



**MINUTES OF
COUNCIL MEETING, OCTOBER 6, 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 7:05 p.m. on the above date.

Councillor Jim Larouche in the Chair.

Members Present:

Councillors R. Alakas, D. Alexander (6:31 p.m.), M. Belcastro, F. Campion (6:07 p.m.), P. Chiochio, M. Dzugan, (until 9:20 p.m.), P. Grenier, R. Letourneau, S. O'Dell (until 9:20 p.m.), and B. Sharpe.

Members of the Staff and Others Present:

City Manager, C. Stirtzinger
Acting City Clerk, C. Mintoff
Deputy Clerk, B. Nistico-Dunk (7:05 p.m.)
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 (until 7:40 p.m.)
General Manager, Planning & Development Services, D. Thorpe
Manager, Public Works, G. Boc (until 6:59 p.m.)

09-25 Moved by Sharpe and Chiocchio

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) personal matters about an identifiable individual, including municipal or local board employees;
- b) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- c) a matter related to the consideration of a request, under the Municipal Freedom of Information and Protection of Privacy Act.

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Rosanne Mantesso as Acting City Clerk during a Committee-of-the-Whole discussion on a personal matter about an identifiable individual, including municipal or local board employees in the absence of the Acting City Clerk.

CARRIED

(Councillor Grenier was not present during Committee-of-the-Whole discussions on a proposed or pending acquisition or disposition of land by the municipality or local board).

09-25 Moved by Dzugan and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:59 p.m.

CARRIED

PRESENTATION:

Cheri Busch and John Dunn, Fire Prevention Officers, Welland Fire & Emergency Services made a presentation regarding Knowfire – a Fire Prevention & Safety Education Program targeting student housing.

DELEGATIONS:

08-143 Fiona McMurrin and Dr. T. M. Abraham, The Health Care Working Group of the South Niagara Chapter, Council of Canadians addressed Council regarding an update on the Niagara Health System's Implementation of the Hospital Improvement Plan.

09-11 Sue White, Scouts Canada addressed Council regarding the annual Apple Day Program.

09-28 Monique Finley, City-wide Food Drive Coordinator, addressed Council regarding the 19th Annual Food Drive on November 7, 2009.

PUBLIC HEARING PURSUANT TO SECTION 357 – TAX WRITE-OFFS

- No one was present to speak to this matter.

There being no submissions the hearing was concluded.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

01-35 Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Retainment of Dillon Consulting Ltd. Landscape Design of 406/East Main Street Roundabout.

01-35 A By-law to authorize the retention of Dillon Consulting Ltd. to provide landscaping of the Roundabout at Highway 406 and East Main Street.

04-47 Stephen Hanns, Manager of Public Service and Daniella Liebrechts, Children & Youth Services Coordinator re: Ontario Public Library Week.

- 06-156** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Contract – Welland Humane Society.
- 08-143** Fiona McMurrin and Dr. T. M. Abraham, The Health Care Working Group of the South Niagara Chapter, Council of Canadians re: update on the Niagara Health System's Implementation of the Hospital Improvement Plan.
- 08-143** Notice of Motion – Councillor Campion re: Hospital Improvement Plan.
- 08-143** Carolyn J. Kett, Town Clerk, Town of Fort Erie re: Support of Moratorium Call by Ontario Medical Association to Halt Major Health Care Restructuring Decisions.
- 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 6th day of October, 2009.
- 09-4** Gen. Mgr., Financial & Corporate Services/Treasurer, B. Silvestri – Municipal Performance Measurement Program for the Year 2008.
- 09-4** Gen. Mgr., Financial & Corporate Services/Treasurer, B. Silvestri – Application for Tax Write-Offs – Section 357.
- 09-4** A By-law to adopt the revised 2009 Capital Budget to include the addition of a one million dollar debenture to match Federal and Provincial funding for Recreational Infrastructure Canada Program (RIc) projects at the Welland Arenas.
- 09-9** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Streetlights – Tanguay Hall.
- 09-28** Monique Finley, 2009 City-Wide Food Drive.
- 09-11** Sue White, Scouts Canada re: Annual Apple Day.
- 09-23** A By-law to appoint Derek Siciliano as a Weed Inspector for the City of Welland.
- 09-71** A By-law to authorize the adoption of Official Plan Amendment No. 134.
- 09-71Z** A By-law to amend City of Welland Zoning By-law 2667(The Corporation of the City of Welland – File 2009-02) north side of McCormick Street, west of Welland Recreational Waterway.
- 09-73** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – Drinking Water Quality Management System Management Review.
- 09-111** Human Resources Committee – meeting of September 24, 2009
- 09-139** Gen. Mgr., Engineering, Public Works & Transp. Serv./City Engineer, S. Iannello – East Main Street and Hagar Street Sanitary Sewer Construction and Replacement (Part of OAW Drainage Area Combined Sewer Separation 2009 Project) and East Main Street Watermain Replacement.
- 09-139** A By-law to authorize the acceptance of tender and the entering into a contract with Condotta Construction Limited for the East Main Street and Hagar Street Sanitary Sewer Construction and Replacement (Part of OAW Drainage Area Combine Sewer Separation Project 2009) and East Main Street Watermain Replacement.
- 09-152** Notice of Motion – Councillor Alakas re: student rental housing.
- 09-156** Gen. Mgr., Planning and Development Services, D. Thorpe – 595 Ontario Road – Canadian Polish Society – request to remove restriction on property.

09-1 Moved by Dzugan and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Special Council Meeting of September 8, 2009, and Regular Council Meeting of September 15, 2009, as circulated.

CARRIED

01-35 Moved by Dzugan and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND approves retaining Dillon Consulting Ltd, in the amount of \$12,000.00 for the Design and Tender Specifications for the landscaping of the 406/East Main Street roundabout.

CARRIED

04-47 Moved by Grenier and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Stephen Hanns, Manager of Public Service and Daniella Liebrechts, Children & Youth Services Coordinator regarding Ontario Public Library Week.

CARRIED

06-156 Moved by Grenier and Campion
 THAT THE COUNCIL OF THE CITY OF WELLAND refers TRAF-2009-22 regarding the contract with the Welland Humane Society, 2010 to 2013, to the next Budget Review Committee Meeting.

CARRIED

08-143 Moved by Letourneau and Alexander
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Fiona McMurrin and Dr. T. M. Abraham, The Health Care Working Group of the South Niagara Chapter, Council of Canadians regarding an update on the Niagara Health System's Implementation of the Hospital Improvement Plan.

CARRIED

08-143 Moved by Dzugan and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND supports the resolution from the Town of Fort Erie regarding the Moratorium Call by the Ontario Medical Association to halt major health care restructuring decisions.

CARRIED

08-143 Moved by Campion and Letourneau
 THAT THE COUNCIL OF THE CITY OF WELLAND requests the Minister of Health and Long-Term Care and the Premier of Ontario to review the LHIN/NHS Hospital Improvement Plan to ensure it is compliant with the *Local Health System Integration Act, 2006*, and particularly those principles noted above and to take all necessary actions to maintain complete health services at the Welland site including: 24/7 Emergency Room, Maternity, Pediatric, Orthopedic, Psychiatry, Surgery and all other basic and specialized health services as available prior to the HIP in order to ensure the delivery of "health services that people need, now and in the future"
 And further that this motion be distributed to all area municipalities requesting their support and to all local MP's, MPP's, LHIN Board Members and NHS Board Members and others as may be appropriate.

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

NAYS: Councillors Dzugan, Grenier, Belcastro, Sharpe, and Vice Mayor Jim Larouche.

CARRIED

09-4 Moved by Grenier and Chiochio
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the results of the Corporation of the City of Welland 2008 Municipal Performance Measurement Program (MPMP).

CARRIED

09-4 Moved by Grenier and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the write-off of taxes in the amount of \$589.20 as contained in Report FIN-2009-14 for the reduction or cancellation of taxes, pursuant to Section 357 of the *Municipal Act, 2001*.

CARRIED

09-9 Moved by Letourneau and Campion
 THAT THE COUNCIL OF THE CITY OF WELLAND refers Report TRAF-2009-21 re: Streetlights – Tanguay Hall, to the next Budget Review Committee Meeting.

CARRIED

09-11 Moved by Belcastro and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Sue White, Apple Day Chairperson, Scouts Canada, regarding the 2009 Apple Day Campaign.

CARRIED

09-15 Moved by Grenier and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Cheri Busch and John Dunn, Fire Prevention Officers, Welland Fire & Emergency Services regarding www.knowfire.ca and thanks them for their presentation.

CARRIED

09-28 Moved by Alakas and Belcastro
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Monique Finley, Welland Food Drive Coordinator, regarding the 2009 City-wide Food Drive on Saturday, November 7, 2009 and supports their initiatives.

CARRIED

09-73 Moved by Dzugan and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report ENG-2009-43 regarding the elements discussed at the Drinking Water Quality Management System Management Review as required per the *Safe Drinking Water Act, 2002*, O.Reg. 170/03.

CARRIED

09-139 Moved by Dzugan and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Condotta Construction Limited of Thorold, Ontario, as detailed in Report ENG-2009-42 for watermain replacement and new sanitary sewer construction on East Main Street between Golden Boulevard East and Wellington Street and for Sanitary Sewer Replacement on Hagar Street between Camrose Avenue and Golden Boulevard East, at the quoted price of \$483,826.50 excluding GST; 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 Limited, to execute the construction.

CARRIED

09-152 Moved by Alakas and Dzugan
 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to consult with the City of Hamilton and other like communities, Niagara College landlords, and residents in the immediate area of the College; and further
 THAT Welland City Council directs staff to prepare a report for Council's consideration regarding the feasibility of a by-law that would balance the interests of permanent residents, landlords, students and Niagara College; and further
 THAT Welland City Council requests that the report from staff, when addressing the consideration of a new rental by-law, includes limiting the number of bedrooms in student houses, and the regulation of noise, maintenance, and parking.

CARRIED

09-156 Moved by Dzugan and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the deletion of a Restriction on Title (Instrument No. 329969) for property known municipally as 595 Ontario Road concerning the conveyance of the subject property requiring City consent; and further
 THAT Welland City Council authorizes the Mayor and Acting City Clerk to execute any required documentation.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

09-23 Moved by Dzugan and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to post and fill the Working Foreman-Roads position.

CARRIED

09-23 Moved by Dzugan and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND approves an extension of the Project Manager, Tangible Capital Assets contract to April 30, 2010.

CARRIED

09-128 Moved by Dzugan and Sharpe
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the following policies as part of the Corporation's Pandemic Plan: "Pandemic Influenza Policy", "Flexible Work Arrangements Policy" and "Redeployment Policy".

CARRIED

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

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

09-139

Byl 2009 - 135

A By-law to authorize the acceptance of tender and the entering into a contract with Condotta Construction Limited for the East Main Street and Hagar Street Sanitary Sewer Construction and Replacement (Part of OAW Drainage Area Combine Sewer Separation Project 2009) and East Main Street Watermain Replacement.

09-4

BYL 2009 - 136

A By-law to adopt the revised 2009 Capital Budget to include the addition of a one million dollar debenture to match Federal and Provincial funding for Recreational Infrastructure Canada Program (RInC) projects at the Welland Arenas.

...continued...

BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:**09-23**

BYL 2009 - 137

A By-law to appoint Derek Siciliano as a Weed Inspector for the City of Welland.

09-71

BYL 2009 - 138

A By-law to authorize the adoption of Official Plan Amendment No. 134.

09-71Z

BYL 2009 - 139

A By-law to amend City of Welland Zoning By-law 2667 (The Corporation of the City of Welland - File 2009-02) north side of McCormick Street, west of Welland Recreational Waterway.

01-35

BYL 2009 - 140

A By-law to authorize the retention of Dillon Consulting Ltd. to provide landscaping of the Roundabout at Highway 406 and East Main Street.

09-1

BYL 2009 - 141

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 6th day of October, 2009.

And that same be now read a first time.

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

2. Moved by Dzugan and Sharpe
 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, October 14, 2009 for inclusion on the next regular Council meeting agenda of October 20, 2009.

Council adjourned at 9:30 p.m.

These Minutes approved and adopted by Motion of Council this 20th day of October, 2009.

MAYOR

ACTING CITY CLERK