue, Hatter Avenue and Connecting Laneway).

04-92

BYL 2008 - 51

A By-law to amend City of Welland Sign By-law 2005-21.

08-58

BYL 2008 - 52

A By-law to authorize the acceptance of tender and the entering into a contract with V. Gibbons Contracting Ltd. for the Hellems-Burgar Area Sewer Separation - Phase III.

08-73

BYL 2008 - 53

A By-law to authorize the acceptance of tender and entering into a contract with CTC Contracting Ltd. for the Utility Cut Final Reinstatement 2008.

08-50

BYL 2008 - 54

A By-law to authorize the entering into a contract with Mobil Striping & Sweeping Ltd. for the street sweeping rentals.

08-1

BYL 2008 - 56

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 15th day of April, 2008.

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Dzugan 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 amended, 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:

5. Moved by Alexander and Larouche
THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-law entitled:

08-4

BYL 2008 - 55

A By-law to adopt the 2008 Operating and Capital Budgets.

And that same be now read a first time.

CARRIED

(Councillors Alakas, O'Dell, and Letourneau asked to recorded as opposed to By-law 2008-55).

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

6. Moved by Alexander and Larouche
THAT THE COUNCIL OF THE CITY OF WELLAND having read the following By-law(s) a first time and considered the By-law(s) listed in the foregoing motion, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal same.

CARRIED

(Councillors Alakas, O'Dell, and Letourneau asked to recorded as opposed to By-law 2008-55).

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, April 30, 2008 for inclusion on the next Regular Council Meeting Agenda of May 6, 2008.

Council adjourned at 10:54 p.m.

These Minutes approved and adopted by Motion of Council this 6th day of May, 2008.

MAYOR

DEPUTY CLERK