



**MINUTES OF  
COUNCIL MEETING, JUNE 2, 2009**

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

Council met in Committee-of-the-Whole closed to the public at 6:14 p.m. and in open session at 7:09 p.m. and again in Committee-of-the-Whole at 8:58 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, M. Belcastro, F. Champion, P. Chiochio, M. Dzugan, J. Larouche, P. Grenier, R. Letourneau (6:17 p.m.), S. O'Dell, B. Sharpe and L. Van Vliet.

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

City Manager, C. Stirtzinger

Acting Clerk, B. Nistico-Dunk

Acting Deputy Clerk, C. Mintoff

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

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

General Manager, Planning & Development Services, D. Thorpe

- 09-25** Moved by Grenier and Dzugan  
 THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:14 p.m. to consider:
- a) the security of the property of the municipality or local board;
  - c) a proposed or pending acquisition or disposition of land by the municipality or local board; and
  - d) labour relations or employee negotiations.

**CARRIED**

- 09-25** Moved by Grenier and Alakas  
 THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:01 p.m. with report.

**CARRIED**

### **PRESENTATION:**

Mayor Goulbourne presented certificates to the following members of the Welland Warriors Novice Girls Basketball team for exceptional performance. **Coaches:** John Raso and Andrea Marshall. **Players:** Clare Benson, Kayla Bevacqua, Julia Doucet, Brenna Ferrara, Jessica Foest, Madeline Gojmerac, Catherine Maltais, Nicole Pilote, Kate Raso, Marissa Raso, Olivia Turko, and Rhiannon Zahorchak.

### **DELEGATION:**

- 09-110** Terry Hughes and Dr. Roberta Styran addressed Council relative to the Second Aqueduct at Cross Street.

### **AGENCIES, BOARDS, COMMISSIONS REPORTS**

- 09-12**  
**09-105** Councillor Belcastro, Nominating Committee Chair, addressed Council regarding an appointment to the Corporate Services Committee.
- 09-27** Welland Rose Festival Advisory Committee.

### **THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 04-94** Gen. Mgr., Planning and Development Services, D. Thorpe – Request for extension to Draft Plan Approval – Forks Common Subdivision (formerly Forks End Subdivision) – Mario Bevacqua on behalf of 1650725 Ontario Limited (File 26T-14-97004). **(Report PDS-2009-36).**
- 06-148** Gen. Mgr., Planning and Development Services, D. Thorpe – Proposed Subdivider's Agreement with Laurent Viger Construction Limited for Shipview Court Estates Subdivision (File 26T-14-06005, north side of Lincoln Street, east of Vanier Drive). **(Report PDS-2009-37).**
- 06-148** A By-law to authorize the signing of a Subdivider's Agreement with Laurent Viger Construction Limited with respect to the development of Shipview Court Estates Subdivision (File 26T-14-06005).
- 06-148** A By-law to accept the transfer of an easement(s) for storm sewers from Laurent Viger Construction Limited to the Corporation of the City of Welland in the Shipview Court Estates Subdivision (File 26T-14-06005).
- 06-148** A By-law to accept the transfer of certain 0.3 metre reserves and lands for parkland and open space purposes from Laurent Viger Construction Limited to the Corporation of the City of Welland in the Shipview Court Estates Subdivision (File 26T-14-06005).
- 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 2<sup>nd</sup> day of June, 2009.

- 09-2** Notice of Motion – Councillor Larouche - process for street vendors to be included in the proposed licensing By-law.
- 09-19** Notice of Motion – Councillor Letourneau - banning smoking in City owned parks during games or events where children or minors are involved.
- 09-19** Gen. Mgr., Parks, Facilities & Leisure Services, B. Fenwick – Five Year Lease Agreement between the Corporation of the City of Welland and Gateway Residential & Community support Services. **(Report PF&LS-2009-03).**
- 09-19** A By-law to authorize a Lease Agreement with Gateway Residential and Community Support Services of Niagara Inc. for refrigeration storage at the Market Square.
- 09-22** A By-law to amend definitions of By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland.
- 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 2009-67.
- 09-26** Kimberly Powers, Administrator, Wesley-Robins Retirement Village re: Sidewalks on First Avenue North.
- 99-43** Memo from Craig Stirtzinger, City Manager re: 2009 Dividend from Welland Hydro Electric Holding Corp.
- 09-46** Acting Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, L. Ventresca – Purchase of one new 2009 full size and half ton extended cab pick up truck. **(Report ENG-2009-18).**
- 09-46** A By-law to authorize the purchase of one 2009 Full Size One Half Ton Extended Cab Pick-Up Truck from Ed Learn Ford.
- 09-78** A By-law to authorize the acceptance of tender and entering into a contract with Provincial Maintenance and BP Pavement Markings Inc. for the supply and application of road traffic paint and pavement markings.
- 09-82** A By-law to authorize the acceptance of tender and entering into a contract with Vic Vattr Contracting Ltd. for the watermain replacement on Wallace Avenue from Lincoln Street to Welland Street  
(An Investing in Ontario Project).
- 09-87** Acting Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, L. Ventresca – Tender Award – Denistoun Street Combined Sewer Separation – Storm Sewer Construction “A 2009 Niagara Regional CSO Funding Cost Sharing Project. **(Report ENG-2009-19).**
- 09-87** A By-law to authorize the acceptance of tender and entering into a contract with Condotta Construction Ltd. for the Denistoun Street Combined Sewer Separation – storm Sewer Construction, a 2009 Niagara Regional CSO Funding Cost Sharing Project.
- 09-98** A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Contracting and Paving Limited for the supply and application of road surface treatment materials.
- 09-109** Application from Councillor Paul Grenier to seek nomination for representation on the Association of Municipalities of Ontario (AMO) Board.
- 09-110** Terry Hughes, re: Second Aqueduct at Cross Street.

**09-1** Moved by Dzugan and Chiocchio  
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of May 19, 2009, as circulated.

**CARRIED**

**99-43** Moved by Grenier and Chiocchio  
 THAT THE COUNCIL OF THE CITY OF WELLAND, as the sole Shareholder of Welland Hydro-Electric Holding Corp., requests and accepts excess funds of \$500,000.00 by way of dividend from Welland Hydro-Electric Holding Corp., notwithstanding the terms of the Shareholder Declaration.

**CARRIED**

**04-94** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves an extension to Draft Plan Approval for the Forks Common Subdivision, formerly Forks End Subdivision (File: 26T-14-97004) for an additional one (1) year to June 29, 2010.

**CARRIED****06-148** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the entering into a Subdivider's Agreement with Laurent Viger Construction Limited with respect to a Plan of Subdivision – File 26T-14-06005) located on lands north of Lincoln Street, east of Vanier Drive consisting of thirty (30) semi-detached units, one (1) Block for three (3) street townhouse units and one (1) Block for park purposes; and further THAT Welland City Council authorizes Staff to prepare any necessary By-laws; and further THAT Welland City Council authorizes the Mayor and Clerk to execute any necessary documents associated with the Subdivision; and further THAT Welland City Council authorizes the Mayor to sign the Final Plan of Subdivision to allow the Plan to be registered once all Conditions of Draft Approval have been met and the Plan has been checked for conformity.

**CARRIED****09-2** Moved by Larouche and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to investigate a process for street vendors to be included in the proposed licensing by-law.

**CARRIED****09-12** Moved by Belcastro and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor Paul Grenier as Chair, of Corporate Services as recommended by the Nominating Committee from June 1, 2009 to May 31, 2010.

**CARRIED****09-19** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves, subject to the successful Trillium Foundation grant application for a walk-in refrigeration unit to be located at 50 Market Lane, a five-year lease agreement for the proposed refrigeration unit between the Corporation of the City of Welland and Gateway Residential & Community Support Services (Gateway) commencing October 1, 2009 and ending September 30, 2014; and further THAT Welland City Council approves the lease of the proposed refrigeration unit to Gateway at a cost of \$1.00 per year, with an additional annual payment by Gateway to the City of Welland in the amount of \$600.00 to compensate for operating costs of the refrigeration unit, said payments being payable on October 1, 2009 of each year of the agreement.

**CARRIED****09-19** Moved by Letourneau and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND enacts a By-law banning smoking in City owned parks during games or events where children or minors are involved.

**NOT PUT****09-19** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND refers the notice of motion regarding banning smoking in City owned parks during games to a future General Committee with staff to come back with options and enforcement capabilities.

**CARRIED**

**09-26** Moved by Sharpe and Chiochio  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the letter and attached petition from residents of Wesley Robins Retirement Village which supports the construction of sidewalks on First Avenue North.

**CARRIED**

**09-27** Moved by Alakas and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the report by the Chair of the Welland Rose Festival Advisory Committee.

**CARRIED**

**09-46** Moved by Dzugan and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the purchase of one (1) new 2009 Ford F150 one half ton extended cab pickup truck from Ed Learn Ford being the lowest bidder at a tendered price of \$26,166.88, PST included; as per the 2009 Fleet Capital Replacement Program.

**CARRIED**

**09-87** Moved by Grenier and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Condotta Construction Ltd. of Thorold, Ontario as detailed in Report ENG-2009-19, for the Denistoun Street Combined Sewer Separation – storm sewer construction between Lincoln Street and approx. 230 metres northerly at the quoted price of \$53,376.25 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 Condotta Construction Ltd. to execute the construction.

**CARRIED**

**09-109** Moved by Dzugan and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND supports the nomination application of Councillor Paul Grenier for the position of Vice Chair of Small Urban Caucus for the Association of Municipalities of Ontario (AMO).

**CARRIED**

**09-110** Moved by Alakas and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Terry Hughes and Dr. Roberta Styran relative to the Second Aqueduct Cross Street; and further  
 THAT Welland City Council requests that the presenter meet with the Mayor and Council representatives from the Welland Recreational Canal Corporation (WRCC) and the Arts and Culture Advisory Committee to discuss the matter further.

**CARRIED**

### **BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

**09-85** Moved by Dzugan and Belcastro  
 THAT THE COUNCIL OF THE CITY OF WELLAND donates to Habitat for Humanity Niagara lands on the west side of Frazer Street, north of West Main Street known municipally as 9 Frazer Street for residential purposes subject to Habitat for Humanity entering into any required Agreements with the City which will lay out the parties' responsibility and subject to a cash payment by Habitat for Humanity to the City in the total amount of \$15,438.00 such funds to be used for servicing purposes; and further  
 THAT Welland City Council authorizes Staff to prepare the necessary documents for the transfer of the subject lands to Habitat for Humanity Niagara to incorporate the responsibilities of each party; and further  
 THAT Welland City Council authorizes Staff to prepare the necessary By-law.

**CARRIED**

## **BY-LAWS**

### **BY-LAW PRESENTED FOR FIRST READING:**

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

**09-87**

BYL 2009 - 73

A By-law to authorize the acceptance of tender and the entering into a contract with Condotta Construction Ltd. for the Denistoun Street Combined Sewer Separation - Storm Sewer Construction, a 2009 Niagara Regional CSO Funding Cost Sharing Project.

And that same be now read a first time.

**CARRIED**

### **BY-LAW PRESENTED FOR SECOND AND THIRD READING:**

2. Moved by Larouche and Belcastro  
 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**

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

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

**09-22**

BYL 2009 - 70

A By-law to amend definitions of By-law 89-2000, being a By-law regulating Traffic and Parking within the City of Welland.

**09-98**

BYL 2009 - 71

A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Contracting and Paving Limited for the supply and application of road surface treatment materials.

**09-82**

BYL 2009 - 72

A By-law to authorize the acceptance of tender and the entering into a contract with Vic Vatr Contracting Ltd. for the watermain replacement on Wallace Avenue from Lincoln Street to Welland Street (An Investing in Ontario Project).

...continued...

**BY-LAWS PRESENTED FOR FIRST READING:****09-87**

BYL 2009 - 73

A By-law to authorize the acceptance of tender and the entering into a contract with Condotta Construction Ltd. for the Denistoun Street Combined Sewer Separation - Storm Sewer Construction, a 2009 Niagara Regional CSO Funding Cost Sharing Project.

**09-78**

BYL 2009 - 74

A By-law to authorize the acceptance of tenders and entering into contracts with Provincial Maintenance and BP Pavement markings Inc. for the supply and application of road traffic paint and pavement markings.

**09-22**

BYL 2009 - 75

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 2009-67.

**09-46**

BYL 2009 - 76

A By-law to authorize the purchase of one 2009 Full Size One Half Ton Extended Cab Pick-up truck from Ed Learn Ford.

**06-148**

BYL 2009 - 77

A By-law to authorize the signing of a Subdivider's Agreement with Laurent Viger Construction Limited with respect to the development of Shipview Court Estates Subdivision (File 26T-14-06005).

**06-148**

BYL 2009 - 78

A By-law to accept the transfer of an easement(s) for storm sewers and watermains from Laurent Viger Construction Limited to the Corporation of the City of Welland in the Shipview Court Estates Subdivision (File 26T-14-06005).

**06-148**

BYL 2009 - 79

A By-law to accept the transfer of certain 0.3 metre reserves and lands for parkland and open space purposes from Laurent Viger Construction Limited to the Corporation of the City of Welland in the Shipview Court Estates subdivision (File 26T-14-06005).

**09-19**

BYL 2009 - 80

A By-law to authorize a Lease Agreement with Gateway Residential and Community Support Services of Niagara Inc. for refrigeration storage at the Market Square.

**09-1**

BYL 2009 – 81

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 2nd day of June, 2009.

And that same be now read a first time.

**CARRIED**

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

4. Moved by Dzugan and Belcastro  
 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**

**09-25** Moved by Belcastro and Dzugan  
 THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 8:58 p.m. to consider:  
 a) a proposed or pending acquisition or disposition of land by the municipality or local board.

**CARRIED**

**09-25** Moved by Belcastro and O'Dell  
 THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 9:11 p.m. without report.

**NOTICES 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, June 10, 2009 for inclusion on the next regular Council meeting agenda of June 16, 2009.**

Councillor Sharpe gave Notice of Motion of the following issue to be presented to Council at the June 16, 2009 Regular Council Meeting:

**04-59** WHEREAS the current economic slowdown obliges all levels of government to become both more efficient and more effective; and  
 WHEREAS the Internet, email, and voicemail now facilitate communication between City Councillors and their constituents to resolve ward issues, receive input and provide feedback and information; and  
 WHEREAS the integration and co-ordination of planning and decision making by the City of Welland and the Region of Niagara is increasingly important to ensure sustainable growth, control the cost of municipal services and rising local taxes and fees.  
 NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to fully investigate reducing the number of City Councillors to eight (8), six (6) who would be elected within the existing wards and two (2) who would be elected at large and would also serve as Welland's Regional councillors along with the Mayor; and further  
 THAT Welland City Council requires public input be sought on this proposed model of governance for the City of Welland; and further  
 THAT Welland City Council directs staff report back to Council as soon as possible and not later than October 30, 2009.

Councillor Campion gave Notice of Motion of the following issues to be presented to Council at the June 16, 2009 Regular Council Meeting:

**08-143** WHEREAS the Niagara Health System (NHS), through its Hospital Improvement plan, has determined to remove medical services from local community hospitals in the Niagara Region in order to create a Centre of Excellence and reduce operating costs; and  
 WHEREAS other regions through Ontario are seeing their services reduced and consolidated into major centres due to funding shortfall; and  
 WHEREAS the current formula for funding hospitals in Ontario does not meet the increasing demands of Ontario's growing and aging population;  
 NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND urges that an improved funding model be developed and implemented by the Provincial Government to ensure that every citizen has equal and reasonable access to all necessary medical and health services provided through the hospital system; and further  
 THAT Welland City Council directs staff to circulate this motion to all Ontario Municipalities for their consideration and endorsement and to all area provincial and federal representatives and other appropriate persons.

**09-112** THAT THE COUNCIL OF THE CITY WELLAND requests that the Legislative Assembly of Ontario "fast-track" private member's Bill 134, introduced by Peter Kormos, which specifies that "the Niagara Health System consists of 12 trustees who shall be elected in accordance with the Municipal Elections Act, 1996, with one trustee to be elected from each of the area municipalities..." and further  
 THAT Welland City Council endorses Bill 134.

**08-143** WHEREAS the Niagara Health System (NHS) has indicated that they will consult with doctors on the implementation of the Hospital Improvement Plan and that some changes to the plan are possible; and  
 WHEREAS millions of Welland property tax dollars have been pledged over the years and millions of dollars worth of charitable donations have been made by Welland businesses and individuals to finance the purchase of medical equipment and technology for their Welland Hospital.  
 NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND urges the Niagara Health System place an immediate moratorium on the removal of any services and equipment from the Welland Hospital site until such time as all negotiations, alterations and changes to the existing hospital Improvement Plan are completed.

Council adjourned at 9:11 p.m.

These Minutes approved and adopted by Motion of Council this 16<sup>th</sup> day of June, 2009.

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**MAYOR**

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**ACTING CITY CLERK**