



**MINUTES OF
COUNCIL MEETING, JUNE 16, 2009**

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

Council met in Committee-of-the-Whole closed to the public at 6:00 p.m. and in open session at 7:09 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, P. Grenier, R. Letourneau, 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

Deputy Fire Chief, K. Roach

General Manager, Engineering, Public Works & Transportation Services/City Engineer, S. Iannello
Manager, Budgets & Financial Reporting/Deputy 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. DiFelice (7:09 p.m.)

Community Planner, A. Ogunkeye (7:15 p.m. – 9:49 p.m.)

Records Clerk, C. Viger (7:09 p.m.)

09-25 Moved by Dzugan and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:00 p.m. to consider:

- a) a proposed or pending acquisition or disposition of land by the municipality or local board;
- b) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- c) labour relations or employee negotiations; and
- d) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED**09-25** Moved by Dzugan and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:00 p.m. without report.

CARRIED**DISCLOSURES OF INTEREST:**

Councillor Alakas disclosed an interest relative to Ref. Nos. 05-158 and 04-124 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he represents CAW Local 523.

Councillor Belcastro disclosed an interest relative to Ref. No. 07-88 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is President of the Seaway Mall.

Councillor Letourneau disclosed an interest relative to Ref. No. 04-124 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as his son is employed by the City of Welland as part of the 2009 Conservation Program.

PRESENTATION:

Paul Grenier presented plaques to the following members of the Welland High Vocational School Reunion Organizing Committee: Cherie Reles-Brock – Co-Chair; Lisa Letourneau-Penney – Co-Chair, Doreen Orsini – Secretary; Eileen Mancuso - Treasurer; Debbie Mallais-Tomaino – Events Coordinator; Jody Kernichan – Publicity Coordinator; and Jamie Lee – Webmaster/Registrar.

DELEGATIONS:

09- 94 Alison Enns and Martin Heikoop, Upper Canada Consultants addressed Council relative to Sterling Realty (Niagara) Inc.'s applications for Zoning By-law Amendment (2009-08), Official Plan Amendment, and Draft Plan of Subdivision (26CD-14-09002).

09-94 Jay Mitchell addressed Council relative to 70 Elmwood Avenue proposed Condominium development.

STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

Councillor Dzugan presided as Chair of the Public Hearing:

09-115

09-115Z Applications have been made by 1650702 ONTARIO INC. for amendments to the Official Plan and Zoning By-law to rezone Lot 18, Part of Lots 17, 19, 20, and 21 inclusive, Part of University Lane (Closed), Part of Burton Lane (Closed), Plan 573, designated as Parts 2, 3, and 5, Plan 59R-5112 for lands at 370 Hellems Avenue from the existing RM3 Zone with Exemptions By-law 2667 to a Site Specific IN-1 Zone By-law 2667. The purpose of the Amendment is to permit the construction of a four (4) storey, 95 unit retirement residence consisting of independent living accommodations with ancillary health and personal service uses for the sole purpose of serving the residents of the building. In addition, Site Specific Zone

provisions for reduced parking, lot frontage, lot area, lot coverage, setbacks, landscaped open space and building height have been requested. The Official Plan designation is RESIDENTIAL (R).

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.

Presenting for the applicant were Bill Berkhout and Mike Hasani, land owner.

In support of the applications:

- No one spoke to the applications.

There being no other supporters to the application the Chair asked for those opposing the application.

In opposition of the applications:

- A. Myron Kurczak, #802 - 211 King Street, Welland L3B 5W1

There being no further opposition to the application the hearing was concluded.

09-85

09-85Z Applications have been made by THE CORPORATION OF THE CITY OF WELLAND for amendments to the Official Plan and Zoning By-law to rezone Lots 10 and 11, Plan 560 for lands at 9 Frazer Street from the existing RZ – Reinvestment Zone By-law 2667 to a R3 Zone By-law 2667. The purpose of the Amendment is to permit the construction of three (3) single-detached dwellings. The Official Plan designation is COMMERCIAL (C).

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.

Presenting for the applicant was Rose DiFelice, Manager, Development Planning & Real Estate, City of Welland, 60 East Main Street, Welland L3B 3X4

In support of the applications:

- No one spoke to the applications.

There being no other supporters to the application the Chair asked for those opposing the application.

In opposition of the applications:

- No one spoke to the applications.

There being no further opposition to the application the hearing was concluded.

AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS

02-85

09-26 Russ Findlay, Chair, Accessibility Advisory Committee addressed Council relative to First Avenue North sidewalk issue.

09-4 Councillor Grenier, Chair of the Budget Review Committee provided an update on the Budget Review Committee meeting of June 9, 2009.

THE FOLLOWING CORRESPONDENCE WAS READ:

07-88 Letter from Mary Bull, Wood Bull, Barristers & Solicitors relative to the Welland Commercial Strategy Study and proposed Commercial Policy Amendment.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

99-43

99-99 A By-law to authorize extension of the Lease Agreement with Welland Hydro-Electric System Corp. to permit the continued use of Hydro Facilities along the Welland Recreational Canal Lands and Welland River.

01-42 Gen. Mgr., Planning and Development Services, D. Thorpe – Request for extension to Draft Plan Approval – Draper's Creek Estates Subdivision (Phase 3) (formerly Gillmora Estates) – Baiocco Construction Corp. (File 26T-14-20002). **(Report PDS-2009-40)**

02-85

09-26 Russ Findlay, Chair, Accessibility Advisory Committee re: First Avenue North sidewalk issue.

04-59 Notice of Motion – Councillor Sharpe re: 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.

04-124 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Universal Water Metering Program Plan For Completion. **(Report Eng-2009-21)**

05-158 Gen. Mgr., Parks, Facilities and Leisure Services, B. Fenwick – RFP – Report to Council – Woodlawn Road Sportsplex and Arenas Submissions. **(Report PF&LS-2009-04)**

06-75 Gen. Mgr., Planning and Development Services, D. Thorpe – City of Welland 2009 Development Charge Background Study and By-law. **(Report PDS-2009-43)**

06-75 A By-law to establish Development Charges for the City of Welland for Designated Services in accordance with the Development Charges Act, 1997 and to Repeal By-law 2004-107.

06-97 Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Broadway Avenue Sanitary Sewer Drainage Area Basement Flooding Prevention Program. **(Report ENG-2009-22)**

07-88 Gen. Mgr., Planning and Development Services, D. Thorpe – Official Plan Amendment – Commercial Policies for the City of Welland. **(Report PDS-2009-42)**

07-88 A By-law to authorize the Adoption of Official Plan Amendment No. 132.

08-143 Notice of Motion – Councillor Campion re: 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.

08-143 Notice of Motion – Councillor Campion re: 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.

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 16th day of June, 2009.

09-4 Gen. Mgr., Financial and Corporate Services/Treasurer, B. Silvestri – Debenture Request 2009. **(Report FIN-2009-09)**

09-4 Gen. Mgr., Financial and Corporate Services/Treasurer, B. Silvestri – Two-Year Extension of Auditors Contract to Grant Thornton International. **(Report FIN-2009-06)**

09-4 Gen. Mgr., Financial and Corporate Services/Treasurer, B. Silvestri – Capital Project Close Out Reports. **(Report FIN-2009-11)**

- 09-13** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Summer Youth Bus Promotion. **(Report TRANS-2009-08)**
- 09-19** Sarah Doherty, Community Development/Volunteer Coordinator, Parks and Recreation Department, City of Welland – requesting permission to hold fireworks displays on the following: Canada Day and Family Day Celebrations.
- 09-22** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Aqueduct Street, Chippawa Street and Smith Street – Community Safety Zones and Speed Humps. **(Report TRAF-2009-15)**
- 09-71**
- 09-71Z** Gen. Mgr., Planning and Development Services D. Thorpe – Applications for Official Plan and Zoning By-law Amendments, Lots 78 and 79, Part Lots 80 and 81, Plan 571, north side of McCormick Street, west of the Welland Recreational Waterway, City of Welland (File 2009-02).
- 09-77**
- 09-82**
- 09-87** A By-law to amend By-laws 2009-59 (Serianni Construction Ltd.), 2009-72 (Vic Vatr Contracting Ltd.) and 2009-73 (Condotta Construction Ltd.) being By-laws to authorize various contracts.
- 09-85**
- 09-85Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Application for Official Plan and Zoning By-law Amendment – 9 Frazer Street, Lots 10 and 11, Plan 560, Welland (File 2009-09). **(Report PDS-2009-39)**
- 09-85** A By-law to authorize the Adoption of Official Plan Amendment No. 130.
- 09-85Z** A By-law to amend City of Welland Zoning By-law 2667 (The Corporation of the City of Welland - File 2009-09) 9 Frazer Street.
- 09-93** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Camrose Avenue and Golden Boulevard East Watermain Replacement, and Hagar Street Watermain Abandonment "An Investing in Ontario Project". **(Report ENG-2009-23)**
- 09-93** A By-law to authorize the acceptance tender and the entering into a contract with Vic Vatr Contracting Ltd. for the Camrose Avenue and Golden Boulevard East Watermain Replacement and Hagar Street Watermain Abandonment "An Investing In Ontario Project".
- 09-94** Alison Enns, Upper Canada consultants re: Sterling Realty (Niagara) Inc.'s applications for Zoning By-law Amendment (2009-08), Official Plan Amendment, and Draft Plan of Subdivision (26CD-14-09002).
- 09-94** Jay Mitchell re: 70 Elmwood Avenue proposed Condominium development.
- 09-94**
- 09-94Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Application for approval of a Draft Plan of Condominium and Applications for Official Plan and Zoning By-law Amendments, Sterling Realty (Niagara) Inc., Part of Lot 28, Concession 6, former Township of Crowland, now in the City of Welland, west side of Elmwood Avenue, south of Lincoln Street and north of Windsor Street, known municipally as 70 Elmwood Avenue (Files 26CD-14-09002, OPA and 2009-08). **(Report PDS-2009-44)**.
- 09-94** A By-law to authorize the Adoption of Official Plan Amendment No. 134.
- 09-94**
- 09-94Z** A B-law to amend City of Welland Zoning By-law 2667 (Sterling Realty (Niagara) Inc. - File 2009-08) 70 Elmwood Avenue.
- 09-96** Letter from Marilyn Kreamer and petition to prevent the sale of City-owned property used as a connecting pathway between Aqueduct Street and Patricia Avenue.
- 09-96** Petition from residents regarding the Aqueduct/Patricia Streets pathway.
- 09-112** Notice of Motion – Councillor Campion re: Bill 134.
- 09-113** Gen. Mgr., Planning and Development Services, D. Thorpe – Waive partial building permit fees Niagara College. **(Report PDS-2009-45)**
- 09-115**
- 09-115Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Applications for Official Plan and Zoning By-law Amendment – 370 Hellems Avenue, Lot 18, Part of Lots 17, 19, 20 and 21, part of closed University Lane and part of closed Burton Lane, Plan 573 being Parts 2, 3 and 5, Plan 59R-5112 (File 2009-10 and OPA). **(Report PDS-2009-41)**
- 09-115** A By-law to authorize the Adoption of Official Plan Amendment No. 131.

09-115

09-115Z A By-law to amend City of Welland Zoning By-Law 2667 (1650702 Ontario Inc. – File 2009-10) 370 Hellems Avenue.

09-116 Manager, Economic Development, D. Degazio – Alternative/Green Energy Ad-Hoc Committee and Study. **(Report EDO-2009-01)**

09-117 Manager, Economic Development, D. Degazio – Green Municipal Fund. **(Report EDO-2009-02)**

09-118 Gen. Mgr., Human Resources, R. Mantesso – Update of Health and Safety Policy. **(Report HR-2009-03)**

09-119 John Mastroianni, Chair, Heritage Welland re: Commemorative wall to mark the Plymouth Cordage Historic District.

09-1 Moved by Dzugan and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of June 2, 2009, and Special Council Meeting of May 26, 2009 and June 9, 2009, as circulated.

CARRIED

99-99

09-4 Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Q1 2009 First Quarter Operating Budget Variances, 2007 & 2008 Outstanding Capital Project Variances and WRCC Operating and Capital Budget Variances as recommended by the Budget Review Committee.

CARRIED

01-42 Moved by Sharpe and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves an extension to Draft Plan Approval for the Draper's Creek Estates (Phase 3) Subdivision (File 26T-14-20002) for an additional one (1) year to July 11, 2010.

CARRIED

02-85

09-26 Moved by Dzugan and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Russ Findlay, Chair, Accessibility Advisory Committee relative to the First Avenue North sidewalk issue.

CARRIED

04-59 Moved by Sharpe and Van Vliet

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.

LOST

04-124 Moved by Sharpe and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information REPORT ENG-2009-21 on the Plan for Completion of the Universal Water Metering Program; and further,
 THAT Welland City Council authorizes staff to prepare and tender a contract for the repair of 300 curb boxes; and further,
 THAT Welland City Council authorizes staff to prepare and tender a contract for the installation of 450 water meters.

CARRIED**05-158** Moved by O'Dell and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report PF&LS 2009-04 RFP – Woodlawn Road Sportsplex and Arenas Submissions; and further
 THAT Welland City Council direct staff to conduct preliminary negotiations for the Woodlawn Road, Sports Field portion of the project only with Welland Sportsplex Partners namely Ellis Don Design Build Inc., PBK Architects Inc., member of Genivar and Nustadia Recreation Inc. Negotiations are subject to Council approval and acceptance of the City's Building Canada Funding application and subject to a final determination as to the naming of the Successful Proponent; and further
 THAT Welland City Council directs staff to pursue the construction of Arena Facilities based on one or more of the four options to be designated by Council outlined in the Report PF&LS–2009-04 Woodlawn Road Sportsplex and Arenas Submissions; and further
 THAT staff report back to City Council on the Option of Council's choice as to the future arenas no later than September, 2009;

1. Renovate the two current arenas and build a Twin Pad Arena at Woodlawn Road site.
2. Renovate the two current arenas and build a Twin Pad Arena at the Niagara College Site.
3. Renovate the Welland Arena, decommission the Jack Ballantyne Arena and build a Three Pad Arena at the Woodlawn Road site.
4. Renovate the Welland Arena, decommission the Jack Ballantyne Arena and build a Three Pad Arena on the Niagara College site.
5. Renovate the two current arenas and add a new one pad arena at Woodlawn Road site or at any of the other sites.

CARRIED**06-75** Moved by Sharpe and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND adopts the City of Welland 2009 Development Charge Background Study dated April 17, 2009 and Addenda dated May 5, 2009, May 27, 2009 and June 15, 2009 prepared by Watson & Associates Economists Ltd. in association with Urban & Environmental Management Inc.; and further
 THAT Welland City Council approves the attached proposed Development Charge By-law reflecting the recommendations contained in the Revised Report PDS-2009-30; and further
 THAT Welland City Council adopts Residential Development Charges as shown below:

RESIDENTIAL DEVELOPMENT CHARGES EFFECTIVE AUGUST 1, 2009

<i>City Of Welland Development Charge</i>			
<i>(By Type Of Residential Use - Per Dwelling Unit)</i>			
Single/Semi/Duplex Dwellings/<i>Model Homes</i>	Low Density Multiple Dwellings	Bachelor And One Bedroom <i>Apartment</i>	Two Or More Bedroom <i>Apartments</i>
<i>Development With City Water And Sewer Service</i>			
\$5,146.00	\$4,317.00	\$2,222.00	\$3,340.00
<i>No Sanitary Sewers Or Water Service</i>			
\$3,202.00	\$2,680.00	\$1,376.00	\$2,118.00
<i>Water Service Available, No Sanitary Sewers</i>			

<i>City Of Welland Development Charge</i>			
<i>(By Type Of Residential Use - Per Dwelling Unit)</i>			
Single/Semi/Duplex Dwellings/ Model Homes	Low Density Multiple Dwellings	Bachelor And One Bedroom Apartment	Two Or More Bedroom Apartments
\$3,807.00	\$3,188.00	\$1,637.00	\$2,520.00
<i>Sanitary Sewers Available, No Water Service</i>			
\$3,541.00	\$2,964.00	\$1,523.00	\$2,343.00
<i>St. Andrew's Terrace Subdivision¹</i>			
\$3,608.00	\$3,030.00		

RESIDENTIAL DEVELOPMENT CHARGES EFFECTIVE JANUARY 1, 2010

<i>City Of Welland Development Charge</i>				
<i>(By Type Of Residential Use – Per Dwelling Unit)</i>				
City Water and Sewer Service	Single/Semi/D uplex Dwellings/ Model Homes	Low Density Multiple Dwellings	Bachelor And One Bedroom Apartment	Two Or More Bedroom Apartments
Administration (Development-Related Studies)	\$280.00	\$218.00	\$123.00	\$188.00
Fire Facilities and Equipment	\$416.00	\$324.00	\$183.00	\$279.00
Roads	\$1,501.00	\$1,170.00	\$661.00	\$1,008.00
Public Works	\$417.00	\$325.00	\$184.00	\$280.00
Transit Vehicles	\$245.00	\$191.00	\$108.00	\$164.00
Recreation	\$2,337.00	\$1,824.00	\$1,031.00	\$1,569.00
Library Facility	\$346.00	\$270.00	\$152.00	\$232.00
Water Distribution	\$354.00	\$276.00	\$156.00	\$238.00
Sanitary Sewerage	\$529.00	\$412.00	\$233.00	\$355.00
TOTAL	\$6,425.00	\$5,010.00	\$2,831.00	\$4,313.00

<i>City Of Welland Development Charge</i>				
<i>(By Type Of Residential Use – Per Dwelling Unit)</i>				
Services	Single/Semi/D uplex Dwellings/ Model Homes	Low Density Multiple Dwellings	Bachelor And One Bedroom Apartment	Two Or More Bedroom Apartments
No Sanitary Sewers or Water Service	\$5,542.00	\$4,322.00	\$2,442.00	\$3,720.00

¹ North of Daimler Parkway

Should existing private roads become public (assumed by the City of Welland) full Development Charges shall apply

*City Of Welland Development Charge
(By Type Of Residential Use – Per Dwelling Unit)*

Services	Single/Semi/D uplex Dwellings/ Model Homes	Low Density Multiple Dwellings	Bachelor And One Bedroom Apartment	Two Or More Bedroom Apartments
Water Service Available, No Sanitary Sewers	\$5,896.00	\$4,598.00	\$2,598.00	\$3,958.00
Sanitary Sewers Available, No Water Service	\$6,071.00	\$4,734.00	\$2,675.00	\$4,075.00
St. Andrews Terrace ²	\$5,244.00	\$4,090.00		

and further

06-75...cont'd.

THAT Welland City Council authorizes the full calculated rate of **\$2,471.00** for each unit of Retirement Home **or Lodge/Special Care/Special Needs** Units and Boarding and **Rooming** Houses be implemented on August 1, 2009 with no phase-in provided; and further

THAT Welland City Council authorizes a Development Charge in the amount of **\$4.20** per square foot for Non-Residential development be implemented on August 1, 2009 with no phase-in provided; and further

THAT Welland City Council directs that there be no Development Charge for Non-Residential – Industrial development; and further

THAT Welland City Council grants Development Charge exemptions for Residential and Non-Residential – Commercial development on Brownfields subject to the requirements as laid out in the Brownfield Community Improvement Plan; and further

THAT Welland City Council grants Development Charge exemptions for Residential and Non-Residential – Commercial development within the Downtown Community Improvement Plan Area for 75% of the Development Charge payable, applicable at the issuance of a Building Permit, with the potential for an additional 25% reduction depending upon implementation of Smart Growth Principles/Energy Conservation Measures; and further

THAT Welland City Council grants Development Charge exemptions for Non-Residential – Commercial development within the Life Sciences Campus on the Canal for 75% of the Development Charge payable, applicable at the issuance of a Building Permit, with the potential for an additional 25% reduction depending upon implementation of Smart Growth Principles/Energy Conservation Measures; and further

THAT Welland City Council grants Development Charge exemptions (Single-Detached and Semi-Detached Dwellings only) for Residential Development for Non-Profit Organizations; and further.

THAT Welland City Council grants Development Charge exemptions for Niagara Regional Housing and such similar Agencies/Organizations (i.e. a Non-Profit, Co-op) that receive funding from upper levels of Government, or respective Boards or Agencies thereof and are under an Agreement for the provision of social housing and capable of providing such housing; and further

THAT Welland City Council determines that an additional Public Meeting regarding Development Charges is not required.

CARRIED

² North of Daimler Parkway

Should existing private roads become public (assumed by the City of Welland) full Development Charges shall apply

06-96 Moved by Grenier and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report PDS-2009-38 with respect to Dufferin and McCormick Streets - Property Cost Implications; and further
 THAT Welland City Council directs staff that lots be sold and costs recovered and revenues allocated to the operating budget for roadway maintenance within the City as recommended by the Budget Review Committee.

CARRIED

06-97 Moved by Sharpe and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report ENG-2009-22 on the Broadway Avenue Sanitary Sewer Drainage Area Basement Flooding Prevention Program; and further,
 THAT Welland City Council approves the Change Order to Contract ENG09-07 for Sanitary Sewer Lateral CIPP Relining, recently awarded to Capital Sewer Services, in the amount of \$115,000 for additional work related to the Broadway Avenue Sanitary Sewer Drainage Area Basement Flooding Prevention Program.

CARRIED

07-88 Moved by Sharpe and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Official Plan Commercial Policy Amendment.

CARRIED

07-88 Moved by Letourneau and Campion
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the letter from Mary Bull, Wood Bull LLP relative to the Welland Commercial Strategy Study and Proposed Commercial Policy Amendment.

CARRIED

07-88 Moved by Sharpe and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND adopts an Official Plan Amendment – Commercial Policies for the City of Welland.

CARRIED

08-48 Moved by Sharpe and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND defers the matter of a new Property Standards By-law to a July 14, 2009 General Committee Meeting.

CARRIED

08-136 Moved by Sharpe and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND confirms the City of Welland Purchasing By-law 2004-181; and further
 THAT Welland City Council receives for information, Report FIN-2009-10 and whitepaper authored by Mr. Paul Emanuelli, entitled "Local Preference in Public Purchasing: Risks and Recommendations; and further
 THAT Welland City Council directs staff to pursue specific recommendations of the Paul Emanuelli report and other available resources as determined by Council this evening.

CARRIED

08-143 Moved by Campion and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND demands 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.

YEAS: *Councillors O'Dell, Campion, Chiocchio, Letourneau, Alexander, Alakas, and Mayor Goulbourne.*

NAYS: *Councillors Van Vliet, Dzugan, Larouche, Grenier, Belcastro, and Sharpe.*

CARRIED

08-143 Moved by Campion and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND urges the Niagara Health system to not remove 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.

YEAS: *Councillors O'Dell, Campion, Chiocchio, Letourneau, Alexander, Grenier, Alakas, and Sharpe.*

NAYS: *Councillors Van Vliet, Dzugan, Larouche, Belcastro and Mayor Goulbourne.*

CARRIED

08-147 Moved by Sharpe and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Russ Findlay, Chair, Accessibility Advisory Committee at the June 9, 2009 General Committee Meeting regarding the accessibility of the proposed sidewalk installation on Regatta Drive.

CARRIED

08-147 Moved by Sharpe and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND denies the request by residents on Regatta Drive to delete sidewalks on the east side of Regatta Drive.

CARRIED

09-4 Moved by Sharpe and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the report by the Chair of the Budget Review Committee.

CARRIED

09-4 Moved by Sharpe and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND requests that the Regional Municipality of Niagara issue debentures in the amount of \$3,159,000 in accordance with the terms of the various authorizing By-laws outlined in Appendix I to Report FIN-2009-09 dated June 16, 2009; and further
 THAT Welland City Council directs the City Treasurer to make available to the Regional Municipality of Niagara certified copies of all applicable By-laws and Ministry of Environment Certificates applicable and all other information required in connection thereto to ensure the issue of the debentures in the amount of \$3,159,000 are for the projects described on the said Appendix I.

CARRIED

09-4 Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the capital project close out reports for the following projects:

- Sanitary Sewers Churchill Avenue
- Waterworks Hellems/Burgar Phase 3
- Waterworks Danforth Avenue
- Waterworks Southworth-Dieppe to Ontario
- Waterworks Stop 19 Area.

CARRIED**09-4** Moved by Sharpe and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves an extension of the contract with the external audit firm of Grant Thornton to provide audit services to the City of Welland and all local boards for a term of two (2) years; covering the fiscal years 2009 and 2010.

CARRIED**09-4** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Terms of Reference for the Budget Review Committee as recommended by the Budget Review Committee on June 9, 2009.

CARRIED**09-13** Moved by Dzugan and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Welland Transit Summer Youth Bus Pass Promotion during the months of July and August; and further
THAT Welland City Council approves Welland Transit to join in the Region's Prosperity Initiative strategy for bus passes for youth.

CARRIED**09-15** Moved by Grenier and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report F&ES-2009-01 Fire Apparatus Replacement Plan and Standards including the proposed apparatus replacement working plan and financing schedule; and further

THAT Welland City Council adopts the proposed Service Life of Fire Apparatus policy as attached to this report; and further

THAT Welland City Council adopts the proposed work plan contained in this report as the budgeting basis for replacement or purchase of Fire & Emergency Service vehicles, subject to the provisions of the above proposed policies and subject to annual budget estimate approvals by Council as recommended by the Budget Review Committee.

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

THAT THE COUNCIL OF THE CITY COUNCIL approves the application from City of Welland Parks, Facilities and Leisure Services Department (PF&LS) to hold fireworks displays for the following: Canada Day at Memorial Park on July 1, 2009 and Welland Recreation Projects Association's Family Day at St. George Park on August 2, 2009; 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 delegates, in accordance with its Delegation of Powers Policy, to the Fire Chief (or designate), in conjunction with the approval of fireworks event applications, the authority to approve and support all future Canada Day and Family Day fireworks event applications by PF&LS.

CARRIED

09-22 Moved by Sharpe and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to proceed with replacing the existing 4-way flasher with a 4-way flashing beacon; and further
 THAT Welland City Council authorizes staff to proceed with the purchase of four solar powered flashing beacons to be installed at the intersection of Kingsway and Forks Road.

CARRIED

09-22 Moved by Campion and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to modify Bylaw 89-2000 to remove Community Safety Zones from Aqueduct Street, Chippawa Street and Smith Street; and further
 THAT Welland City Council authorizes staff to prepare designs and review the locations for the installation of a total of ten (10) portable speed humps on Aqueduct Street, Chippawa Street and Smith Street and include the cost for installation in the 2010 Capital Budget for review and consideration.

NOT PUT

09-22 Moved by Campion and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND refers Report TRAF-2009-15 Aqueduct Street, Chippawa Street and Smith Street – Community Safety Zones and Speed Humps to a Regular Council Meeting in September.

CARRIED

09-71

09-71Z Moved by Sharpe and Campion
 THAT THE COUNCIL OF THE CITY OF WELLAND adopts an Official Plan Amendment to re-designate lands on the north side of McCormick Street, west of the Welland Recreational Waterway, being Lots 78 and 79, Part Lots 80 and 81, Plan 571, from Open Space to Residential to permit single-detached, semi-detached, townhouses or street townhouses; and further
 THAT Welland City Council approves an Amendment to Zoning By-law 2667, as amended, for lands on the north side of McCormick Street, west of the Welland Recreational Waterway, being Lots 78 and 79, Part Lots 80 and 81, Plan 571, from the existing R3 and O1 Zones to Site Specific RM3 Zone to permit single-detached, semi-detached, townhouses, or street townhouses with specific provisions including setbacks and lot frontage requirements.

NOT PUT

09-71

09-71Z Moved by Sharpe and Campion
 THAT THE COUNCIL OF THE CITY OF WELLAND refers Report PDS-2009-18 applications for Official Plan and Zoning By-law Amendments, Lots 78 and 79, Part Lots 80 and 81, Plan 571, north side of McCormick Street, west of the Welland Recreational Waterway, City of Welland (File 2009-02) to the General Committee Meeting of September 8, 2009.

CARRIED

09-85

09-85Z Moved by Grenier and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND adopts an Official Plan Amendment to redesignate lands on the west side of Frazer Street, north of West Main Street, being Lots 10 and 11, Plan 560, from Commercial to Residential to permit the development of three (3) single-detached lots; and further
 THAT Welland City Council approves an Amendment to Zoning By-law 2667, as amended, for lands on the west side of Frazer Street, south of West Main Street being Lots 10 and 11, Plan 560 municipally known as 9 Frazer Street from the existing RZ – Reinvestment Zone to a R3 – Single-Detached Dwelling – Third Density Zone to permit the construction of three (3) single-detached dwellings.

CARRIED

09-93 Moved by Sharpe and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Vic Vatr Contracting Ltd. of Welland, Ontario as detailed in Report ENG-2009-23, for Watermain Replacement on Camrose Avenue and Golden Boulevard East, both from Lincoln to Hagar Streets, and Watermain Abandonment on Hagar Street from McAlpine Avenue to Golden Boulevard West at the tendered price of \$381,508.34 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 Vic Vatr Contracting Ltd. to execute the construction.

CARRIED

09-94

09-94Z Moved by Sharpe and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Alison Enns, Upper Canada Consultants relative to Sterling Realty (Niagara) Inc.'s applications for Zoning By-law Amendment (2009-08), Official Plan Amendment, and Draft Plan of Subdivision (26CD-14-09002).

CARRIED

09-94 Moved by Sharpe and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Jay Mitchell relative to 70 Elmwood Avenue proposed condominium development.

CARRIED

09-94

09-94Z Moved by Grenier and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND adopts an Official Plan Amendment to redesignate the lands on the west side of Elmwood Avenue, south of Lincoln Street and north of Windsor Street, more specifically described as Part of Lot 28, Concession 6, former Township of Crowland, now in the City of Welland, municipally known as 70 Elmwood Avenue from School(s) to Residential; and further

THAT Welland City Council approves an Amendment to Zoning By-law 2667, as amended, for lands on the west side of Elmwood Avenue, south of Lincoln Street and north of Windsor Street, more specifically described as Part of Lot 28, Concession 6, former Township of Crowland, now in the City of Welland, municipally known as 70 Elmwood Avenue from the existing Open Space with Exemptions (O2) Zone to a Holding Site Specific Multiple Dwelling – Third Density (H-RM3-X28) Zone to permit the development of a Plan of Condominium consisting of thirty-six (36) bungalow-style townhouse dwelling units; and further THAT Welland City Council directs that prior to lifting the Holding Symbol (H), upon request of the Owner, the Owner enters into a Site Plan Agreement with the City to ensure the proper development of the subject lands; and further

THAT Welland City Council grants Draft Approval to the Plan of Condominium – Vacant Land Condominium (File: 26CD-14-09002) developed by Sterling Realty (Niagara) Inc. being, Part of Lot 28, Concession 6, former Township of Crowland, now in the City of Welland, based upon a Plan prepared by W. Mascoe, O.L.S. dated April 23, 2007 consisting of thirty-six (36) bungalow-style townhouse dwelling units subject to entering into a Site Plan Agreement with the City of Welland to be registered on Title.

CARRIED

09-96 Moved by Chiochio and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the letter and attached petition from residents in opposition to the sale of City-owned property used as a connecting pathway between Aqueduct Street and Patricia Avenue.

(Councillor Grenier asked to be recorded as opposed to the motion).

NOT PUT

09-96

Moved by Chiocchio and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the petition from residents in support of the sale of open space property to the adjacent home owners and not to construct a designated path between Aqueduct Street and Patricia Avenue.

(Councillor Grenier asked to be recorded as opposed to the motion).

NOT PUT**09-96**

Moved by Chiocchio and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND refers the two petitions back to staff relative to the Aqueduct Street and Patricia Avenue pathway and requests staff to hold a public meeting and report back to City Council in September with options that would be in the best interest of the residents in this area.

CARRIED**09-112**

Moved by Campion and O'Dell

THAT THE COUNCIL OF THE CITY OF 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.

YEAS: *Councillors O'Dell, Campion, Chiocchio, Letourneau, Alexander, and Alakas.*

NAYS: *Councillors Van Vliet, Dzugan, Larouche, Grenier, Belcastro, Sharpe, and Mayor Goulbourne.*

LOST**09-113**

Moved by Van Vliet and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND waives the 50% increase in Building Permit Application fee required for Partial Building Permits associated with the proposed Niagara College Applied Health Institute.

CARRIED**09-115****09-115Z**

Moved by Belcastro and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND redesignates lands on the east side of Hellems Avenue and north side of Lincoln Street being Lot 18, Part of Lots 17, 19, 20 and 21, part of Closed University Lane and part of Closed Burton Lane, Plan 573, being Parts 2, 3 and 5, Plan 59R-5112 from Residential to Institutional to permit the development of a four (4) storey, 95 unit retirement residence consisting of independent living accommodations with ancillary health and personal service uses occupying a maximum of 60 square metres for a health professional's office and a maximum of 47 square metres for personal service uses such as a hair salon for the sole purpose of serving the residents of the building; and further

THAT Welland City Council approves an Amendment to Zoning By-law 2667, as amended, for lands on the east side of Hellems Avenue and north side of Lincoln Street being Lot 18, Part of Lots 17, 19, 20 and 21, part of Closed University Lane and part of Closed Burton Lane, Plan 573, being Parts 2, 3 and 5, Plan 59R-5112, known municipally as 370 Hellems Avenue from the existing RM3 – Multiple Dwelling – Third Density Zone with Exemptions to a Site Specific Holding – H-IN-1 (Institutional One) Zone to permit the development of a four (4) storey, 95 unit retirement residence consisting of independent living accommodations with ancillary health and personal service uses occupying a maximum of 60 square metres for a health professional's office and a maximum of 47 square metres for personal service uses such as a hair salon or the sole purpose of serving the residents of the building; and further

THAT Welland City Council directs that prior to the lifting of the Holding Symbol (H), upon the request of the Owner, the Owner shall submit to the City and Region a Noise Study indicating any measures which will be taken to mitigate any noise issues associated with the adjacent hydro transformer and submit to

the City a Sub-surface Geotechnical Investigation for review; enter into Site Plan Agreement(s) with the City to ensure the proper development of the subject property, inform the City in writing that water supply requirements for firefighting are available; provide to the City any necessary easements that may be required as a result of the development and further,
 THAT Welland City Council directs Staff to prepare the necessary documents and By-law(s).

CARRIED

09-116 Moved by Sharpe and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Welland Development Commission and the Welland Hydro Commission form a joint ad-hoc committee to study Alternative/Green Energy projects; and further

THAT Welland City Council approves the recommendation of the Welland Hydro Commission to enter into an agreement with the Bridgepoint Group to complete a study based on Alternative/Green Energy not to exceed \$30,000.00; and further

That Welland City Council approves funding for this project is derived from the \$130,000.00 Welland Job Creation Co – Generation /Alternative/Green Energy fund to be debentured as per 2009 Capital Budget with the additional \$30,000.00 contributed by Welland Hydro.

CARRIED

09-117 Moved by Sharpe and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to resubmit Green Municipal Fund Application # GMF 9731 to the Federation of Canadian Municipalities (FCM) in the amount of \$116,931.00 with 50% to be funded by FCM; and further

THAT Welland City Council approves the matching funds for this project be derived from the Welland Job Creation Program Fund recommended by the Welland Development Commission and approved by Council on February 03, 2009.

CARRIED

09-118 Moved by Sharpe and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Health & Safety Policy attached to report HUM-2009-03; and further

THAT Welland City Council authorizes the replacement of policy HUM-001-0012 in the Municipal Policy Handbook with the updated Policy.

CARRIED

09-119 Moved by Sharpe and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND refers to staff for study and report the request by Heritage Welland (LACAC) to erect a commemorative wall and plaque in the parkette at the corner of King and Lincoln Streets (Plymouth Cordage Historic District).

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:

09-94

BYL 2009 – 89

A By-law to authorize the Adoption of Official Plan Amendment No. 133

09-94Z

BYL 2009 – 90

A By-law to amend City of Welland Zoning By-law 2667 (Sterling Realty (Niagara) Inc. – File 2009-08) 70 Elmwood Avenue.

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 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:**

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

99-43**99-99**

BYL 2009 - 83

A By-law to authorize extension of the Lease Agreement with Welland Hydro-Electric System Corp. to permit the continued use of Hydro Facilities along the Welland Recreational Canal Lands and Welland River.

09-85

BYL 2009 - 84

A By-law to authorize the Adoption of Official Plan Amendment No. 130.

09-85Z

BYL 2009 - 85

A By-law to amend City of Welland Zoning By-law 2667 (The Corporation of the City of Welland - File 2009-09) 9 Frazer Street.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...cont'd.:**09-115**

BYL 2009 - 86

A By-law to authorize the Adoption of Official Plan Amendment No. 131.

09-115Z

BYL 2009 - 87

A By-law to amend City of Welland Zoning By-Law 2667 (1650702 Ontario Inc. – File 2009-10) 370 Hellems Avenue.

07-88

BYL 2009 - 88

A By-law to authorize the Adoption of Official Plan Amendment No. 132.

09-93

BYL 2009 – 91

A By-law to authorize the acceptance tender and the entering into a contract with Vic Vattr Contracting Ltd. for the Camrose Avenue and Golden Boulevard East Watermain Replacement and Hagar Street Watermain Abandonment "An Investing In Ontario Project".

09-77**09-82****09-87**

BYL 2009 – 92

A By-law to amend By-laws 2009-59 (Serianni Construction Ltd.), (Vic Vattr Contracting Ltd.) and (Condotta Construction Ltd.) being By-laws to authorize various contracts.

06-75

BYL 2009 – 93

A By-law to establish Development Charges for the City of Welland for Designated Services in accordance with the Development Charges Act, 1997 and to repeal By-law 2004-107.

09-1

BYL 2009 – 94

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 June, 2009.

And that same be now read a first time.

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

2. Moved by Sharpe 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

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, July 8, 2009 for inclusion on the next regular Council meeting agenda of July 14, 2009.

Councillor Dzugan gave Notice of Motion of the following issue to be presented to Council at the July 14, 2009 Regular Council Meeting:

04-59 THAT THE COUNCIL OF THE CITY OF WELLAND directs the City Manager and appropriate staff to create a new centralized voting system for the municipal elections in 2010 for the City of Welland, where voting would be held for the election of 2 Councillors for each of the existing 6 wards and 2 Councillors as Regional Representatives at the King Street Arena on 1 day only and 1 day only for advanced polls and that this be completed no later than October 30, 2009.

Council adjourned at 10:39 p.m.

These Minutes approved and adopted by Motion of Council this 14th day of July, 2009.

MAYOR

ACTING CITY CLERK