



COUNCIL MEETING, SEPTEMBER 16, 2008

CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 7:45 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, B. Sharpe (6:30 p.m.) and L. Van Vliet (7:00 p.m.)

Members of the Staff and Others Present:

City Manager, C. Stirtzinger

City Clerk, B. Gallaccio

Chief, Fire & Emergency Services, D. Prevost

General Manager, Engineering, Public Works & Transportation Services/City Engineer, S. Iannello

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

General Manager, Human Resources, R. Mantesso (6:25 p.m.)

General Manager, Parks, Facilities, & Leisure Services, B. Fenwick (6:20 p.m.)

Communications Assistant, C. Mintoff (7:45 p.m.)

General Manager, Planning & Development Services, D. Thorpe

08-25 Moved by Alakas 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 6:15 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;
- d) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- e) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act (MFIPPA).

CARRIED

08-25 Moved by Dzugan and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:31p.m. without report.

CARRIED

PRESENTATIONS:

Presentation of a plaque by Vern Savage, Owner/Producer, Canadian Biker Build Off honoring the 150th Anniversary to Mayor Goulbourne and Councillor Alexander, Chair, 150th Anniversary Committee.

Bill Auchterlonie, Chair, Welland Safe Community Partnership awarded the Business Safety Ambassador Award to John Deere. Chief, Fire and Emergency Services, D. Prevost accepted the plaque on behalf of John Deere.

DELEGATIONS:

08-28 Vern Savage, Owner/Producer, addressed Council regarding the Canadian Biker Build Off which was held in conjunction with the 150th Anniversary celebrations.

08-6 Bill Auchterlonie, Chair, Welland Safe Community Partnership addressed Council and requested that Wednesday, October 1, 2008 be declared as "**Safe Communities Day**".

08-133 Kevin Clements addressed Council regarding the application for approval of Draft Plan of Subdivision – west side of First Avenue, south of Quaker Road (municipally known as 597 First Avenue).

BOARDS, AGENCIES, COMMISSIONS REPORT(S)

08-10 Councillor Grenier, Nominating Committee Chair, addressed Council regarding appointments to the Ad Hoc Committee to review the current Council and General Committee Meeting schedules and agendas.

09-4 Councillor Grenier, Chair of the Budget Review Committee updated Council on the 2009 Budget Process.

THE FOLLOWING CORRESPONDENCE WAS READ:

07-126 A By-law to name Blocks 17 and 18, Plan 59M-371 as Clare Avenue.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 99-99** Notice of Motion from Councillor O'Dell – reconsiders resolution Ref. 99-99 passed by Council on May 20, 2008, regarding the construction of an outdoor natural amphitheatre in Merritt Park.
- 99-99** Notice of Motion from Councillor O'Dell – reopens the public process regarding the construction of an outdoor natural amphitheatre.
- 99-125** A By-law to repeal By-law 2005-158, being a By-law to authorize the Sale of 160 Dain Avenue to Lakeside Steel Corporation.
- 05-158** A By-law to authorize the retention of Kerry T. Howe Engineering Limited to provide consulting services for the Woodlawn Sportsplex Phase 1 south of Woodlawn Road east of River Road; and to retain MMM Group Ltd. to provide engineering services.
- 08-6** Bill Auchterlonie, Chair, Welland Safe Community Partnership – request to declare Safe Community Canada Day on October 1, 2008 and to present the Business Safety Ambassador Award to John Deere.
- 08-19** A By-law to authorize the acceptance of tender and the entering into a contract with Stevensville Lawn Service for improvements to Aqueduct and Winstonville Playgrounds; and to accept the tender and enter into a contract with Peninsula Construction Inc. for improvements to Dunkirk Playground.
- 08-24** A By-law to authorize the appointment of a City Manager for the Corporation of the City of Welland.
- 08-28** Vern Savage, Owner/Producer, Canadian Biker Build Off re: presentation Canadian Biker Build Off and presentation of plaque honoring the 150th Anniversary to Council.
- 08-133** Kevin Clements - Application for approval of Draft Plan of Subdivision - west side of First Avenue, south of Quaker Road (municipally known as 597 First Avenue).
- 08-133Z** A By-law to amend City of Welland Zoning By-law 2667 (Adrianus Johannes Dehaan – File 2008-08) Part Township Lot 233, former Township of Thorold, now City of Welland) west side of First Avenue, south of Quaker Road (597 First Avenue).
- 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 16th day of September, 2008.

08-1 Moved by Dzugan and Larouche
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of September 2, 2008 and Special Council Minutes of September 5, and 9, 2008, as circulated.

CARRIED

99-99
08-43 Moved by Grenier and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND receives the letter from the Welland Recreational Canal Corporation (WRCC) regarding the request made by Heritage Welland for the designation of the Second Aqueduct; and further
 THAT Welland City Council endorses the recommendation of the WRCC Board of Directors to not proceed to designate the Welland Canal Second Aqueduct under the Heritage Act at this time pending official response from Parks Canada and completion of the federal designation process and that Heritage Welland be so advised.

CARRIED

06-114 Moved by Alexander and Van Vliet
 THAT THE COUNCIL OF THE CITY OF WELLAND receives Report PF&LS 2008-21, Tender Award – 150th Anniversary Commemorative Book, for information; and further
 THAT Welland City Council accepts the tender of Lincoln Graphics at the quoted price of \$38,998.00 plus GST, for a total of \$39,114.25 for the printing and binding of the 150th Anniversary Commemorative Book; and further

THAT Welland City Council directs the City Purchasing Agent to enter into a contract with Lincoln Graphics to carry out the project.

LOST

06-114 Moved by Campion and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report PF&LS 2008-21, Tender Award – 150th Anniversary Commemorative Book, for information; and further

THAT Welland City Council accepts the tender of Friesens Corporation at the quoted price of \$39,550.00 plus GST, for a total of \$41,527.50 for the printing and binding of the 150th Anniversary Commemorative Book; and further

THAT Welland City Council directs the City Purchasing Agent to enter into a contract with Friesens Corporation of Toronto, Ontario/Altona, Manitoba to carry out the project.

CARRIED

08-4 Moved by Alexander and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Year to Date – Budget Performance Report (CM-2008-06) as recommended by the Audit Review Committee.

CARRIED

08-6 Moved by Larouche and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information, the presentation by Bill Auchterlonie, Chair, Welland Safe Community Partnership regarding Safe Communities Canada Day and that the Mayor declares Wednesday, October 1, 2008 as "**Safe Communities Day**" in the City of Welland.

CARRIED

08-10 Moved by Belcastro and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillors Campion, Van Vliet, Alexander, Grenier, and Mayor Goulbourne to the Ad Hoc Committee for the purpose of conducting a review of the current Council and General Committee Meeting schedules and agendas, as recommended by the Nominating Committee.

CARRIED

08-28 Moved by Letourneau and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information, the presentation by Vern Savage, Owner/Producer, regarding the Canadian Biker Build Off which was held in conjunction with the City's 150th Anniversary celebrations.

CARRIED

08-133 Moved by Sharpe and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information, the presentation by Kevin Clements regarding the application for approval of Draft Plan of Subdivision - west side of First Avenue, south of Quaker Road (municipally known as 597 First Avenue).

CARRIED

08-133

08-133Z Moved by Van Vliet and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves an amendment to Zoning By-law 2667, as amended for lands on the west side of First Avenue, south of Quaker Road, being Part Township Lot 233, former Township of Thorold, now in the City of Welland (municipally known as 597 First Avenue) from the existing Single-Detached Dwelling - Second Density (R2) Zone to a Holding Site Specific Multiple Dwelling – Second Density (RM2) Zone to permit the development of a Plan of Subdivision consisting of four (4) lots for eight (8) semi-detached dwellings; and further

THAT Welland City Council directs that prior to the lifting of the Holding Symbol (H), the Owner inform the City, in writing, that the following items have been completed: the entire sanitary sewer system has been

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08-133

08-133Z...cont'd.

completed and tested and sanitary services have been installed to the front property line and that a video and written report of an internal examination of the sanitary and storm sewer systems is provided; that the entire water system has been completed and tested and disinfected and water services have been installed to the front property line; that the entire storm sewer system had been completed; that the asphalt roadway has been constructed (the stone base and asphalt base); that the grading requirements and lot grading requirements of the City's Municipal Standards Manual; and, all street name and traffic control signs are installed all to the satisfaction of the City Engineer; and further

THAT Welland City Council grants Draft Approval to the 597 First Avenue Subdivision (File: 26T-14-08003) developed by Adrianus Johannes Dehann, being Part Township Lot 233, former Township of Thorold now in the City of Welland based upon a Plan prepared by P.D. Reitsma Surveying (2005) Ltd. dated May 15, 2008 consisting of four (4) lots for eight (8) semi-detached dwelling units subject to the following Conditions:

1. That the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
2. That no grading or construction work shall commence on site until such time as the Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title;
3. That all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances;
4. That the Owner shall pay Cash-in-lieu of Parkland Dedication based upon current City Requirements;
5. The Owner shall submit to the City of Welland, for review and approval, a Tree Preservation Plan, prepared by a qualified professional and agrees to implement the recommendations of the Plan; and pay for any required boulevard tree planting;
6. The Owner shall provide a Geotechnical Subsurface Investigation Study prepared by a qualified Geotechnical firm, to the City which must make recommendations on the use of the site for the construction of houses/buildings;
7. That prior to approval of the Final Plan or any on-site grading, the Owner submit to the Niagara Peninsula Conservation Authority for review and approval two (2) copies of a detailed stormwater management plan for the Subdivision designed and sealed by a suitably qualified professional engineer:
 - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed sediment and erosion control plans. All sediment and erosion control measures shall be maintained in good conditions for the duration of construction until all disturbed surfaces have been stabilized; and

The Owner agrees, in the Subdivider's Agreement, to implement the recommendations of the approved plans;
8. That the Subdivider's Agreement between the Owner and the City of Welland contains provisions whereby the Owner agrees to implement the approved stormwater management, erosion and sediment control measures required in accordance with Condition 7 above;
9. That the design drawings for the water, sanitary sewer and stormwater drainage systems required to service this development be submitted to the City of Welland for review and approval;
10. That Lot Grading Plans be submitted to the City of Welland for review and approval;
11. That prior to final approval for registration of this Plan, the Owner shall obtain Ministry of the Environment Certificates of Approval to the satisfaction of the City of Welland for the necessary servicing (watermains, storm sewers and sanitary sewers) for this development, if necessary;
12. That detailed sedimentation and erosion control plans be prepared for the Niagara Peninsula Conservation Authority's review and approval. All sediment and erosion control measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized;

13. That at the end of the project, the design engineer shall certify that all grading, and stormwater management controls have been constructed in general conformity to the approved drawings and designs. Copies of the certification shall be circulated to the City and Niagara Peninsula Conservation Authority;

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08-133

08-133Z...cont'd.

14. That the Owner shall undertake the necessary studies to determine the location and status of any gas wells located on the subject lands. The Owner will be required to satisfy the City of Welland that any gas wells are properly capped;
15. The Owner agrees to pay a financial contribution to the City of Welland for the future installation of municipal sidewalks along the length of First Avenue abutting the subject lands;
16. That prior to the granting of Approval for the Final Plan, City of Welland Planning and Development Services, will require written notice from the following upon their respective Conditions having been met satisfactorily;
17. Niagara Peninsula Conservation Authority for Conditions: 7, 12 and 13;
18. That if Final Approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request an extension to Draft Approval, a written request, with reasons why the extension is required must be received by the City prior to the lapsing date; and further

THAT Welland City Council authorizes the Mayor to sign the Draft Approval and final Approval Plans for the 597 First Avenue Subdivision once all Conditions have been satisfied.

CARRIED

08-140

Moved by Sharpe and Alexander

THAT THE COUNCIL OF THE CITY OF WELLAND supports the resolution from the City of Port Colborne requesting that the Federal and Provincial governments introduce programs and initiatives in the Niagara Region similar to those available in Northern and Eastern Ontario that support both business expansion and attraction.

CARRIED

09-4

Moved by Grenier and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the oral report by Councillor Paul Grenier, Chair of the Budget Review Committee, regarding the 2009 Budget process.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Dzugan and Belcastro

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

08-133Z

BYL 2008 – 147

A By-law to amend City of Welland Zoning By-law 2667 (Adrianus Johannes Dehaan – File 2008-08) Part Township Lot 233, former Township of Thorold, now City of Welland) west side of First Avenue, south of Quaker Road (597 First Avenue).

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan 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 Grenier and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND now gives leave to introduce the following proposed By-laws entitled:

99-125

BYL 2008 – 143

A By-law to repeal By-law 2005-158, being a By-law to authorize the Sale of 160 Dain Avenue to Lakeside Steel Corporation.

05-158

BYL 2008 – 144

A By-law to authorize the retention of Kerry T. Howe Engineering Limited to provide consulting services for the Woodlawn Sportsplex Phase 1 south of Woodlawn Road east of River Road; and to retain MMM Group Ltd. to provide engineering services.

08-19

BYL 2008 – 145

A By-law to authorize the acceptance of tender and the entering into a contract with Stevensville Lawn Service for improvements to Aqueduct and Winstonville Playgrounds; and to accept the tender and enter into a contract with Peninsula Construction Inc. for improvements to Dunkirk Playground.

08-24

BYL 2008 – 146

A By-law to authorize the appointment of a City Manager for the Corporation of the City of Welland.

07-126

BYL 2008 – 148

A By-law to name Blocks 17 and 18, Plan 59M-371 as Clare Avenue.

08-1

BYL 2008 – 149

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 16th day of September, 2008.

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

4. Moved by Grenier and Chiochio
 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 MOTIONS**

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, October 1, 2008 for inclusion on the next Regular Council Meeting Agenda of October 7, 2008.

Councillor O'Dell gave Notice of Motions of the following issue to be presented to Council at the October 7, 2008 Regular Council Meeting:

99-99 ***THAT THE COUNCIL OF THE CITY OF WELLAND reconsiders resolution Ref. 99-99 passed by Council on May 20, 2008, regarding its endorsement of the initiative by the Welland Recreational Canal Corporation to construct an outdoor natural amphitheatre in Merritt Park.***

99-99 ***THAT THE COUNCIL OF THE CITY OF WELLAND reopens the public process regarding the construction of an outdoor natural amphitheatre.***

Councillor Grenier gave Notice of Motions of the following issue to be presented to Council at the October 7, 2008 Regular Council Meeting:

08-142 ***THAT THE COUNCIL OF THE CITY OF WELLAND discontinues the practice of providing bottled water at meetings and events at City Hall, and that an education plan with the Conservation Committee be developed, with the aim to eliminate bottled water use at City of Welland facilities.***

Councillor Dzugan gave Notice of Motions of the following issue to be presented to Council at the October 7, 2008 Regular Council Meeting:

05-158 ***THAT THE COUNCIL OF THE CITY OF WELLAND directs the General Manager, Parks, Facilities & Leisure Services to prepare a Request for Proposal for Council's consideration with respect to the development of the Woodlawn Road Sports Complex which would have no tax levy impact on the citizens of Welland.***

Council adjourned at 9:28 p.m.

These Minutes approved and adopted by Motion of Council this 7th day of October, 2008.

MAYOR

CLERK