



MINUTES OF
COUNCIL MEETING, MAY 5, 2009
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 5:43 p.m. and in open session at 7:10 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. Chiochio, M. Dzugan, J. Larouche (6:45 p.m.), P. Grenier (until 9:11 p.m.), R. Letourneau, and B. Sharpe.

Members of the Staff and Others Present:

City Manager, C. Stirtzinger
Acting Clerk, B. Nistico-Dunk
Deputy Fire Chief Fire, K. Roach
Acting General Manager, Engineering, Public Works & Transportation Services/City Engineer, L. Ventresca
Acting General Manager, Financial & Corporate Services/Treasurer, K. Douglas
General Manager, Human Resources, R. Mantesso
General Manager, Parks, Facilities, & Leisure Services, B. Fenwick
General Manager, Planning & Development Services, D. Thorpe
Manager, Development Planning & Real Estate, R. D. Felice (7:10 p.m.)
Community Planner, A. Ogunkeye (7:10 p.m.)
Council Clerk, C. Viger (7:10 p.m.)

(Ross Peever, President and CEO, Tim Clutterbuck, Chair, Welland Hydro Electric Holding Corp. were present during Committee-of-the-Whole discussion on a matter in respect of which a Council, board, committee or other board has authorized a meeting to be closed under another act (Business Corporations Act).

09-25 Moved by Grenier 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 5:43 p.m. to consider:

- a) the security of the property of the municipality or local board; and
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act (Business Corporations Act).

CARRIED

09-25 Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:00 p.m. with report.

CARRIED

PRESENTATION:

COMMUNITY INVOLVEMENT RECOGNITION

Councillor Alexander presented certificates to volunteers and a plaque to Doug Jermyn, President of AEA 2005 Inc. Silver Dart Replica Group.

DELEGATIONS:

09-28 Doug Jermyn, President of AEA 2005 Inc., Silver Dart Replica Group addressed Council relative to the background of the Project and short film detailing the over 6,000 hours spent building a full-scale, flyable replica of Alexander Graham Bell's 1909 AEA original Silver Dart airplane.

09-28 Mary Stack, Director of Communications, Niagara Peninsula Conservation Authority addressed Council relative to the Tree-Mendous Challenge – outlining goals of program.

BOARDS, AGENCIES, COMMISSIONS REPORT(S)

09-43 Ross Peever, President and CEO, and Tim Clutterbuck, Chair, Welland Hydro Electric Holding Corp. addressed Council relative to Smart Meters and sustainable energy.

09-15 Councillor Grenier introduced Kevin Roach, Deputy Fire Chief, Emergency Management Planning Committee and addressed Council relative to Emergency Preparedness Week - May 18-23, 2009.

PUBLIC MEETING PURSUANT TO DEVELOPMENT CHARGES BY-LAW

06-75 Public Meeting pursuant to Section 12 of the Development Charges Act, 1997, to present and obtain public input on the City's proposed Development Charges By-law and Development Charge Background Study.

Presenting for the City of Welland were Mr. Cam Watson, Watson & Associates Economist Ltd, 4304 Village Centre Court, Mississauga, ON L4Z 1S2 and Mr. Bob Martin, Urban & Environmental Management Inc., 4701 St. Clair Avenue, Suite 301, Niagara Falls, ON L2E 3S9

The Mayor explained the purpose of the Public Meeting.

No one was present to speak.

There being no submissions the Public Meeting was concluded.

THE FOLLOWING CORRESPONDENCE WAS READ:

09-99 Report from Acting Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, L. Ventresca – Retention of Engineering Consultant Services for the Design of Roadway and Drainage Works on Thorold Road.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

99-43 Ross Peever, President and CEO, and Tim Clutterbuck, Chair, Welland Hydro Electric Holding Corp. re: Smart Meters.

2000-69

01-42

06-154 Acting Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer L. Ventresca – Assumption of Drapers Creek Estates Subdivision Phase 1 and Clare Avenue Estates Phase 1.

06-75 Gen. Mgr., Planning and Development Services, D. Thorpe – City of Welland 2009 Development Charge Background Study and By-law.

06-75 Letter from Dan Degazio, Manager, Economic Development re: Development Charges.

06-75 Letter from Roy Timms, Director, Niagara Industrial Association re: Development Charges.

06-148 Gen. Mgr., Planning and Development Services, D. Thorpe – Proposed By-law to remove the Holding (H) Symbol from Lots 441 and 442, Plan 953, former Township of Crowland, now in the City of Welland (File 2006-14).

06-148 A By-law to amend Zoning By-law 2667 upon the application of Laurent Viger Construction Limited to remove the Holding Symbol “H” from certain lands on the east side of Vanier Drive (File 2006-14)

09-1 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 5th day of May, 2009.

09-6 Gary Atack, Co-ordinator of Records and Information Project Management, Region of Niagara re: requesting Council to declare May 18-23, 2009 as **“National Public Works Week”**.

09-15 Councillor Grenier to introduce Kevin Roach, Deputy Fire Chief - Emergency Management Planning Committee re: Emergency Preparedness Week – May 18-23, 2009.

09-22 Acting Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer L. Ventresca – Dorothy Street – 1 Hour Parking Restrictions.

09-22 A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking by-law 89-2000 at Seaway Mall; and to repeal By-law 2009-3.

09-28 Doug Germyn, President of AEA 2005 Inc. Silver Dart Replica Group re: background of the Project and short film detailing the over 6,000 hours spent building a full-scale, flyable replica of Alexander Graham Bell’s 1909 AEA original Silver Dart airplane.

09-28 Mary Stack, Director of Communications and John Kukalis, Director of Water Management, Niagara Peninsula Conservation Authority re: Tree-Mendous Challenge – outlining goals of program.

09-77 Acting Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer L. Ventresca – Tender Award – Utility Cut Final Reinstatement 2009.

09-77 A By-law to authorize the acceptance of tender and the entering into a contract with Serianni Construction Ltd. for Utility Cut final Reinstatement 2009.

09-79 Notice of Motion – Mayor Goulbourne re: assignment of \$10,000 from 2009 Capital Budget –Medical Building Improvements.

09-92 William Kolasa, Director of Corporate Services/Clerk, Town of Lincoln re: Uploaded Region of Niagara Program Costs and Local Tier OMPF Adjustments.

09-95 Acting Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer L. Ventresca – Utility Joint Use Agreement.

09-95 A By-law to authorize the entering into a Joint Use Agreement with Bell Canada and Cogeco Cable Canada Inc. for the mutual use of enhanced street light poles.

09-1 Moved by Alakas and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meetings of April 14, 2009 and April 21, 2009, as circulated.

CARRIED

99-43 Moved by Grenier and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Ross Peeper, President and CEO, and Tim Clutterbuck, Chair, Welland Hydro Electric Holding Corp. relative to Smart Meters and an update on sustainable energy.

CARRIED

2000-69

01-42

06-154 Moved by Dzugan and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the assumption of the DRAPERS CREEK ESTATES PHASE 1 AND CLARE AVENUE ESTATES PHASE 1 subdivision; and further THAT the City Clerk be directed to prepare all necessary and appropriate by-laws to execute same.

CARRIED

06-75 Moved by Grenier and Dzugan
 THAT THE COUNCIL OF THE CITY OF WELLAND receives Report PDS-2009-30 regarding the Development Charges.

CARRIED

06-75 Moved by Belcastro and Dzugan
 THAT THE COUNCIL OF THE CITY OF WELLAND refers the issue of Development Charges to the May 12, 2009 Committee Meeting for policy direction.

CARRIED

06-75 Moved by Dzugan and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence dated April 24, 2009 from the Welland Development Commission with its recommendation relative to Development Charges.

CARRIED

06-75 Moved by Dzugan and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence dated April 20, 2009 from the Niagara Industrial Association relative to Development Charges.

CARRIED

06-148 Moved by Dzugan and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the removal of the Holding (H) Symbol on lands described as Lots 441 and 442, Plan 953, former Township of Crowland, now in the City of Welland; and further THAT Welland City Council authorizes Staff to prepare the necessary By-law.

CARRIED

09-6 Moved by Dzugan and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND declares May 18-23, 2009 as "National Public Works Week" in the City of Welland as requested by the Region of Niagara.

CARRIED

09-15 Moved by Grenier and Dzugan
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Kevin Roach, Deputy Fire Chief, Emergency Management Planning Committee relative to Emergency Preparedness Week.

CARRIED

09-22 Moved by Dzugan and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to modify By-law 89-2000 and to remove parking meters and implement 1 hour parking restrictions on the north side of Dorothy Street west of River Road.

CARRIED

09-28 Moved by Belcastro and Alakas
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Doug Germyn, President of AEA 2005 Inc. Silver Dart Replica Group relative to the building of a full-scale, flyable replica of Alexander Graham Bells' 1909 AEA original Silver Dart airplane.

CARRIED

09-28 Moved by Larouche and Alakas
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Mary Stack, Director of Communications, Niagara Peninsula Conservation Authority relative to the "Simply Tree-Mendous" Challenge.

CARRIED

09-28 Moved by Grenier and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves the participation in the Niagara Peninsula Conservation Authority's, "Simply Tree-mendous" Challenge to achieve the planting of 50,000 trees and shrubs throughout the Authority's watershed area of jurisdiction; and to encourage our residents, groups, service clubs and businesses to take up this challenge/competition in the City of Welland.

CARRIED

09-77 Moved by Sharpe and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Serianni Construction Ltd. of Welland, Ontario, as detailed in Report ENG-2009-11 for the Utility Cut Final Reinstatement 2009 at the quoted price of \$176,255.00 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 Serianni Construction Ltd., to execute the construction.

CARRIED

09-79 Moved by Mayor Goulbourne and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND assigns a maximum of \$10,000 of the Life Sciences Campus on the Canal project fund (described in the 2009 Capital Budget as Medical Building Improvements) to the 'health services task force', to fund and facilitate the input of Welland Physicians to provide a broad view of the health care needs of the Welland Hospital Site community; and further THAT WELLAND City Council directs the Mayor and Economic Development Officer to provide oversight of the funding allotment to the 'health services task force' to provide regular updates to Council.

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09-79 Moved by Campion and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND directs the Mayor to, on behalf of Welland City Council, demand that the Niagara Health System put a moratorium on the removal of personnel, equipment/facilities related to existing services from the Welland Site while discussions take place.

YEAS: Councillors Campion, Letourneau, Alexander and Alakas

NAYS: Councillors Dzugan, Chiocchio, Larouche, Belcastro, Sharpe and Mayor Goulbourne.

LOST

09-79 Moved by Mayor Goulbourne and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND assigns a maximum of \$10,000 of the Life Sciences Campus on the Canal project fund (described in the 2009 Capital Budget as Medical Building Improvements) to the 'health services task force', to fund and facilitate the input of Welland Physicians to provide a broad view of the health care needs of the Welland Hospital Site community; and further To initiate through the "health services task force" the necessary actions and discussions required to ensure existing services including Obstetrics, Pediatrics, and Mental Health be maintained at the Welland Hospital Site; and further
 THAT WELLAND City Council directs the Mayor and Economic Development Officer; To provide oversight of the funding allotment to the 'health services task force' and to provide regular updates to Council.

YEAS: Councillors Belcastro, Alakas, Larouche, Alexander, Letourneau, Chiocchio, Campion, Dzugan, Sharpe and Mayor Goulbourne.

CARRIED

09-92 Moved by Grenier and Dzugan
 THAT THE COUNCIL OF THE CITY OF WELLAND defers the motion to the May 12, 2009 General Committee Meeting relative to the Town of Lincoln passed at its meeting of March 16, 2009 to develop and implement a plan to distribute the benefits of uploaded Region of Niagara social program costs to property taxpayers across Niagara.

CARRIED

09-95 Moved by Dzugan and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND enters into a joint use agreement with Bell Canada and Cogeco Cable Canada Inc. for the mutual use of enhanced street light poles ; 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 utilities.

CARRIED

09-99 Moved by Sharpe and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the direct appointment of AECOM, St. Catharines, Ontario to proceed with the detailed design of roadway and drainage improvements on Thorold Road Phase I, between Rice Road and South Pelham Road for an amount not to exceed \$140,000 , as detailed in Report ENG-2009-15; and further
 THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with AECOM to execute the agreement.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

09-97 Moved by Dzugan and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND approves utilizing the WSIB Reserve Fund for the hiring of Dunk and Associates (at a cost of \$20,000.00 plus G.S.T.) and two summer students for a sixteen week period (at a cost of \$17,000.00) to assist Human Resources prepare for a Workwell Audit.

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

06-148

BYL 2009 - 57

A By-law to amend Zoning By-law 2667 upon the application of Laurent Viger Construction Limited to remove the Holding Symbol "H" from certain lands on the east side of Vanier Drive (File 2006-14)

09-22

BYL 2009 – 58

A By-law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking by-law 89-2000 at Seaway Mall; and to repeal By-law 2009-3.

09-77

BYL 2009 – 59

A By-law to authorize the acceptance of tender and the entering into a contract with Serianni Construction Ltd. for Utility Cut final Reinstatement 2009.

09-95

BYL 2009 – 60

A By-law to authorize the entering into a Joint Use Agreement with Bell Canada and Cogeco Cable Canada Inc. for the mutual use of enhanced street light poles.

09-1

BYL 2009 – 61

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 5th day of May, 2009.

And that same be now read a first time.

CARRIED

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Dzugan and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion and, 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 2007-178 passed on November 27, 2007, Councillor(s) must submit their NOTICE OF MOTION(s) in writing no later than Wednesday, May 13, 2009 for inclusion on the next regular Council meeting agenda of May 19, 2009.

Councillor Alexander gave Notice of Motion of the following issue to be presented to Council at the May 19, 2009 Regular Council Meeting:

09-28 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to report on the issues and opportunities of participating in the Niagara Peninsula Conservation Authority "Simply Tree-Mendous" Challenge, its impact on the Parks, Recreation and Culture Master Plan and other related plans.

Councillor Larouche gave Notice of Motion of the following issue to be presented to Council at the May 19, 2009 Regular Council Meeting:

09-2 *THAT THE COUNCIL OF THE CITY OF WELLAND* directs staff to investigate temporary business that set up in the City of Welland during specific times during the year selling goods without proper permits. Also, that the permit fees charged for these temporary vendors be reviewed.

Council adjourned at 10:00 p.m.

These Minutes approved and adopted by Motion of Council this 19th day of May, 2009.

MAYOR

ACTING CITY CLERK