



**MINUTES OF  
COUNCIL MEETING, AUGUST 11, 2009**

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

Council met in Committee-of-the-Whole closed to the public at 5:13 p.m. and in open session at 7:07 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

**Members Present:**

Councillors R. Alakas, D. Alexander, M. Belcastro, F. Campion, P. Chiocchio, 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 City Clerk, C. Mintoff  
Deputy Clerk, B. Nistico-Dunk (7:07 p.m.)  
Chief, Fire & Emergency Services, D. Prevost  
Manager, Engineering Services, L. Ventresca  
Manager, Budgets and 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  
Transit Manager, A. Stockwell (until 8:30 p.m.)

**09-25** Moved by Dzugan 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 5:13 p.m. to consider:

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

**CARRIED**

***(Councillor Alakas was not present during Committee-of-the-Whole discussions on a labour relations or employee negotiations matter).***

**09-25** Moved by Belcastro and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 7:02 p.m. with report.

**CARRIED**

### **DISCLOSURES OF INTEREST:**

Councillor Belcastro disclosed an interest in Ref. No. 09-132Z 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 Alakas disclosed an interest in Ref. Nos. 04-124 & 05-158 and did not take part in the consideration and discussion of same, and refrained from voting thereon, as he is president of CAW.

### **PRESENTATION:**

Mayor Goulbourne presented plaques to Paramedics Jeff Thususka and Kevin Gough in recognition of their actions that saved the lives of two elderly people.

Presentation from the Multicultural Centre regarding upcoming Folklore Festival.

**09-4** Kelly Schwartz, CA, Senior Manager Assurance and Business Advisory Services, Grant Thornton LLP addressed Council regarding the Consolidated Financial Statements for the year ended December 31, 2008.

### **STATUTORY PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT**

Councillor Dzugan presided as Chair of the Public Hearing:

**09-131Z** A complete application has been made by MARIKA D'ALESSANDRO AND STEVE TALOSI on behalf of BGBJ INVESTMENTS LTD. to rezone Part of Lot 24, concession 6 and Part of the closed Road Allowance between Lots 24 and 25, Concession 6, former Township of Crowland, now City of Welland and Parts of Block U, Plan 564 being part 1, Plan 59R-11756 and Part 1, Plan 59R-11803 for lands at 110 First Street from the existing IN-1-X4 Zone By-law 2667 to a Site Specific IN-1 Zone By-law 2667. The purpose of the Amendment is to amend the Zoning on the subject property to permit 60 square metres of the existing building to be occupied by a clinic for one (1) physician and 155 square metres of the existing building to accommodate a commercial school. The intent of establishing a commercial school at this site is to allow fitness classes for residents and non-residents of the retirement complex. The Official Plan designation is INSTITUTIONAL (INST).

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 Steve Talosi, 6 Stefflar Street, Fonthill, Ontario L0S 1E4

**In support of the application:**

- No one spoke to the application.

The Chair asked for those opposing the application.

**In opposition of the application:**

- No one spoke to the application.

The hearing was concluded.

**09-132Z** A complete Application has been made by ZELINKA PRIAMO LTD. on behalf of CALLOWAY REIT (WELLAND) INC. to rezone Part of Lot 4, Plan 59M-377 for lands on the north side of Woodlawn Road, west of Primeway Drive from the existing H-C4-X9 By-law 2667 to a Site Specific C4 Zone By-law 2667. The purpose of the Amendment is to permit a 108 square metre convenience store in association with a permitted gas bar (automotive service station), a 105 square metre car washing establishment and a propane dispensing station. The Official Plan designation is PRESTIGE LIGHT INDUSTRIAL/HIGHWAY COMMERCIAL DESIGNATION – OFFICIAL PLAN AMENDMENT NO. 97.

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 Jonathan Rodgers, Senior Planner, Zelinka Priamo Ltd., and Sophie Malcangi, Assistant Development Coordinator, Canadian Tire Real Estate Limited.

**In support of the application:**

- No one spoke to the application.

The Chair asked for those opposing the application.

**In opposition of the application:**

- Alanna Galeota, 800 Niagara Street, Welland, Ontario L3C 5Z4
- John Parisee, 26 Walt Street, Welland, Ontario L3C 4J3

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

**DELEGATIONS:**

- 09-13** Sameer Iqbal, Vice-President Finance & Administration, Rob Lanteigne, Vice President University Affairs, and Anne Bradley, President, Brock University Student's Union addressed Council regarding status of Welland Transit and the Universal Bus Pass at Brock University.
- 08-118**  
**08-118Z** Joe Tomaino, Planning Consultant and Thomas A. Richardson, Lawyer, Sullivan Mahoney LLP addressed Council regarding applications for Official Plan Amendment and Zoning By-law Amendment – 138 and 154 Riverside Drive, Welland (File 2007-08).
- 08-118**  
**08-118Z** Tony Whelan addressed Council regarding applications for Official Plan Amendment and Zoning By-law Amendment – 138 and 154 Riverside Drive, Welland (File 2007-08).

**THE FOLLOWING CORRESPONDENCE WAS READ:**

- 09-91** Application of the Welland Lions Club for the Infrastructure Stimulus Fund for Infrastructure Canada-Non-Profit Intake, to cover costs associated with upgrades to the Centre on River Road.
- 08-113**  
**09-15**  
**09-91** Application of the Art Gallery of Welland, in partnership with the City of Welland, for the Infrastructure Stimulus Fund for Infrastructure Canada-Non-Profit Intake, to renovate the Central Fire Hall into an Art Gallery/Fire Museum.
- 05-158**  
**09-91** Application of the Welland Soccer Club, in partnership with the City of Welland, for the Infrastructure Stimulus Fund for Infrastructure Canada- Non-Profit Intake, to develop the Woodlawn Road Sportsplex-Sport Field Option at the Woodlawn Road/River Road site.
- 09-28** Multicultural Centre addressed Council regarding upcoming Folklore Festival.

**THE FOLLOWING CORRESPONDENCE WAS DELETED:**

- 08-118**  
**08-118Z** Frank A. Zimmer regarding applications for Official Plan Amendment and Zoning By-law Amendment – 138 and 154 Riverside Drive, Welland (File 2007-08).
- 09-13** A By-law to authorize the entering into an agreement with Brock University Students Union to provide Universal Transit Ridership for the student enrollment.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

- 01-43**  
**01-44**  
**09-133** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Assumption of Harvest Estates Phase 1, Welland River Estates Phase 1 & 2 and Seaway Heights Phase 1 & 2.  
**(ENG-2009-30)**

**01-43**

**01-44**

**09-133** A By-law to assume the Harvest Estates Subdivision Phases 1, the Welland River Estates Phases 1 and 2 and Seaway Heights Subdivision Phases 1 and 2.

**01-108**

**09-135** Gen. Mgr., Planning and Development Services, D. Thorpe – The City of Welland-Downtown Improvement Incentives Programs: SUKHJIT SINGH – 186-190 King Street, Part Lot 10, Plan 555.

**(PDS-2009-57)**

**04-37**

**09-4** Notice of Motion – Councillor Alexander re: implement a tax and water bill mailing insert initiative.

**04-37**

**04-124** Gen. Mgr., Financial & Corporate Services/Treasurer, B. Silvestri – Water/Sewer Billing Using A Flat Rate. **(FIN-2009-12)**

**04-124** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Universal Water Metering Program – Continuation of Water Meter Installations. **(ENG-2009-36)**

**04-124**

**09-121** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Universal Water Metering Program Award of Tender for Curb Stop and Box Repair and Replacement Program.

**(ENG-2009-34)**

**04-124**

**09-121** A By-law to authorize the acceptance of tender and the entering into a contract with Anthony's Excavating & Elcho Farms Inc. for curb stop and box repair and replacement program.

**05-158** Gen. Mgr., Parks, Facilities and Leisure Services, B. Fenwick – Woodlawn Road Sportsplex and Arenas – Report 2. **(PF&LS-2009-11)**

**06-84** Doug Rapelje, Chair, Senior Citizens Advisory Committee re: Affordable housing for Senior Citizens in Welland.

**08-10**

**08-95** Kerry Thomas, North Welland Business Improvement Area – Appointment of Member.

**08-118**

**08-118Z** Joe Tomaino, Planning Consultant and Thomas A. Richardson, Lawyer, Sullivan Mahoney LLP re: Applications for Official Plan Amendment and Zoning By-law Amendment – 138 and 154 Riverside Drive, Welland (File 2007-08).

**08-118**

**08-118Z** Tony Whelan re: Applications for Official Plan Amendment and Zoning By-law Amendment – 138 and 154 Riverside Drive, Welland (File 2007-08).

**08-118**

**08-118Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Applications for Official Plan and Zoning By-law Amendments 1515435 Ontario Limited and 16544990 Ontario Inc., Part Lot 29 Concession 5, former Township of Crowland, now in the City of Welland, municipally known as 138 and 154 Riverside Drive (File 2007-08 and OPA). **(PDS-2009-55)**

**09-1**

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the 21<sup>st</sup> day of July, 2009 and 11<sup>th</sup> day of August, 2009.

**09-3**

Margaret R. Robertson, Chair, Marshville Heritage Festival – requesting to sell lottery tickets in the City of Welland.

**09-3**

David S. Brown, Executive Director, the Air Cadet League of Canada - 87<sup>th</sup> Eagle Squadron – requesting permission to sell raffle tickets in the City of Welland.

**09-4**

Kelly Schwartz, CA, Senior Manager Assurance and Business Advisory Services, Grant Thornton LLP re: Consolidated Financial Statements for the year ended December 31, 2008.

**09-13**

Sameer Iqbal, Vice-President Finance & Administration, Rob Lanteigne, Vice President

University

Affairs, and Anne Bradley, President, Brock University Student's Union addressed Council regarding status of Welland Transit and the Universal Bus Pass at Brock University.

**09-15**

Chief, Fire and Emergency Services, D. Prevost – Purchase of "Fit-Test" Machine.

**(F&ES 2009-05)**

- 09-19** Gen. Mgr., Parks, Facilities and Leisure Services, B. Fenwick - Tender Award – Improvements to Dover, Jennifer, Ricelawn and Winfield Parks. **(PF&LS-2009-08)**
- 09-19** A By-law to authorize the acceptance of tenders and the entering into contracts with Steele Contracting Inc. for improvements to Jennifer and Ricelawn Parks and with Peninsula Construction Inc. for improvements to Dover and Winfield Parks.
- 09-19** Gen. Mgr., Parks, Facilities and Leisure Services, B. Fenwick – RInC Grant – Welland Arenas Rehabilitation Project. **(PF&LS-2009-10)**
- 09-22** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Administrative Update – Traffic and Parking Operations. **(TRAF-2009-19)**
- 09-24** A By-law to authorize the appointment of Christine Mintoff as Acting City Clerk.
- 09-26** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Tender Award – First Avenue Sidewalk Construction “An Investing In Ontario Project”. **(ENG-2009-35)**
- 09-26** A By-law to authorize the acceptance of tender and the entering into a contract with Alfidome Construction Limited for the First Avenue sidewalk construction between Thorold Road and Rolling Acres Drive.
- 09-32** Gen. Mgr., Parks, Facilities and Leisure Services, B. Fenwick – Sports Tourism – Financial Support. **(PF&LS-2009-09)**
- 09-98** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Road Reconstruction and Road Resurfacing 2009 “An Investing in Ontario Project” – Supplementary Report. **(ENG-2009-32)**
- 09-99** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Thorold Road Widening, Drainage & Roadway Improvements. **(ENG-2009-31)**
- 09-126** Notice of Motion – Councillor Alexander re: Develop a Green Fleet Program.
- 09-128** Notice of Motion – Councillor O’Dell re: flu pandemic this Fall.
- 09-130** Gen. Mgr., Planning and Development Services, D. Thorpe – Semi-Annual Subdivision Status Report – June 30, 2009. **(PDS-2009-54)**
- 09-131Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Application for Zoning By-law Amendment – BGBJ Investments Ltd. Part Lot 24, Concession 6 and part of the closed road allowance between Lots 24 and 25, Concession 6, former Township of Crowland, now City of Welland and Parts of Block U, Plan 564 being Part 1, Plan 59R-11756 and part 1, Plan 59R-11803, east of Plymouth Road, south of Lincoln Street, north of First Street (110 First Street (File 2099-11)). **(PDS-2009-52)**
- 09-131Z** A By-law to amend City of Welland Zoning By-law 2667 (BGBJ Investments Ltd. – File 2009-11) 110 First Street.
- 09-132Z** Gen. Mgr., Planning and Development Services, D. Thorpe – Application for Zoning By-law Amendment – Calloway Reit (Welland) Inc., Part of Lot 4, Plan 59M-377, north side of Woodlawn Road, west of Primeway Drive (File: 2009-12) **(PDS-2009-53)**
- 09-132Z** A By-law to amend City of Welland Zoning By-law 2667 (Calloway Reit (Welland) Inc. – File 2009-12) north side of Woodlawn Road, west of Primeway Drive.
- 09-136** Gen. Mgr., Planning and Development Services, D. Thorpe – The City of Welland - Downtown Improvement Incentives Programs: Sergei and Anna Golin - 269 East Main Street. **(PDS-2009-60)**

**09-1** Moved by Grenier and Alakas  
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of July 14, 2009 as amended, and Special Council Meeting of July 21, as circulated.

**CARRIED**

**01-43**

**01-44**

**09-133** Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the assumption of the Harvest Estates Phase 1 Plan 59M-299, Welland River Estates Phases 1 & 2, Plan 59M-301, and Seaway Heights Phases 1 & 2 subdivisions, Plans 59M-211 and 59M-213 inclusive; and further  
 THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to execute same.

**CARRIED**

**01-108****09-135**

Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Application for the Downtown Improvement Incentive Programs for Sukhjit Singh for the land known municipally as 186-190 King Street, for a Parking Requirement Waiver to eliminate the required 4 parking stalls for the existing and proposed 6 Residential Dwelling Units; and further

THAT Welland City Council authorizes the Mayor and City Clerk to execute any documentation required to satisfy conditions related to participation in the Downtown Improvement Incentive Programs; and further

THAT Welland City Council directs Staff to incorporate into a future Budget Allocation funding to beautify the North-East corner of King and Regent Streets.

**CARRIED****01-108****09-136**

Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Application for the Downtown Improvement Incentive Programs – Refund of Building and Demolition Fees in the amount of \$3,986.92, to be reimbursed upon project completion and occupancy, to the satisfaction of the City, for Sergei and Anna Golin for land known municipally as 269 East Main Street, for the development of 6 residential units; and further

THAT Welland City Council directs Staff to set up a 'payable' in the 2009 Budget in the amount of \$3,986.92; and further

THAT Welland City Council approves the Application for a Property Rehabilitation and Redevelopment Tax-Increment Grant based on the Post-Redevelopment Assessment Value, in the estimated amount of \$22,206.48 for the municipal portion of the taxes; and further

THAT Welland City Council approves the Application for a Property Rehabilitation and Redevelopment Tax-Increment Grant based on the Post-Redevelopment Assessment Value, in the estimated amount of \$22,913.05 for the Regional portion of the taxes; and further

THAT Welland City Council directs that the Applicants shall be required to enter into any required Agreements with the City of Welland concerning the programs; and further

THAT Welland City Council authorizes the Mayor and City Clerk to execute any documentation required to satisfy conditions related to participation in the Downtown Improvement Incentive Programs; and further

THAT Welland City Council directs that funding for this Application be from the Municipal Incentive Grant Reserve Fund.

**CARRIED****04-37****09-4**

Moved by Alexander and Chiocchio

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to investigate a tax and water bill mailing insert initiative.

**CARRIED****04-37****04-124**

Moved by Grenier and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND continues its policy of using the flat rate water billing amount of \$243.52/quarter as per By-law 2009-23 for homeowners who have requested and not received a water meter.

**NOT PUT****04-37****04-124**

Moved by O'Dell and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND defers the matter regarding flat rate water billing to the September 8, 2009, General Committee Meeting.

**CARRIED**

**04-124** Moved by Chiocchio and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND rejects the tender submission for Tender No.: ENG09-25, Ref. No.: 04-124 Water Meter Installation Program Phase 2 from Neptune Technology Group (Canada) Limited; and further

THAT Welland City Council directs staff to continue installations of water meters by hiring two (2) temporary persons for the position of Water Meter Installer, and one (1) temporary person for the position of Administrative Assistant.

**CARRIED****04-124****09-121** Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Anthony's Excavating & Elcho Farms Inc., of Wellandport Ontario as detailed in Report ENG-2009-34, for Curb Stop and Box Repair and Replacement as part of the Universal Water Metering Program at the tendered price of \$243,425.00 plus applicable taxes; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with Anthony's Excavating and Elcho Farms Inc. to execute the construction.

**CARRIED****05-158** Moved by Dzugan and Van Vliet

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report PF&LS-2009-11 Woodlawn Road Sportsplex and Arenas – Report 2 for information only; and further

THAT Welland City Council directs the General Manager, Parks, Facilities and Leisure Services to investigate the costs to develop the Woodlawn Road Sportsplex and Arenas as a combination Indoor Soccer/ Twin Pad Arena Complex and investigate the possibility and related costs of adding a third arena to the current arena site on King Street; and further

THAT Welland City Council directs staff to explore alternate sources of capital financing that will allow the construction of such a facility at a minimum cost to the municipality; and further

THAT Welland City Council directs staff to develop a Business Plan that will provide for such a facility to be annually operated at minimum to no increase to the municipal tax levy; and further

THAT Welland City Council provides financial support in an amount not to exceed \$50,000.00 to perform the Due Diligence Phase as outlined in the Letter from the Nustadia Recreation Inc. (Welland Sportsplex Partners) with the funds being derived from the 2008 Capital Budget for the Woodlawn Road Site Development (10-410-243).

**CARRIED****05-158****09-91** Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND supports the application of the Welland Soccer Club, in partnership with the City of Welland, for the Infrastructure Stimulus Fund for Infrastructure Canada-Non-Profit Intake, to develop the Woodlawn Road Sportsplex-Sport Field Option at the Woodlawn Road/River Road site.

**CARRIED****06-84** Moved by Chiocchio and Dzugan

THAT THE COUNCIL OF THE CITY OF WELLAND endorses the recommendations of the Senior Citizens Advisory Committee as follows:

1. That the City of Welland take action to secure more affordable housing for senior citizens in Welland in response to the recent federal and provincial funding announcements.
2. That the City of Welland engages with relevant agencies, organizations and levels of government to develop a long-term affordable housing strategy for senior citizens in Welland.

**CARRIED**

**08-95****09-10**

Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Kathleen Goodman to replace John Riley to the North Welland Business Improvement Area Board Management as recommended by the North Welland Business Improvement Area's Board of Management.

**CARRIED****08-113****09-15****09-91**

Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND supports the application of the Art Gallery of Welland, in partnership with the City of Welland, for the Infrastructure Stimulus Fund for Infrastructure Canada-Non-Profit Intake, to renovate the Central Fire Hall into an Art Gallery/Fire Museum.

**CARRIED****08-118****08-118Z**

Moved by Alexander and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND adopts an Official Plan Amendment to redesignate lands known municipally as 138 and 154 Riverside Drive to Residential and Environmental Protection; and further

THAT Welland City Council approves an Amendment to Zoning By-law 2667, as amended, for lands known municipally as 138 and 154 Riverside Drive to a Site Specific Holding RM4 Zone to permit one (1) four (4) storey apartment building with Zone Provisions as recommended in the Report PDS-2009-55 and accessory service-type commercial uses with a maximum area of 75 square metres to be located on the main floor of the apartment building; and rezones to a Site Specific Environmental Protection Zone to recognize the environmentally sensitive lands adjacent to the Welland River; and further

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

THAT Welland City Council directs that prior to the lifting of the Holding (H) Symbol related to the Zoning, the proponent will be required to enter into Site Plan Agreement(s) with the City to ensure the proper development of the subject property.

**LOST****08-118****08-118Z**

Moved by Grenier and Belcastro

That the Council of the City of Welland denies the Applications for Official Plan and Zoning By-law Amendments submitted for 1515435 Ontario Limited and 1654990 Ontario Inc. to redesignate (from Commercial and Open Space to Residential and Environmental Protection) and rezone (from C4 and O2 to Site Specific RM4 and Site Specific EPA) lands known municipally as 138 and 154 Riverside Drive for the purposes of permitting two (2) five (5) storey apartment buildings as the impact of such development on two (2) separately owned parcels of land while incorporating Zoning provisions across said properties would be undesirable.

**CARRIED****08-118****08-118Z**

Moved by Alexander and Chiochio

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Joe Tomaino, Planning Consultant, and Thomas A. Richardson, Lawyer, Sullivan Mahoney LLP, regarding applications for Official Plan Amendment and Zoning By-law Amendment – 138 and 154 Riverside Drive, Welland (File 2007-08).

**CARRIED**

**08-118****08-118Z**

Moved by Letourneau and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Tony Whelan regarding applications for Official Plan Amendment and Zoning By-law Amendment – 138 and 154 Riverside Drive, Welland (File 2007-08).

**CARRIED****09-3**

Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND grants permission to the Air Cadet League of Canada – 87<sup>th</sup> Eagle Squadron to sell raffle tickets in the City of Welland under authority of Lottery License 1942; subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED****09-3**

Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND grants permission to Marshville Heritage Festival to sell raffle tickets in the City of Welland under authority of Lottery Licenses M395911 and M395891; subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED****09-4**

Moved by Grenier and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the 2008 Auditor's Report of the Consolidated Financial Statements for the fiscal year ending December 31, 2008, for the Corporation of the City of Welland.

**CARRIED****09-13**

Moved by Sharpe and Letourneau

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Sameer Iqbal, Vice-President Finance & Administration, Rob Lanteigne, Vice President University Affairs, and Anne Bradley, President, Brock University Student's Union regarding the status of Welland Transit and the Universal Bus Pass for Brock University.

**CARRIED****09-15**

Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves the issuance of a Purchase Order for the purchase of a Portacount Pro+ Respirator Fit Tester machine from Levitt-Safety Limited of 2872 Bristol Circle, Oakville, Ontario at a price of \$15,466.65, before taxes.

**CARRIED****09-19**

Moved by Larouche and O'Dell

THAT THE COUNCIL OF THE CITY OF WELLAND approves the addition of \$3M to the 2009 Capital Budget Program to complete the Welland Arenas Rehabilitation Project in conjunction with the funding received from the Recreational Infrastructure Canada Program with the \$3M cost estimate divided equally between the Federal Government (\$1M), the Provincial Government (\$1M) and the Municipal Government (\$1M); and further

THAT Welland City Council authorizes the municipal contribution to be debentured.

**CARRIED**

**09-19** Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND accepts Report PF&LS 2009-08, Tender Award – Improvements to Dover, Jennifer, Ricelawn and Winfield Parks for information; and further THAT Welland City Council approves the reallocation of funding in the 2009 Capital Budget for Park Improvements of \$5,000 from the Memorial Park Redevelopment Plan 2007 Capital Account to be transferred to the Parks Improvement for a revised total Capital Budget allocation of \$325,000; and further

THAT Welland City Council accepts the tenders of Steele Contracting Inc. at the quoted price of \$76,186.70 plus GST for improvements to Jennifer playground, and Steele Contracting Inc. at the quoted price of \$81,485.00 plus GST for improvements to Ricelawn playground and Peninsula Construction Inc. at the quoted price of \$90,794.38 plus GST for improvements to Dover playground and Peninsula Construction Inc. at the quoted price of \$74,854.50 plus GST for improvements to Winfield playground respectively, all 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 Steele Contracting Inc. and Peninsula Construction Inc. to execute the constructions.

**CARRIED**

**09-22** Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare the necessary By-law to amend By-law 89-2000, as follows:

ADD THE FOLLOWING:

Schedule “I”

SKETCH No.	LOCATION	COMMON NAME
A – 32	271 East Main St	Unisex Hair Design

**CARRIED**

**09-26** Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Alfidome Construction Limited of Niagara Falls, Ontario, as detailed in Report ENG-2009-35 for the First Avenue Sidewalk Construction between Thorold Road and Rolling Acres Drive at the quoted price of \$146,550.00 including applicable PST; and further

THAT Welland City Council accepts the expanded 2009 New Sidewalk Construction program to include locations as detailed herein up to the 2009 Capital Budget allocation of \$310,000; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with Alfidome Construction Limited, to execute the construction.

**CARRIED**

**09-32** Moved by Larouche and Sharpe

THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommended allocation of \$16,000.00 within the Tourism Budget to be directed towards the outlined areas listed to assist the Welland Sport Tourism Alliance (WSTA) in meeting their objectives.

**CARRIED**

**09-91** Moved by Dzugan and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND supports the application of the Welland Lions Club for the Infrastructure Stimulus Fund for Infrastructure Canada-Non-Profit Intake, to cover costs associated with upgrades to the Centre on River Road.

**CARRIED**

**09-98** Moved by Dzugan and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND accepts and approves Engineering Staff's update as detailed in Report ENG-2009-32, for works to be carried out under the Road Reconstruction and Road Resurfacing funding allocations; and further  
 THAT Welland City Council accepts the 2009 surface treatment list of roadways as detailed herein; and further  
 THAT Welland City Council authorizes the Treasurer to revise the affected 2009 Capital and Operating Budgets; and further  
 THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to reflect changes approved by Council.

**CARRIED**

**09-99** Moved by Sharpe and Campion  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information REPORT ENG-2009-31 on the plan for Thorold Road widening, drainage and roadway improvements; and further  
 THAT Welland City Council authorizes staff to proceed with tendering of Phase 1 of the project in summer 2009 and tendering of Phase 2 of the project in early spring 2010 following successful completion of the Municipal Class Environmental Assessment, as detailed in Report ENG-2009-31.

**CARRIED**

**09-126** Moved by Alexander and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to develop a Green Fleet Program; and further  
 THAT Welland City Council directs staff to access any available grants and services to reduce costs of developing the Program.

**CARRIED**

**09-128** Moved by O'Dell and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND takes steps to minimize the possibility of a flu pandemic this Fall by installing hand sanitizing stations, having surgical masks available, etc. in city owned facilities for the protection of employees and the general public and that employees and Council should be encouraged to avoid coming to work when suffering obvious flu symptoms.

**CARRIED**

**09-130** Moved by Dzugan and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes the Semi-Annual Subdivision Status Report as of June 30, 2009.

**CARRIED**

**09-131Z** Moved by Dzugan and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands described as Part Lot 24, Concession 6 and part of the closed Road Allowance between Lots 24 and 25, Concession 6, former Township of Crowland, now City of Welland and parts of Block U, Plan 564 being Part 1, Plan 59R-11756 and Part 1, Plan 59R-11803, known municipally as 110 First Street to amend the existing IN-1-X4 – Site Specific Institutional One Zone to permit 60 square metres of the existing building to be occupied by a clinic for one (1) physician and 155 square metres of the existing building to accommodate a commercial school to allow fitness classes for residents and non-residents of the retirement complex.

**CARRIED****09-132Z** Moved by Sharpe and Campion

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to Zoning By-law 2667, as amended, for lands described as Part of Lot 4, Plan 59M-377 to amend the existing H-C4-X9 – (Holding Site Specific) Highway Commercial Zone to a H-C4-X19 Zone to permit a 108 square metre convenience store in association with the permitted automotive service station, a 105 square metre car washing establishment and a propane dispensing station on the subject lands with site specific provisions as outlined in Report PDS-2009-53; and further

THAT Welland City Council approves an amendment to Zoning By-law 2667, as amended to address the existing H-C4-X9 Zone for lands west of Primeway Drive, north of Woodlawn Road to incorporate a clause “notwithstanding land ownership, the land Zoned H-C4-X9 and located west of Primeway Drive (Part of Lot 4, Plan 59M-377) and adjacent land (Lot 3 and Part of Lot 4, 59M-377) shall be considered one (1) lot for the purposes of this By-law”; and further

THAT Welland City Council directs that prior to the lifting of the Holding Symbol (H), upon request by the Owner, a Site Plan Agreement is entered into with the City; and further

THAT Welland City Council directs that a portion of the one (1) foot Reserve along Primeway Drive be lifted to permit a right in only access.

**NOT PUT****09-132Z** Moved by O'Dell and Alakas

THAT THE COUNCIL OF THE CITY OF WELLAND refers the matter of the request for Rezoning (File 2009-12) for lands west of Primeway Drive, north of Woodlawn Road to the September 8, 2009 General Committee Meeting; and that staff prepare a report regarding proposed propane legislation.

**CARRIED****09-138** Moved by Larouche and O'Dell

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the petition from residents of Ontario Road, Chaffey Street, Beatrice Street, and Alberta Street areas expressing their concerns regarding the condition of the Landis property at Ontario Road.

**CARRIED****BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE****99-99** Moved by Dzugan and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the Offer of Purchase and Sale from Paiyar Investments Inc. for part of Lot 25, Concession 5, former Township of Crowland, now in the City of Welland being a 1.97± acre parcel of land located at the north-east corner of Lincoln Street and Denistoun Street at a value of \$ 225,000.00; and further

THAT Welland City Council directs Staff to prepare a counter offer to incorporate/eliminate Conditions as discussed in Report PDS-2009-59 and as directed by Council; and further

THAT Welland City Council directs Staff to prepare the necessary By-law and documentation; and further

THAT Welland City Council directs that the net proceeds of the sale be deposited to the Welland Recreation Canal Land Reserve Fund.

**CARRIED**

**04-47** Moved by Dzugan and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND consents to the sale of the property owned by the Welland Public Library Board located at 650 South Pelham Road; and further  
 THAT Welland City Council directs that any proceeds of the sale be deposited in the Library's capital reserve account for the purpose of future library services development.

**CARRIED**

**06-96** Moved by Dzugan and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND refuses all Offers of Purchase for Lots 12, 13, 42, 43, 78 and 79 and Part of Lots 740, 41, 44 80 and 81, Plan 571 - north and south sides of Dufferin Street, west side of Chippawa Street received on July 31, 2009; and further  
 THAT Welland City Council directs staff to inform all proposed Purchasers of Council's decision and to return the required security deposits.

**CARRIED**

**09-13** Moved by Dzugan and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND appoints Mr. Richard Dilts and Mr. Keith McClatchie to serve on the Transit Advisory Committee.

**CARRIED**

**09-13** Moved by Dzugan and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the continuation of the terms of the Agreement contained within By-law 2006-41, with the Brock University Students Union (BUSU) for the Universal Student Bus Pass system, until October 23, 2009 to allow negotiations to continue between Welland Transit and the BUSU with a new agreement coming back to Council November 3, 2009 for approval.

**CARRIED**

### **BY-LAWS**

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

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

**09-131Z**  
 BYL 2009 – 111  
 A By-law to amend City of Welland Zoning By-law 2667 (BGBJ Investments Ltd. - File 2009-11) 110 First Avenue.

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

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

**09-24**

BYL 2009 - 110

A By-law to authorize the appointment of Christine Mintoff as Acting City Clerk.

**01-43****01-44****09-133**

BYL 2009 – 112

A By-law to assume the Harvest Estates Subdivision Phase 1, the Welland River Estates Subdivision Phases 1 and 2, and Seaway Heights Subdivision Phases 1 and 2.

**09-26**

BYL 2009 – 113

A By-law to authorize the acceptance of tender and the entering into a contract with Alfidome Construction Limited for the First Avenue sidewalk construction between Thorold Road and Rolling Acres Drive.

**09-19**

BYL 2009 - 114

A By-law to authorize acceptance of tenders and the entering into contracts with Steele Contracting Inc. for improvements to Jennifer and Ricelawn Parks and with Peninsula Construction Inc. for improvements to Dover and Winfield Parks.

**04-124****09-121**

BYL 2009 - 115

A By-law to authorize the acceptance of tender and the entering into a contract with Anthony's Excavating &amp; Elco Farms Inc. for curb stop and box repair and replacement program.

**09-1**

BYL 2009 - 116

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 21st day of July and the 11th day of August, 2009.

And that same be now read a first time.

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

4. Moved by Dzugan and Larouche  
 THAT THE COUNCIL OF THE CITY OF WELLAND having read a first time and considered the By-laws listed in the foregoing motion and, as reproduced in this evening's Council Agenda, as amended, 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, September 9, 2009 for inclusion on the next regular Council meeting agenda of September 15, 2009.

Councillor O'Dell gave Notice of Motion of the following issues to be presented to Council at the September 15, 2009 Regular Council Meeting:

**99-99** THAT THE COUNCIL OF THE CITY OF WELLAND enacts a By-law that prohibits the Welland Recreational Canal Corporation (WRCC) or any other body from authorizing the use of motor powered water craft on the recreational water way or the rowing course without prior notification to and authorization by Welland City Council.

Council adjourned at 10:51 p.m.

These Minutes approved and adopted by Motion of Council this 15<sup>th</sup> day of September, 2009.

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**MAYOR**

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**ACTING CITY CLERK**